

ROYAL COLLEGE OF VETERINARY SURGEONS

INQUIRY RE:

SUE DYSON FRCVS

**DECISION ON FINDING OF FACTS,
DISGRACEFUL CONDUCT IN A PROFESSIONAL RESPECT AND SANCTION**

1. The Respondent Dr Susan Dyson appeared before the Disciplinary Committee (“the Committee”) to answer the following Particulars:

That, being registered in the Register of Veterinary Surgeons, and whilst in practice at the Centre for Equine Studies, Animal Health Trust (AHT), Lanwades Park, Kentford, Newmarket, Suffolk CB8 7UU, [the Respondent]:-

1(A) Between 29 November 2018 and 25 December 2018, in relation to a research paper co-authored by you on a project entitled Influence of rider: horse body weight ratios on equine welfare and performance – a pilot study (the project) submitted for publication in the Journal of Veterinary Behaviour: Clinical Applications and Research (the Journal):-

(i) on 30 November 2018, informed the editor of the Journal by e-mail that:-

(a) there was a former Home Office inspector on the AHT Ethical Committee; and

(b) you have obtained informal advice from a ‘current inspector’ to the effect that there had been no requirement for Home Office approval of the project;

(ii) on 15 December 2018, sent an e-mail to a co-author, XX, of the Royal Agricultural University in Cirencester, to the effect that you would forward to the editor of the Journal a letter that you had from a ‘friendly inspector’;

(iii) on 17 December 2018, told a meeting at AHT’s Equine Research Group that you had an ‘unofficial letter’ from a contact in the Home Office to the effect that a Home Office Licence had not been required for the Project;

- (iv) on or around 19 December 2018, wrote a letter dated 19 December 2018 purporting to be from a Home Office Inspector by the name of Dr J C Butler DVSc PhD MRCVS, stating that in his/her opinion there had been no requirement for a Home Office licence for the Project;*
- (v) on 15 December 2018, sent to the editor of the Journal the letter you had written in the name of Dr J C Butler dated 19 December 2018;*
- (vi) on 24 December 2018, when sending to the editor of the Journal the letter purporting to be from Dr Butler, stated that Dr Butler had advised you during the planning stage of the Project and that Dr Butler had been abroad recently;*

1(B) *Your conduct in relation to 1(A)(i) to (vi) above, whether individually or in any combination:*

(i) was misleading; and/or

(ii) was dishonest;

(iii) risked undermining a government system designed to promote animal welfare and research ethics.

And that in relation to the facts alleged you have been guilty of disgraceful conduct in a professional respect.

2. Mr David Bradly, of Counsel, appeared on behalf of the Royal College of Veterinary Surgeons (“The College”). Mr William Edis, Queen’s Counsel, appeared on behalf of Dr Dyson. The first part of the hearing (12-13 November 2020) was held in the Novotel Hotel in Ipswich town centre. The second part of the hearing (28 June 2021 to 9 July 2021) was held at the Møller Institute, Churchill College, University of Cambridge. Some witnesses attended physically and others, by agreement of the parties, provided their evidence over a live internet link due to Covid-19 restrictions.

Admissions

3. Following the Particulars being read, Dr Dyson made admissions to the following facts: the stem of Particular 1(A), 1(A)(i)(a), 1(A)(i)(b), 1(A)(iv), 1(A)(v) and 1(A)(vi), 1(B)(i) insofar as it relates to 1(A)(i)(a) and 1(A)(iv), (v) and (vi) and 1(B)(iii) insofar as it relates to 1(A)(iv), (v) and (vi).

Application for some of the hearing to be in private

4. Before hearing from Dr Dyson and the two expert medical witnesses relied on in this case Mr Edis QC made an application for the medical evidence and those parts of Dr Dyson’s evidence that related to her health and/or personal life to be heard in private. Mr Bradly did not oppose the application. The members of the press present were given the opportunity to make representations and one did raise some initial objections. However, after hearing the application in greater detail the member of the press indicated that he no longer opposed the application.

5. The Committee considered the application with care and accepted the legal advice from the Legal Assessor. The Committee noted that the ordinary position is that the hearing should be in

public so that the public are aware of the functions being carried out by the Regulator. The Committee was satisfied, however, that it was appropriate for the hearing to be in private when dealing with matters relating to the health and/or personal life of Dr Dyson in order to protect her personal life. Accordingly, when such matters were raised during Dr Dyson's evidence the hearing would go into private session. The Committee agreed that the entirety of the expert medical evidence should be heard in private because it all related to health matters.

Background

6. Mr Bradly opened the case on behalf of the College. He informed the Committee that the College relied on the evidence of the following witnesses, who all, bar Dr Vaudin, gave their evidence via a live internet link, as agreed between the parties:
 - (i) Dr Mark Vaudin - CEO of AHT;
 - (ii) Dr Anna Hollis MRCVS - Director of the Centre for Equine Studies at AHT;
 - (iii) Caroline Tranquille - Senior Equine Orthopaedic Research Assistant at AHT;
 - (iv) Julie Breingan REVN - Clinic Manager at AHT;
 - (v) Dr Laura Quiney MRCVS - Junior Clinician at AHT;
 - (vi) Dr RT - [REDACTED] (called as an expert medical witness);
7. Mr Bradly explained that the College relied on the unchallenged witness statements of:
 - (i) Dr Matthew Parker - Senior Lecturer in behavioural pharmacology and neuroscience and Group Leader - Brain and Behaviour Laboratory, School of Pharmacy and Biomedical Science, University of Portsmouth;
 - (ii) Dr Martin Whiting MRCVS - Head of Operations, Animals in Science Regulation Unit ("ASRU") at the Home Office;
 - (iii) William Reynolds - Head of ASRU;
8. At the time of the events relevant to this Inquiry Dr Dyson was the Head of Clinical Orthopaedics at AHT. On 25 May 2016, Dr Dyson submitted an application to the AHT's Clinical Research Ethics Committee for authorisation to undertake clinical research and to secure ethical approval for a research project, with the title '*Influence of rider: horse body weight ratios on equine welfare and performance – a pilot study.*' In the AHT application Dr Dyson described herself as the Lead Investigator and appeared as first in the authorship order. The start date of the project was to be the Spring/Summer of 2017 and it would involve one week of data collection and six months of data analysis.
9. Some research projects involving animals are required to be licensed by the Home Office, in accordance with the provisions of the Animals (Scientific Procedures) Act 1986 ("ASPA"). The

purpose of the Act is to protect animals used for experimental or other scientific purposes. The Act provides for the appointment of inspectors by the Secretary of State, whose duty is (amongst other things) to 'advise the Secretary of State on applications for licences under this Act'. Although this is important contextual evidence, it should be noted that this case was not about whether or not a licence should in fact have been obtained for the particular research project, but about the alleged actions taken by Dr Dyson linked to the project.

10. Ethical approval was given at the meeting of the Clinical Research Ethics Committee on 2 June 2016. Dr Vaudin, CEO at AHT, explained that, whilst the Clinical Research Ethics Committee can make its own recommendation that a Home Office Inspector should be consulted, projects with an experimental element go to the Animal Welfare and Ethical Review body for consideration as to whether or not an ASPA licence is required. This project was not seen as including an experimental element and the Clinical Research Ethics Committee did not, therefore, advise that the matter be referred to an Inspector.
11. The project, referred to as 'Cheryl's intern project', was then conducted over the following months and although it was initially anticipated it would take in the region of six months, in fact it took until Autumn 2018 to complete. Prior to publication a paper must first be peer reviewed and thus, in October 2018, the relevant paper was sent by Karen Overall, the editor of the Journal, to Dr Matthew Parker, Senior Lecturer in Behavioural Pharmacology and Neuroscience at the University of Portsmouth, a board member at the Journal. Dr Parker outlined how the reviewer has four options once they have read the paper. They may: accept with no change; return to the authors asking them to revise and re-submit with minor corrections; the same but with major corrections; or they may reject the paper.
12. Dr Parker selected the third option, revise and re-submit with major corrections. His reason for this was because he was concerned by the lack of a Home Office licence. He asked the authors to clarify, *inter alia*, whether the study was carried out under project and personal licence from the UK Home Office and, if it was not, the grounds on which the team felt that the study was exempt from ASPA. In a note to Karen Overall, the Journal's editor, Dr Parker said, "*I am deeply concerned that this study was carried out outside UK law. Any project in which the animal is subjected to a procedure (for the purposes of research) that is likely to cause pain, discomfort or lasting harm, needs to be licensed by the UK authorities. There is no evidence that this has been granted in this study. I should like reassurance after which I would be prepared to re-review.*"
13. On 21 November 2018, Karen Overall sent Dr Parker's comments to Andrew Hemmings, one of the co-authors of the paper. She said, "*One reviewer has raised an ethical concern that requires that we reject this ms [manuscript] until the reviewer's query about approval and methodology is addressed. If you can adequately address this, please resubmit this paper (it will get a new number) and ensure all needed info is in the cover letter and ms.*"
14. On 30 November 2018, Dr Parker received an e-mail from Karen Overall. It was addressed to Matt (Dr Parker) and Maggie (Maggie Lloyd, the named veterinary surgeon for the University of Portsmouth, to whom Dr Parker had spoken about his concerns). It was in the following terms:-

"Hi Maggie and Matt: And here is the answer we needed. If I am not mistaken, Maggie, we can now move forward with this paper. Is that correct? I cannot thank you both enough for your

efforts. My sense is that we need to capture a very short version of part of this for the author's ethical statement. I welcome opinions/suggestions. Best – Karen."

15. The phrase "*and here is the answer we needed*" referred to the message in the e-mail chain below, which was a message from Dr Dyson to Ms Overall of the same date, in the following terms:

"Thank you for your advice and the efforts to which you have gone to clarify the situation. It is much appreciated. I agree that it is a potentially grey area and we foresaw this from the outset and I had therefore sought advice.

We have a former Home Office Inspector on our AHT Ethical Committee and two current licence holders (named Veterinary Surgeons) who are fully conversant with the current legislation. I also sought informal advice from a current Inspector. All were fully aware of the protocols to be employed and gave me assurance that in their opinion Home Office approval would not be required. They were completely satisfied that the abandonment protocols were satisfactory, so that equine welfare would not be compromised. The exercise programme undertaken by the horses was less rigorous than their normal daily work. Daily monitoring of horse rectal temperatures is routinely done by many competition and livery yards as a potential means of detecting early signs of medical problems. On this basis I was therefore advised that the procedure was an acceptable part of the protocol, particularly because the acquisition of rectal temperatures did not exceed the threshold laid down by the UK Animals (Scientific Procedures) Act."

16. On the same day, namely 30 November 2018, Ms Overall sent an email to Dr Dyson in response to her email cited above. Ms Overall said:

"Hi Sue – I sent your response to the consultant and reviewer and the consensus is that it would be best for everyone – including the Journal – if you could get a letter from the Home Office and add that this was provided to your ethical statement. There are a range of opinions involved here, but we want absolutely no hint of concerns for anyone that any law has been broken or taken to be trivial. Here is what the consultant recommended: 'I would suggest that they may like to ask the current inspector that they consulted to put their advice in writing, then this can be included in the manuscript. This just makes sense to me and will protect you and us."

17. On 15 December 2018, Dr Dyson sent an email to Andrew Hemmings, co-author of the paper, asking:

"Can you send me a copy of the submitted version of the paper so that I can add a comment re the Home Office & forward it to Karen together with the letter from my friendly Inspector."

18. Two days later, on 17 December 2018, there was a meeting of the Equine Research Group ("ERG") at the AHT. Dr Dyson attended that meeting, as did the witnesses Dr Hollis, Ms Tranquille, Dr Quiney and Ms Breingan. Ms Tranquille was responsible for preparing the Minutes of the meeting. The typed Minutes state:

"A reviewer felt that a Home Office Licence was necessary due to taking rectal temperatures however SJD has an unofficial letter from a contact within the Home Office who indicated that a licence would not be necessary for taking rectal temperatures as this is a procedure carried out

in the normal day to day routine. The editor will expedite the review process once an unofficial letter has been received.”

19. At that meeting Dr Hollis recalled Dr Dyson saying words to the effect of:

“You will never believe this. A reviewer has come back saying that it might need a Home Office Licence. I don’t think it does and I have spoken to a Home Office Inspector and have a letter saying that it does not need a Licence. I am going to send the letter to the Journal and the editor will expedite the review process once she has it.”

20. Dr Hollis said it was clear from what Dr Dyson told the meeting that she had obtained an informal letter from a Home Office Inspector saying that the study did not need a Licence and that she would be sending the letter to the journal.

21. Ms Quiney was also present at that meeting on 17 December 2018. When making her statement for these proceedings in June 2020, she stated she could not recall exactly what was said, at the Meeting, but that she believed the Minutes accurately reflected *“exactly what was said”*.

22. On 24 December 2018, Dr Dyson sent an email to Ms Overall stating:

“Sorry for the delay in getting back to you. Dr Butler was abroad when I got back from the AAEP [American Association of Equine Practitioners (Annual Convention)]. Please find attached a letter from Dr Butler, the Home Office Inspector who advised me during the planning phase of the rider weight study. As requested I have added a comment to the manuscript, also attached. I hope that we can proceed now.”

23. The comment Dr Dyson had added to the manuscript was as follows:

“This study was approved by the Clinical Ethical Review Committee of the Animal Health Trust (AHT 28 2016); a United Kingdom Home Office Licence was not required.”

24. The letter Dr Dyson attached to her email was addressed to *“To whom it may concern”* and read as follows:

“I am writing to confirm that my advice was sought, in my position as a Home Office Inspector for the UK Animals (Scientific Procedures) Act, concerning the rider weight project coordinated by Dr Sue Dyson of the Animal Health Trust. It was my opinion that a Home Office Licence was not required, based on detailed assessment of the protocols, together with the practices which are undertaken for the purposes of recognised animal husbandry, the thresholds laid down by the UK Animals (Scientific Procedures) Act, and the Animal Welfare Act.”

25. The letter had a private home address at the top, was dated 19 December 2018 and had a signature in a cursive font. Printed below the signature was: Dr J.C. Butler, DVSc, PhD, MRCVS.

26. Ms Overall forwarded Dr Dyson’s email and attachments to Dr Parker, the reviewer who had initiated this sequence of events. She said:

"The authors of the above-referenced paper have obtained, after a delay due to a meeting (the authors) and a holiday (the letter writer) the required documentation. It is attached with the ms indicating that the project did not require Home Office approval. I'd appreciate it if you can now review this paper."

27. Dr Parker, however, did not review the paper. Instead he made inquiries as to the identity of Dr Butler. Those inquiries resulted in him contacting Dr Martin Whiting, Head of Operations at the Animals in Science Regulation Unit of the Home Office, and sending Dr Whiting the manuscript and the Dr Butler letter by way of an e-mail dated 10 January 2018.

28. On 10 February 2019, Ms Overall wrote an email to Dr Whiting at the Home Office, stating:

"I know one of our editorial board members, Matt Parker, has contacted you about the paper I need to ensure that (a) that this research is in violation of no ethical and legal guidelines and (b) that I can give the authors an update as to the paper's status. If you would let me know where you stand with this matter, and whether you need any of my correspondence with the authors, I would appreciate it."

29. Dr Whiting responded to Karen Overall's message on 20 February 2019, stating::

"The Home Office has no record of employing Dr J C Butler as an Inspector under the Animals (Scientific Procedures) Act. We are in the process of making further inquiries regarding this matter so that we can understand in what capacity they gave advice to your journal or the authors."

30. Dr Whiting's response was forwarded to Dr Dyson who, on 24 February 2019, sent an email to Dr Whiting. She detailed the study they had carried out and that they did not believe the procedures they had adopted were above the threshold for regulation under ASPA. She said, "However, this was questioned by peer reviewers, specifically the acquisition of saliva samples and measuring rectal temperature." She then added:

"I do not know what drove me to send Dr J Butler's letter. It is a decision that I will eternally regret. I am an inherently honest person and I have questioned this every day. I was under a huge amount of pressure."

One of our dogs had to be humanely destroyed. Work pressure was enormous, with huge economic targets for the clinic, and a somewhat uncertain future. A senior clinician had announced that she was pregnant and would be on maternity leave for a year, for the fourth time. A junior clinician resigned, having been offered a great job opportunity. I can only claim temporary insanity, based on mitigating circumstances, because that is how it seemed.

Obviously, when the journal questioned whether Home Office approval was required, we should have contacted you immediately. I do not know why, as co-leader of the team, we failed to do this. The rest of the team had been as astonished as I was that it was considered that Home Office approval might be needed. We consulted various experts who worked in the investigators' institutions who were in agreement that they did not consider that a Home Office licence was required because the planned work was not considered to be above the threshold for regulation under the Animal (Scientific Procedures) Act. This is, however, no excuse. I am fully aware that

I acted completely inappropriately. My normal logical, careful, rational, self who works strictly by the rule book, taking no risks, seemed to have temporarily disappeared. I realise that what I did could bring the Animal Health Trust and the members of our team into disrepute. The extra pressure that I have felt as a consequence is overwhelming. I humbly ask that this act of madness could be overlooked.”

31. The same day, Dr Dyson sent an email to Ms Overall stating:

“We will officially withdraw the letter & seek formal H/O approval.”

32. On 1 March 2019, Dr Dyson wrote a letter to Mr Reynolds, Head of the Animals in Science Regulation Unit at the Home Office, in which she said:

“In a moment of complete madness I wrote the letter purportedly from Dr Butler, which has subsequently been officially withdrawn. I realise the enormity and seriousness of the offence. It was 100% out of character. I had three successive days in my life at this time when I seemed completely out of control of my life and what I was doing. It was a terrifying experience. I could not understand what I was doing and why. I am ashamed beyond belief by what I did and have suffered extreme mental torment as a result.”

33. In a letter dated 18 March 2019, Mr Reynolds registered a complaint with the RCVS about Dr Dyson’s alleged behaviour. The College notified Dr Dyson of the complaint by letter dated 23 April 2019.

34. On 24 April 2019, Mr Vaudin received a telephone call from Mr Reynolds, Head of ASRU. Mr Reynolds began the conversation by saying to Mr Vaudin that he probably knew what he was telephoning about with regard to Dr Dyson. Mr Vaudin did not know the reason Mr Reynolds was alluding to. Mr Reynolds said he thought Dr Dyson would have contacted Mr Vaudin by now and went on to explain that Dr Dyson had attempted to deceive a Journal as to the permissibility of work undertaken on a project and had also made false representations of a Home office ASRU Inspector. Dr Vaudin arranged to have an immediate meeting with Dr Dyson. Recorded in the Minutes, as signed by Dr Dyson, it stated, *“Sue then mentioned that a reviewer of her paper for the Journal had contacted her with regard to the Home Office approval and whether the project required an ASPA licence. Sue then admitted she had forwarded a fraudulent letter to the reviewer which she had written herself impersonating a fictitious HO inspector.”* The Minutes went on to say Dr Dyson stated, *“It was all like a fog’ and she didn’t understand or know why she wrote the letter.”* And *“Again she stated that ‘she didn’t know why she wrote the letter.’”*

35. In correspondence sent to Tim Phillips, a personal friend, former AHT colleague and now consultant at the Veterinary Defence Society, dated 27 April 2019, Dr Dyson said how she was in a *“very very deep hole and need help and advice. I have done something awful while in a complete mental fog. I fraudulently wrote a letter.”* Dr Dyson went on to give the background to the matter and the pressures she was under, before saying:

“In complete madness, driven by I do not know what, I fraudulently wrote a letter purporting to be from a Home Office Inspector and sent the letter to the Journal of Veterinary Behaviour: Applied Clinical Research and then blanked those days out. In sending the letter I misled my co-authors and the journal. I am fully aware that I acted completely inappropriately. I did it alone.”

36. She went on to describe being in a “*complete mental fog.*” She spoke of “*extreme remorse, guilt and regret*” for what she had done. She said that she felt “*sadness and embarrassment*” for having let her colleagues and the profession down, adding “*I am guilty of false certification on a single occasion.*” She also said “*I acted completely out of character. In a moment of complete madness, I fraudulently wrote a letter, which has subsequently been withdrawn.*” She said, “*I am fully aware of the enormity of my crime and the potential consequences. I have enormous regrets and to this day cannot understand what led me to it. I believe that I am an inherently honest person.*” She added, “*After this my mind blocked out completely what I had done. I am ashamed beyond belief by what I did and have suffered extreme mental torment as a result.*”
37. On 29 May 2019, Dr Dyson replied to the College’s letter notifying her of the complaint. She said she “*wanted to put on record as soon as possible my unreserved acceptance that the letter I wrote dated 19th December 2018 was dishonest and should not have been written.*” She went on to say:
- “Around that time I spent several days in a very dark place, with fatigue, waves of personal family history swimming over me, dire thoughts about the future, and my mind seemingly out of control. I recognise now that this is what brought about this unique response on my part and that over-work and extreme stress were the cause.*
- In sending the letter I misled my co-authors and the journal. I am fully aware that I acted completely inappropriately. I did it alone. I wish to make it absolutely clear that my coinvestigators were not involved. My normal logic, careful, rational self, who works strictly by the rule book, taking no risks, seems to have temporarily disappeared.”*
38. Dr Dyson concluded by saying, “*I feel extreme remorse, guilt and regret for what happened when I was enveloped in a mental fog, an experience which I hope that I will never have to endure again. I am sad and embarrassed that I have let my colleagues and the profession down.*”

Dr Dyson’s case

39. Dr Dyson provided written statements dated 11 February 2020, 30 October 2020, 10 November 2020 and 11 June 2021. She also provided oral evidence to the Committee in which she confirmed the content of her statements.
40. She admitted that she submitted the aforementioned research paper for publication in the ‘Journal of Veterinary Behaviour’ (1(A)). She admitted that she had sent an email on 30 November 2018 to the editor of the Journal stating there had been a former Home Office Inspector on the AHT’s Ethical Committee (1(A)(i)(a)) and that she had obtained informal advice from a ‘current inspector’ to the effect that there had been no requirement for Home Office approval for the project (1(A)(i)(b)). She admitted that she wrote the letter dated 19 December 2018 purporting to be from a Home Office Inspector (1(A)(iv)). She admitted that she sent that letter to the editor of the Journal (1(A)(v)) and that when sending the letter she advised the editor of the Journal that Dr Butler had advised her during the planning stage of the project and that Dr Butler had been abroad recently (1(A)(vi)).

41. Dr Dyson admitted that her actions in 1(A)(i)(a) and 1(A)(iv), (v) and (vi) were misleading, but not that she had intentionally set out to mislead (1(B)(i)). She also admitted that her behaviour in 1(A)(iv), (v) and (vi) risked undermining a government system designed to promote animal welfare and research ethics (1(B)(iii)).
42. Dr Dyson denied sending an email on 15 December 2018 to a co-author, Andrew Hemmings, to the effect that she would forward to the editor of the Journal a letter that she had from a 'friendly inspector' (1(A)(ii)). She said that the reference in the email to "*the letter from my friendly inspector*" was not to a letter she already had, but rather to one she hoped to obtain in the event that she was able to identify and locate the Home Office Inspector she had spoken to in 2016 at a reception. In her statement she said "*I then started a search for a list of Home Office Inspectors, with photographs, to try to identify the person I had previously met. This was ultimately unsuccessful.*" In oral evidence she said she searched for about 20 Minutes.
43. Dr Dyson denied telling a meeting of the AHT's Equine Research Group on 17 December 2018 that she had an 'unofficial letter' from a contact in the Home Office to the effect that a Home Office Licence had not been required for the project (1(A)(iii)). She said:
- "I attended a meeting of the AHT Equine Research Group on 17 December 2018. I have seen the redacted Minutes of that meeting as included in the Inquiry Bundle. These Minutes do not accurately reflect the comments I made at that meeting. I did not indicate that I had an informal letter from a Home Office inspector, but rather that I was trying to identify the inspector I had met and that I intended to seek a letter from the Home Office."*
44. Dr Dyson was to later say that in fact she had been referring to an email sent to Andrew Hemmings and forwarded to her from Professor David Main, see below.
45. Dr Dyson accepted that in acting in the ways she had admitted her actions had been misleading, but denied that she had intentionally set out to mislead. She also denied that her actions were dishonest. She said:
- "I accept that the letter was misleading and that I must have created it, however I did not have any dishonest intent when doing so. I fully appreciate the importance of regulation of research, and that the fabricated letter could have the effect of undermining the system of such regulation and I deeply regret this. It has been and continues to be a terrible situation. I would never knowingly have done anything to tarnish the reputation of the Animal Health Trust or the veterinary profession. I had strived for years to create a centre of clinical and research excellence. I had nothing to gain personally by writing such a letter, other than to jeopardise my own professional reputation and career."*
46. By way of background to the events leading to the letter being created, Dr Dyson said she had contacted Andrew Hemmings to ask for a copy of the submitted version of the paper so that when she was able to identify the Home Office inspector she had previously met, she could then send him a copy of the report and ask him if he was prepared to write a letter. She said that the reference in her email to Andrew Hemmings to "*the letter from my friendly inspector*" was not in fact a reference to a letter she already had, but rather to one she hoped to obtain. She said, "*I then started a search for a list of Home Office Inspectors, with photographs, to try to identify the person whom I had previously met. This was ultimately unsuccessful.*" She then planned to

contact Debs Flack at Cambridge University, who “had good contacts at the Home Office”, for advice about how best to proceed and whom she should contact at the Home Office. She added:

“Debs was a former AHT employee, a friend, and had formerly had responsibility for work performed at the AHT under Home Office Licence. It was clear that we needed to seek Home Office advice and to face any repercussions. We acknowledged that the work had been done, but had been done in good faith, and approved by the AHT Clinical Research Ethics Committee. We were adamant that animal welfare had not been jeopardised. My intention was to discuss matters with her and then to discuss her advice with my co-authors.”

47. Dr Dyson spoke of being “unprecedentedly busy” during this period and detailed her trip to America to speak at two conventions, whilst finalising presentations for an international conference and also spending “considerable time working on comments to reviewers for Paper 1 relating to the rider weight project and finalising Paper 4, communicating with co-authors ...” She also detailed her return to the UK and further events she had to attend. She spoke of being exhausted and feeling under immense pressure professionally.

[REDACTED]

She then said:

“It was in this period of fatigue [REDACTED] that I accept that I wrote a letter to the Journal of Veterinary Behaviour purportedly from a Home Office Inspector. I have absolutely no recollection of doing this, but I accept that I must have done so. I now realise that I used a real address, the former address of a previous long-term imaging technician at the AHT and co-author of Clinical Radiology of the Horse. I have absolutely no recall of this. This address is in my address book. I do not know the date on which I wrote this letter. I am aware that it is dated 19 December 2018, but I do not know if it was created on that date.”

48. Of the email sent to Karen Overall, Dr Dyson said:

“I also have no recollection of writing the email dated 24 December 2018 to Karen Overall, the editor of Veterinary Behaviour, to which the letter was attached or to making any amendment to the ethical approval statement included on the paper attached to that email. I accept however that I must have written the email and made the amendment to the ethical approval statement. Although I have seen a copy of an email dated 28 December 2018 from Karen Overall to me in the Inquiry Bundle, responding to my email dated 24 December 2018, I have no recollection of receiving this.”

49. She added:

“I do not believe for one moment that had I been in my normal, logical, rational state of mind that I would have written this letter. It made no sense to do it. It would have been dishonest to do so, and I do not believe that I would do this.”

50. In her fourth statement provided for these proceedings, dated 11 June 2021, Dr Dyson said of the “Dr Butler” letter:

"I have always accepted, including to the Royal College, that the letter was "dishonest", indeed I do not see how it could be called anything else. It says things that are not true and appears to be written by someone who in fact does not exist. Equally, I have always accepted that it should not have been written and sent."

51. She went on to say that she had no recollection of writing the "Dr Butler" letter, or sending it, or of composing the accompanying email, although she accepted that she must have done all those things. She added:

"I fully accept however, that simply because I have no recollection of writing the letter at all, this does not of itself show that I was not in fact acting dishonestly when I wrote it. I recognise that it is logically possible to act dishonestly and not remember it. But although I have never had any such recollection, I have never been able to believe that I wrote that letter with a dishonest intent or deliberately to mislead."

52. Dr Dyson went on to list many factors which, she considered supported her belief that she could not have acted dishonestly. They included: a belief that she is an honest and fair-minded person; that she cherishes her reputation; that she has had a lifelong commitment to honest clinical practice and ethical research; that she is risk averse and so would not knowingly do something so illogical and dangerous; that she has devoted her professional life to the AHT and would not knowingly do anything to damage its reputation; that she had no reason to dishonestly invent a Home Office inspector since her reputation in the field would not have been significantly added to by the publication of this paper, nor would her career have been advanced; that there would have been no financial ramifications for her, the other authors or the AHT had the paper been withdrawn; and she believed they could in any event have applied for a retrospective licence, which she believed would have been granted.

53. Dr Dyson added:

"Nevertheless, during the early stages of this case I was faced with the undeniable fact that a dishonest letter had been written by me and sent under cover of an e-mail that also contained untruths. As I could not remember writing them, I obviously could not remember my intentions at the time, and I found it impossible to reconcile the fact of the letter with my knowledge of myself and the surrounding circumstances. When learning of the letter I was deeply shocked and distraught. I could not understand how I could possibly have written such a letter, a situation which was in itself extremely frightening. I was immobilised by fear, embarrassment and shame. It was only when, several months later, I sought counselling for my ongoing distress that I began to be aware that there may be a psychological explanation for these seemingly reconcilable facts, in other words an explanation of how I could have written the letter without at the time being dishonest or having any intention to mislead."

54.

[REDACTED]

55.

[REDACTED]

[Redacted text block]

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56.

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[REDACTED]

57

[REDACTED]

58. Throughout her oral evidence Dr Dyson maintained that she had absolutely no recollection of ever having written the letter or sending the email to Karen Overall, emphasising that she is an inherently honest person and she would never knowingly behave in a dishonest way.

59. Three witnesses attended, either remotely or in person, on Dr Dyson's behalf and provided oral character evidence, namely Professor Sheila Crispin, Dr Andrew Higgins and Professor Timothy Greet. All have known Dr Dyson for 38 years or more and described her in positive terms and as a person of integrity and honesty.

Submissions as to the Particulars

60. Mr Bradly and Mr Edis QC made submissions on whether the Particulars that had not been admitted should be found proved. Each had reduced their submissions to writing and provided these to the Committee. They were comprehensive, detailed documents and are not, therefore, reproduced in this determination. Mr Edis QC also provided some oral submissions in response to the matters raised in Mr Bradly's written submissions.

61. In brief, Mr Bradly submitted that all the facts were capable of proof against the Respondent. Mr Edis QC submitted that, save for the matters clearly admitted by Dr Dyson, the remaining Particulars were not capable of proof.

Determination on the Facts

62. The Committee considered with care all the evidence relied on by the parties, together with the submissions made by Mr Bradly and Mr Edis QC. The Committee accepted the advice of the Legal Assessor and bore in mind that it was for the College to prove the facts and to do so to the highest civil standard of proof, that is to say the Committee must be sure of the matters alleged in order to find them proved. In reaching its decision on the disputed facts the Committee took into account all the oral evidence together with the documents relied on by both parties. It also took into account Dr Dyson's good character, together with the character evidence she relied on, both oral and written.

63. The Committee considered the witnesses that had provided live testimony, in the order in which they attended, and drew the following conclusions:

- (i) Dr Mark Vaudin - generally a credible and reliable witness, although at times flustered, defensive and non-committal. He largely provided anecdotal background evidence, but his evidence was

not particularly pertinent to the issues the Committee had to decide. In contrast to every other AHT witness, it was apparent that he and Dr Dyson did not see eye to eye and this was reflected in some of his guarded responses to questions.

- (ii) Carolynne Tranquille - a credible, believable and consistent witness who gave balanced evidence. She was straightforward and did her best to assist the Committee. It was clear she held Dr Dyson in high regard.
- (iii) Julie Breingan - a consistent and credible witness, who did her best to assist the Committee, but whose evidence was of limited assistance given her distance from Dr Dyson at the meeting on 17 December 2018.
- (iv) Dr Anna Hollis - a very good witness, credible, consistent and reliable who displayed an independent thought process with no prompting. She too clearly holds Dr Dyson in high regard.
- (v) Dr Laura Quiney - an easily led witness, who accepted that what she stated in her statement about the Minutes of the 17 December 2018 meeting was not accurate. She conceded she was not paying that much attention at the meeting. The Committee did not consider her to be a particularly credible witness and she appeared to be somewhat overawed by Dr Dyson.
- (vi) Dr Susan Dyson - in assessing Dr Dyson the Committee took into account the difficulty faced by any Respondent appearing before their Regulator and also the various interruptions occasioned by issues which had to be dealt with during her evidence. That said, Dr Dyson was an articulate witness who was able to answer questions without difficulty. She showed a great attention to detail, but appeared to be offended by criticism and adopted a patronising tone when being cross-examined, for example saying she "*despised*" the assertion of having acted in a pre-planned way. During her evidence she exhibited a complete lack of humility and failed to demonstrate any genuine remorse or insight into her predicament. She gave her evidence in a forthright manner. The Committee considered her to be extraordinarily confident as exemplified by her request to the Head of ASRU Operations at the Home Office to "*overlook*" her "*act of madness*". Whilst undoubtedly highly qualified and highly respected, the Committee nevertheless considered her evidence lacked credibility and was not reliable.
- (vii) Dr RT - gave considered expert opinion evidence and was clearly knowledgeable about his subject, helping the Committee to understand the complex problems associated with the conditions he referred to.
- (viii) Dr PJ - gave considered expert opinion evidence and was clearly knowledgeable about his subject, helping the Committee to understand the complex problems associated with the conditions he referred to.

64. The Committee did not have to consider the reliability and credibility of the following witnesses relied on by the College because their evidence was not challenged - accordingly, the Committee accepted their evidence:

- (i) Dr Matthew Parker
- (ii) Dr Martin Whiting

(iii) William Reynolds

The Committee's determination on the Particulars

65. The Committee made the following findings on the Particulars:

Particular 1(A)

Between 29 November 2018 and 25 December 2018, in relation to a research paper co-authored by you on a project entitled Influence of rider: horse body weight ratios on equine welfare and performance – a pilot study (the project) submitted for publication in the Journal of Veterinary Behaviour: Clinical Applications and Research (the Journal)

66. The Committee found this Particular proved on the basis of the Respondent's admission, as supported by the evidence relied on by the College.

Particular 1(A)(i)(a)

On 30 November 2018, informed the editor of the Journal by e-mail that:-

(a) there was a former Home Office inspector on the AHT Ethical Committee.

67. The Committee found this Particular proved on the basis of the Respondent's admission, as supported by the evidence relied on by the College.

Particular 1(A)(i)(b)

On 30 November 2018, informed the editor of the Journal by e-mail that:-

(b) you have obtained informal advice from a 'current inspector' to the effect that there had been no requirement for Home Office approval of the project.

68. The Committee found this Particular proved on the basis of the Respondent's admission, as supported by the evidence relied on by the College.

Particular 1(A)(ii)

On 15 December 2018, sent an e-mail to a co-author, XX, of the Royal Agricultural University in Cirencester, to the effect that you would forward to the editor of the Journal a letter that you had from a 'friendly inspector'.

69. The College relied on the evidence of an email sent on 15 December 2018 by Dr Dyson to Andrew Hemmings, co-author of the paper, asking:

"Can you send me a copy of the submitted version of the paper so that I can add a comment re the Home Office & forward it to Karen together with the letter from my friendly Inspector."

70. Dr Dyson said, *"I do not accept that that email is to be interpreted as meaning that I already had a letter from a Home Office Inspector. I did not. Nor do I accept, as is said in paragraph 27 [of Mr Bradly's Opening] that the use of the word 'the' "implies" that I already had such a letter. I believe the background to the email is that I was trying to locate him and would attach a letter*

were I able to get one. I do not think the words I used are inconsistent with this. In fact, I did not locate him.”

71. The Committee considered Dr Dyson’s explanation to be implausible. If her account were true she could and perhaps should have responded to Karen Overall’s email by saying that the “current inspector” she referred to in her email was in fact an individual she had met approximately two and a half years earlier, at a drinks reception, but that she did not know his name; and that in terms of “consultation”, she and this individual had a ten minute conversation, during which the protocols were not discussed, and the individual (who would not have known on the basis of what Dr Dyson had said about the discussion whether a licence was in place or not) raised no red flags. Furthermore, the email contains two forms of deception in that the adding of a comment to the manuscript is predicated on the basis that Dr Dyson already had a letter from her friendly Inspector, since if she had not yet obtained the letter how could she add a comment to the manuscript.
72. On the evidence, the Committee was satisfied so that it was sure that the effect of Dr Dyson’s words in that email to Andrew Hemmings was that she would forward to Ms Overall *“the letter from my friendly inspector”*. This, the Committee considered, clearly implied she was already in possession of the letter. No reasonable person would interpret that in any other way. Had she not meant to imply that, she could have said that she would obtain such a letter or could have simply referred to ‘a’ letter, rather than ‘the’ letter and that she would add a comment to the manuscript once she had obtained a letter. The Committee noted a pattern of attempts by Dr Dyson to rewrite communications she had drafted but which now contradicted or were inconsistent with the account she wanted the Committee to believe. On her own account, Dr Dyson did not have a *“friendly inspector”* at all. If her account is to be believed, she was making reference to the casual meeting with a Home Office Inspector over two and a half years earlier. The Committee noted how Dr Dyson was a person who paid particular attention to detail, was of a scientific background, mindset and training and was meticulous in all that she did. It was, therefore, highly unlikely that she would continue to be so inaccurate with her use of language.
73. The Committee considered that the email can only be read as a direct response to the request of her made on 30 November 2018. In that email Dr Dyson was told that the reviewer had recommended that she *“get a letter from the Home Office and add that this was provided to your ethical statement”* and that she *“ask the current inspector that they consulted to put their advice in writing, then this can be included in the manuscript”*. Dr Dyson maintained the fiction of the current Inspector, first provided in her email of 30 November 2018, by asking for a copy of the manuscript as submitted to the Journal *“so that”* she could add a comment from the Home Office and forward it to Karen Overall along with the letter. The Committee was of the view that this sentence only makes sense if the letter was one already in Dr Dyson’s possession, since she would not be able to send a letter (with the manuscript) if she did not have it.
74. Accordingly, the Committee was satisfied so that it was sure that Dr Dyson sent an e-mail to a co-author, XX, of the Royal Agricultural University in Cirencester, to the effect that she would forward to the editor of the Journal a letter that she had from a ‘friendly inspector’. The Committee therefore found Particular 1(A)(ii) proved.

Particular 1(A)(iii)

On 17 December 2018, told a meeting at AHT's Equine Research Group that you had an 'unofficial letter' from a contact in the Home Office to the effect that a Home Office Licence had not been required for the Project.

75. For this Particular, the College relied on the evidence of Dr Anna Hollis, Carlyne Tranquille, Julie Breingan and Dr Laura Quiney, all of whom attended the meeting on 17 December 2018, as did Dr Dyson. The Committee considered the context of the meeting, which took place two days after Dr Dyson wrote the 15 December 2018 email to Andrew Hemmings, the subject of particular 1(A)(ii), to be important. In that email she asked for a copy of the manuscript in order to be able to add her comment about the Home Office to forward to Karen Overall *"together with the letter from my friendly inspector."* This is developed further below.

76. Dr Dyson said that she made reference to having spoken to a Home Office Inspector and that she had a letter, but not that the letter was from a Home Office Inspector. In a statement dated 30 October 2020, Dr Dyson stated that since providing her previous statement the RCVS had disclosed the statements from Dr Hollis, Ms Tranquille, Ms Breingan and Dr Quiney. She said she thought it may be of assistance to the Committee for her to supplement the evidence contained in her earlier witness statement in relation to the meeting of the ERG on 17 December 2018. Dr Dyson went on to say:

"I am absolutely certain that I did not say at the meeting on 17 December 2018 that I had an informal letter from a Home Office Inspector.

As outlined in my previous statement, when the editor of the Journal of Veterinary Behaviour contacted Andrew Hemmings, my co-author and the lead author of the paper, indicating that a peer reviewer of the journal had questioned whether the work we were undertaking should have been carried out under a Home Office Licence, Andrew, my co-author Pat Harris and I considered how to proceed. During the course of those discussions Andrew sought the opinion of Professor David Main, a colleague of his at the Royal Agricultural University. Professor Main is a veterinary surgeon and Professor of Production of Animal Health and Welfare at the Royal Agricultural University.

Andrew sent me a copy of an email he received from David Main dated 30 November 2018. I attach as Exhibit "SJD3" to this witness statement a copy of that email. I do not have a copy of the email to which David Main was responding. This email was helpful as David Main was expressing a view that the study did not involve regulated procedures. At the meeting on 17 December 2018 I recall saying that we had this email (or possibly I may have used the word letter although I cannot now recall the precise words I used). I also recall that I described it as informal, given the comments made by David Main that he was happy for it to be provided to the AHT but not to the Home Office."

77. Dr Dyson provided a copy of the email from David Main and, in her oral evidence, said that when she had said, at the meeting on 17 December 2018, that she had an *"unofficial letter"*, it was a reference to the David Main email. The Committee did not have the benefit of seeing what Andrew Hemmings had put in his email to David Main, but noted that notwithstanding the view expressed by Professor Main, he did suggest that the AHT contact the Home Office and the Committee considered that an obvious and sensible thing to have done and yet it did not appear to even feature in Dr Dyson's list of things to do. Instead she prioritised finding the Home Office

Inspector she said she spoke to in 2016 and, failing that, to speak to Debs Flack, a friend and previous colleague at AHT who liaised with the Home Office. In fact, Dr Dyson did not track down the Home Office Inspector, nor did she contact Debs Flack, despite putting it in her diary to do so. Instead she fabricated the letter purporting to be from a Home Office Inspector.

78. It was undisputed evidence that on the same date that David Main was emailing Andrew Hemmings, 30 November 2018, Ms Overall, the Editor of the Journal, sent an email to Dr Dyson asking her to get a letter from the Home Office following the reviewer's recommendation, namely, *"I would suggest that they may like to ask the current inspector that they consulted to put their advice in writing, then this can be included in the manuscript. This just makes sense to me and will protect you and us."*

79. Dr Dyson accepts that, on 15 December 2018, she sent an email to Andrew Hemmings, co-author of the paper, asking:

"Can you send me a copy of the submitted version of the paper so that I can add a comment re the Home Office & forward it to Karen together with the letter from my friendly Inspector."

80. In her oral evidence Dr Dyson said she did not accept that the wording of this email meant that she actually had a letter. She said that is not what she meant. She said she was hoping to locate the person she had met in 2016, send them a copy of the paper and ask them to write a report supporting the fact that no Home Office Licence was required and to then send that to the Journal. The Committee had already rejected this explanation in finding Particular 1(A)(ii) proved. The Committee also considered the idea that the Home Office Inspector she said she had bumped into two and a half years previously and spoken briefly to for about ten minutes, would even remember the conversation let alone be able to provide an authoritative report in relation to it, was highly dubious. The Committee did not need to decide whether Dr Dyson actually met a Home Office Inspector in 2016 and spoke to him about this case, but believed that someone with Dr Dyson's experience and knowledge would have known that such an exchange would not be sufficient.

81. Two days later, on 17 December 2018, there was a meeting of the ERG. Dr Dyson attended that meeting, as did the witnesses Dr Hollis, Ms Tranquille, Ms Breingan and Dr Quiney. Ms Tranquille was responsible for preparing the Minutes of the meeting. The typed Minutes state:

"A reviewer felt that a Home Office Licence was necessary due to taking rectal temperatures however SJD has an unofficial letter from a contact within the Home Office who indicated that a licence would not be necessary for taking rectal temperatures as this is a procedure carried out in the normal day to day routine. The editor will expedite the review process once an unofficial letter has been received."

82. The Committee noted that the reference to rectal temperatures reflects precisely what Dr Dyson told Dr Whiting in her email on 24 February 2019, namely that whether the procedures they had adopted passed the threshold for regulation under ASPA was questioned by peer reviewers *"specifically the acquisition of saliva samples and measuring rectal temperature."*

83. Ms Tranquille's handwritten note of the meeting was as follows:

“Cheryl – a reviewer felt it need HOL, [the Respondent] has informal letter saying its ok. Review process not started, Editor expedite progress once everything in place.”

84. In her written statement Ms Tranquille explained:

“Although ... my practice was to finalise the typed up Minutes as soon as possible after the relevant meeting, the December 2018 meeting was quite close to Christmas and I did not get round to finalising the Minutes for a number of months ... I do, however, recall as follows what was discussed at the 17 December 2018 meeting in respect of Paper 2 of the Rider weight study.

I was aware that the paper (Paper 2) had been under review for a number of months and that Sue Dyson had been chasing the Editor of the journal to which the paper had been submitted to find out what was happening with it.

Sue Dyson told the meeting that the review process had been halted due to the fact that the reviewer felt that a Home Office Licence was required for the study as it involved taking the horses’ rectal temperatures. She explained that she did, however, have an informal letter from a contact at the Home Office saying that a Home Office Licence was not necessary. She explained that she was going to send a copy of this letter to the Editor so that he could see that it was all fine and that the review process could, therefore, proceed on an expedited basis.

The typed Minutes ... contained slightly more detail than my handwritten notes. For this reason, I feel that I would have typed that section of the Minutes very soon after the meeting while the discussion was still in my mind. Although I cannot be entirely certain about this, I can certainly confirm that the Minutes were prepared without any input from anyone else and that they truly reflect the discussion at the meeting on 17 December 2018 regarding Cheryl’s intern project.”

85. In her oral evidence, when being cross-examined about the differences between the handwritten notes and the typed notes, Ms Tranquille said that although she could not confirm when she actually typed up the Minutes, they *“would have been done directly after the meeting because of the additional information added.”* She said that the majority of the Minutes would have been typed up directly after the meeting, this was her usual practice and she was very methodical, she had been taking Minutes at meetings of the ERG for at least five or six years. When asked what was necessary to *‘finalise’* the Minutes before sending them to Dr Hollis and the CEO in June 2019, Ms Tranquille said it could just have been proof reading. She explained that the delay in finalising the Minutes had been because the meeting had been just before Christmas and thereafter they had been in the middle of a project of recruiting and training people and finishing the Minutes had slipped her mind. She added that when she received the first reminder in May 2019, whilst she was on holiday, she could not even remember if there had been a meeting in December 2018, let alone what was said. She maintained that, although she could not confirm precisely when she would have typed up the Minutes relating to Dr Dyson’s project, based on the detail in the typed Minutes they would have been typed up straight after the meeting, although, when being cross-examined, she accepted that she could not be absolutely sure about this.

86. It was clear Ms Tranquille held Dr Dyson in extremely high regard and there was no motive for her to have invented or embellished the Minutes of the meeting in any way. The Committee could not, however, discount the possibility that the meeting had been discussed among members of

staff post 17 December 2018 and that this may have, consciously or sub-consciously, influenced what Ms Tranquille had put in the typed Minutes. Thus, although the Committee considered it probable that Ms Tranquille typed up the Minutes shortly after the meeting, it could not be sure if that was in fact the case.

87. Dr Hollis, who at the time was Director of the Centre for Equine Studies at the AHT, said:

“Sue Dyson began by saying words to the effect of: You will never believe this. A reviewer has come back saying that it might need a Home Office Licence. I don’t think it does and I have spoken to a Home Office Inspector and have a letter saying that it does not need a licence. I am going to send the letter to the Journal and the editor will expedite the review process once she has it.

It was very clear from what Sue Dyson told the meeting (a) that she had an informal letter from a Home Office Inspector saying that the study did not need a Licence and (b) that she would be sending the letter to the Journal.”

88. In her oral evidence Dr Hollis said she knew Ms Tranquille would have written the Minutes of the meeting up because *“she was very very organised and always wrote the Minutes.”* She was also quizzed on how she could remember what was discussed at the meeting and she said that this particular issue had stuck in her mind because it was *“bizarre”* that a reviewer felt they needed a Home Office Licence, it had never happened before and they had a robust discussion about it and they all thought it was ridiculous. She added that it was extraordinary for there to be a comment about a Home Office Licence and that was why the discussion stood out. She had a recollection of Dr Dyson saying she had bumped into a Home Office Inspector at a conference and they had discussed the study and the Home Office Inspector had not mentioned the need for a Home Office Licence. Dr Hollis said, *“As far as I recall she had a letter from a Home Office Inspector that she would give to the Editor and that would be the end of it.”* However, she could not recall whether Dr Dyson referred to the letter as an official or unofficial one. This account added further support to the allegation that Dr Dyson told the ERG meeting on 17 December 2018 that she had a letter from a contact in the Home Office to the effect that a Home Office Licence had not been required for the Project, although not whether it was an “unofficial” letter.

89. Dr Hollis spoke highly of Dr Dyson in her professional life and it was clear to the Committee she had no axe to grind or motive for being untruthful about what she remembered from the December 17th meeting.

90. Although in her written statement Ms Breingan confirmed that Dr Dyson told the meeting she had an unofficial letter from a contact within the Home Office that a licence was not required, in her oral evidence she said the unofficial letter was from someone *“who obviously had knowledge of what would be required but wasn’t actually part of the Home Office.”* She added that *“We were down the other end so we were just chatting and not between Sue and probably Carlyne, who was further up the table taking the Minutes. ... the Minutes were recorded up the other end so, you know, we weren’t actually aware of what was said at that end really.”*

91. In her witness statement, Dr Laura Quiney, who at the time was a Junior Clinician at the AHT, said:

“Although I cannot recall accurately what was said, I believe that the Minutes reflect accurately exactly what [Dr Dyson] said and I have no recollection of anything else being said with regard to Paper 2.”

92. In her oral evidence she said that she had no real recollection of what was said at the meeting. She said she had been asked about the meeting by a solicitor at the RCVS about a year ago and had been provided with a copy of the written Minutes from the meeting. She said she could not say whether she had been biased in her statement as a result of having read the Minutes before providing her statement. She accepted that her comments, as quoted above, were in conflict with each other and that in fact she could not say that the Minutes reflected accurately exactly what was said. She also said she based what she wrote on having read the Minutes which did then prompt some memory of what was spoken about at the meeting, but she now had no independent memory of what was said. Dr Quiney accepted she had taken the Minutes on trust and said that if she had not read the Minutes she would have had no recollection of what was said.
93. Dr Quiney also said that she knew Dr Dyson was under an abnormal amount of stress in December 2018 and that she had *“never seen her as stressed as she was in December 2018.”* She acknowledged that her resignation and the absence of another colleague would not have made things any easier for Dr Dyson, who relied heavily on her team. She described Dr Dyson as a *“very resilient lady who doesn’t let things get to her.”* However, she said that in December 2018 *“she had allowed things to get to her and that was, in my experience, unprecedented.”* Dr Quiney added that she did not remember anything significant or controversial about that meeting and that nothing happened to make that meeting stick in her mind.
94. The Committee acknowledged that there were clear differences in both the content and the amount of information between Ms Tranquille’s handwritten notes of the meeting and her typewritten notes. On the evidence the Committee considered it highly probable that Ms Tranquille typed up the Minutes very soon after the meeting since this would explain how she was able to put so much detail in them, although it could not exclude the possibility of some innocent contamination from the matter being discussed amongst staff. The Committee could see no possible motive for Ms Tranquille to have simply made things up, nor considered she would she have done so given the high regard in which she held Dr Dyson. However, the Committee noted that Ms Tranquille herself could not be sure when she typed up the Minutes. The typed Minutes are to a significant extent supported by the evidence of Dr Hollis who had a good recollection of Dr Dyson referring to a conference at which she had bumped into a Home Office Inspector and they had chatted about this case and about whether a Licence was needed. Although nothing of significance occurred at the meeting as far as Dr Quiney was concerned, for Dr Hollis this discussion really stood out since it was, in her words, a bizarre situation never before encountered.
95. The Committee noted that although in her original statement Dr Dyson said she would have received the Minutes but was unlikely to have read them, in fact she would not have seen them at all because of the delay in getting them finalised.
96. The Committee was not persuaded by Dr Dyson that the “letter” she had been referring to was in fact the email from Professor Main and considered it probable she had made a further reference to the letter she had referred to two days previously, thereby further perpetuating the

deceit she started on 30 November 2018. However, in light of the standard of proof required, the Committee could not be sure, given the specific wording of this allegation, that Dr Dyson had told the meeting she had an unofficial letter from a contact in the Home Office to the effect that a Home Office Licence had not been required for the project. She almost certainly used some of those words, but given the fact that Ms Tranquille could not be sure when she typed the Minutes and Dr Hollis was unsure about whether Dr Dyson referred to an unofficial letter, the Committee found this Particular not proved.

97. It followed, that when considering Particulars 1(B)(i), (ii) and (iii) below, the Committee found those Particulars not proved in relation to Particular 1(A)(iii).

Particular 1(A)(iv)

On or around 19 December 2018, wrote a letter dated 19 December 2018 purporting to be from a Home Office Inspector by the name of Dr J C Butler DVSc PhD MRCVS, stating that in his/her opinion there had been no requirement for a Home Office licence for the Project.

98. The Committee found this Particular proved on the basis of the Respondent's admission, as supported by the evidence relied on by the College.

Particular 1(A)(v)

On 15 December 2018, sent to the editor of the Journal the letter you had written in the name of Dr J C Butler dated 19 December 2018.

99. The Committee found this Particular proved on the basis of the Respondent's admission, as supported by the evidence relied on by the College.

Particular 1(A)(vi)

On 24 December 2018, when sending to the editor of the Journal the letter purporting to be from Dr Butler, stated that Dr Butler had advised you during the planning stage of the Project and that Dr Butler had been abroad recently.

100. The Committee found this Particular proved on the basis of the Respondent's admission, as supported by the evidence relied on by the College.

Particular 1(B)(i)

Your conduct in relation to 1(A)(i) to (vi) above, whether individually or in any combination: (i) was misleading.

101. In relation to Particulars 1(A)(i)(a), 1(A)(iv), 1(A)(v) and 1(A)(vi), the Committee found Particular 1(B)(i) proved on the basis of the Respondent's admissions, as supported by the evidence relied on by the College.

102. In relation to Particular 1(A)(i)(b), Dr Dyson said the statement to the editor of the Journal that she had obtained informal advice from a "current inspector" to the effect that there had been no requirement for Home Office approval of the project was not misleading because it was true. She said she had spoken to a Home Office Inspector and did receive this advice. However, she had been unable to subsequently find out who this Inspector was.

103. The Committee was satisfied so that it was sure that Dr Dyson's statement to Andrew Hemmings was misleading. At best it contained a reckless statement that she had obtained advice from a "current inspector". Even if one accepted her claim to have spoken to a Home Office Inspector about this project some two and a half years earlier at a drinks reception for ten minutes, Dr Dyson had no way of knowing if that person was a current Inspector. Furthermore, on her account she did not receive advice. She said that she got chatting to this person at the bar, they had exchanged details about their professions and she had talked for a bit about the project. She said the Home Office Inspector did not raise any issues. The Committee considered this was not the same as advising that there was no requirement for Home Office approval for the project and Dr Dyson would have known that. The Committee therefore found Particular 1(A)(i)(b) to be misleading, as alleged in Particular 1(B)(i).

104. In relation to Particular 1(A)(ii), having found this Particular proved it follows that this assertion was misleading since it was untrue. Dr Dyson did not have a legitimate letter from a "friendly inspector" only the one she fabricated herself. The Committee therefore found Particular 1(A)(ii) to be misleading, as alleged in Particular 1(B)(i).

105. In relation to Particular 1(A)(iii) having found this Particular not proved, the allegation that it was misleading falls away.

Particular 1(B)(ii)

***Your conduct in relation to 1(A)(i) to (vi) above, whether individually or in any combination:
(ii) was dishonest;***

106. This was clearly a very serious matter and the Committee considered it with great care, taking into account Dr Dyson's previous impeccable character, all that had been said about her by her character referees, both oral and written, together with her oral and written evidence and that of the experts. It took into account all the evidence relied on by both parties and the submissions made. The Committee had regard to the legal advice provided by the Legal Assessor and reference to the case of *Ivey v Genting Casinos (UK) Ltd t/a Crockfords* [2017] UKSC 67, which laid down the test Committees should apply when determining whether an individual's conduct was dishonest.

107. The Committee was firmly of the view that Dr Dyson found herself in a situation that was entirely of her own making, in which she perpetuated the state of affairs in which she found herself and that she had not owned up to her wrong doing until discovered in February 2019. The Committee rejected Dr Dyson's claim to have had amnesia at the time of writing and sending the bogus letter to Ms Overall. The catalyst for the behaviour was the concern raised by the reviewer of the paper, who considered a Home Office Licence might be required for the project, and which prompted Ms Overall, on 30 November 2018, to contact Dr Hemmings. Dr Hemmings then contacted Dr Dyson, who responded to Ms Overall the same day saying:

"I agree that it is a potentially grey area and we foresaw this from the outset and I had therefore sought advice.

We have a former Home Office Inspector on our AHT Ethical Committee and two current licence holders (named Veterinary Surgeons) who are fully conversant with the current legislation. I also sought informal advice from a current Inspector. All were fully aware of the protocols to be

employed and gave me assurance that in their opinion Home Office approval would not be required. They were completely satisfied that the abandonment protocols were satisfactory, so that equine welfare would not be compromised.”

108. In her evidence, both oral and written, Dr Dyson accepted that, in her words, she had made an error in that email by referring to there being a former Home Office Inspector and two current licence holders on the AHT Ethical Committee. None of that was in fact true and the Committee did not believe this to be an error. From all they had heard about Dr Dyson’s work-ethic, fastidiousness and professionalism, it did not accept she would make such errors. Furthermore, in the same email Dr Dyson claimed that the phrase she used *“All were fully aware of the protocols to be employed ...”* only referred to the people on the AHT Ethical Committee, who in any event were not in fact how she had described them, and not also to the informal advice she had received from a *“current inspector”* who, she conceded, would not have been aware of the protocols to be employed from their 10 minute conversation at a reception two and a half years earlier. Dr Dyson also accepted that she did not know, in 2018, if the Home Office Inspector she said she had spoken to in 2016 was in fact a ‘current’ Inspector, since she had been unable to track him down. The Committee was satisfied that this was an example of Dr Dyson’s hubris in that she believed she could deal with the issue raised by cloaking her email with an air of authority and legitimacy, and it almost worked, as can be seen by Ms Overall’s response *“and here is the answer we needed”*. No doubt Dr Dyson had hoped that would be the end of the matter but, unfortunately for her, it was not.
109. Ms Overall sent Dr Dyson’s response to the consultant and reviewer and the consensus was that Dr Dyson needed to get a letter from the Home Office and add that this was provided to the ethical statement. She went further and said the consultant suggested *“they may like to ask the current inspector that they consulted to put their advice in writing.”* Dr Dyson was then faced with the prospect of admitting she did not in fact know the identity of the *“current inspector”* she had spoken to and that her email of 30 November had rather overstated the position. She told the Committee that she spent 20 minutes on the internet trying to identify the Inspector she had spoken to briefly two and a half years earlier. The Committee did not have to decide whether she was being truthful about this, but thought it unlikely.
110. Dr Dyson said her plan B was to speak to Debs Flack, a colleague and someone well versed in dealing with the Home Office, but that she never in fact got around to speaking with her. As she readily acknowledged in her email to Dr Whiting at the Home Office on 24 February 2019, what she should have done was to have contacted the Home Office immediately. Instead, Dr Dyson chose to continue the fiction by claiming to have a letter. On 15 December 2018 she emailed Andrew Hemmings the email requesting a copy of the submitted version of the paper so that she could *“add a comment re the Home Office & forward it to Karen together with the letter from my friendly Inspector.”*
111. It is clear that Dr Dyson did not have a letter from her *“friendly Inspector”* and did not even know who her *“friendly Inspector”* was. It was, therefore, impossible for her to *“add a comment re the Home Office”* as she put it, at least not until she had manufactured her own letter. Two days later there was the meeting of the ERG. Whilst the Committee had not been able to be sure about Particular 1(A)(iii) because of the precise wording of that Particular, it was in no doubt that Dr Dyson continued with the subterfuge, making reference to having a letter that she did not in fact have. The Committee was not persuaded that she was making reference to the David Main

email sent to Andrew Hemmings and at some stage forwarded to her, not least because of the similarity in the description given at the meeting and that given in the 15 December email two days earlier. She was clearly talking about the same “letter”.

112. Although it is not known precisely when she forged the ‘Butler’ letter, Dr Dyson made good on her claims to have a letter from a friendly inspector to the effect that a licence was not required by creating one herself. The letter, whilst amateurish in appearance, nevertheless required a certain amount of planning. Dr Dyson had to think about the content of the letter, the message it needed to convey to satisfy the reviewer and the Journal and the appropriate details of the author. Rather than use an entirely fictitious person, she chose to use a previous AHT employee and an earlier address of that employee, unlikely to be known by anyone else concerned, and also to give that person the appropriate qualifications to appear genuine. This was not a short undertaking and continued the deceit started on 30 November 2018. Furthermore, the email Dr Dyson then wrote to Ms Overall attaching the letter, required some thought as to its composition, providing detail to make the delay appear authentic. Finally, Dr Dyson added to the manuscript the following false declaration:

“This study was approved by the Clinical Ethical Review Committee of the Animal Health Trust (AHT 28 2016); a United Kingdom Home Office Licence was not required.”

113. This whole process bore the hallmarks of careful thought and the Committee determined that Dr Dyson was fully aware of what she was doing throughout the process. The process started on 30 November 2018 and continued up to and including 24 December 2018. At no stage had Dr Dyson claimed to have been in a mental fog for more than 2 or 3 days and certainly nothing like 24 days. Dr Dyson may well, as she claimed, have blanked those days out after the event, possibly struck by the horror of what she had done, but that did not mean that she did not know what she was doing at the time. The Committee noted her comments to Tim Phillips at the VDS that it was only after fraudulently writing the letter that her “*mind blocked out completely what I had done.*” Also telling were the comments made by Dr Dyson as follows:

On 24 February 2019 to Dr Whiting at the Home Office:

“I do not know what drove me to send Dr J Butler’s letter. It is a decision that I will eternally regret. ... I have questioned this every day ... I can only claim temporary insanity, based on mitigating circumstances, because that is how it seemed.

I am fully aware that I acted completely inappropriately. ... I humbly ask that this act of madness could be overlooked.”

On 1 March 2019 to Mr Reynolds at the Home Office:

“In a moment of complete madness I wrote the letter purportedly from Dr Butler, which has subsequently been officially withdrawn. I realise the enormity and seriousness of the offence.”

On 24 April 2019 to Dr Vaudin at the AHT:

“Sue then admitted she had forwarded a fraudulent letter to the reviewer which she had written herself impersonating a fictitious HO inspector.”

On 27 April 2019 to Tim Philips at the VDS:

"I am in a very very deep hole and need help and advice. I have done something awful while in a complete mental fog. I fraudulently wrote a letter.

I am guilty of false certification on a single occasion.

In complete madness, driven by I do not know what, I fraudulently wrote a letter purporting to be from a Home Office Inspector and sent the letter to the Journal of Veterinary Behaviour: Applied Clinical Research and then blanked those days out. In sending the letter I misled my co-authors and the journal. I am fully aware that I acted completely inappropriately. I did it alone."

On 29 May 2019 to the College -

"I wanted to put on record as soon as possible my unreserved acceptance that the letter I wrote dated 19th December 2018 was dishonest and should not have been written."

114. All these responses suggested Dr Dyson knew, accepted and admitted the enormity of what she had done at the time and only after doing it had her mind, on her account, "blocked out" what had happened. In the intervening months and now years she may well have convinced herself that she had not consciously written that letter, however the Committee was satisfied so that it was sure that she had acted dishonestly and knowingly so. There was no doubting she was under a considerable amount of stress at the time and that, from all the Committee had heard about Dr Dyson, her actions were very much out of character. Whether she had chosen to claim to be in a mental fog and to have blocked everything out as a convenient device to avoid owning up to her behaviour and conceived in an attempt to mislead this Committee was not something the Committee considered it had to decide, although it appeared likely. What mattered was her behaviour and knowledge at the time of starting with this chain of events on 30 November 2018 and ending in the forging and sending of the 'Butler' letter on or around 24 December 2018.
115. The Committee was satisfied that the writing and sending of that letter was indeed the culmination of a course of dishonest conduct, which began with Dr Dyson's lie on 30 November 2018 that there was a former Home Office Inspector on the AHT Ethical Committee. Dr Dyson had then lied about having consulted with a current Home Office Inspector, she had lied about having a letter from her friendly Inspector, she had fabricated a letter from a Home Office Inspector and she added a false declaration to the manuscript. She had then drafted an email to Karen Overall that was demonstrably untrue. All of this was done in an attempt to deceive others into believing she had the necessary approval for the Project to go ahead without the need to obtain a Home Office Licence. The Committee was satisfied that all these acts had been done knowingly and deliberately and was in no doubt that the ordinary decent person would find that conduct to be dishonest.
116. This conclusion was further supported by the action, or rather inaction, by Dr Dyson after she had sent the Butler letter. If, as she claimed, she knew nothing about the sending of the letter then the Committee considered, particularly given the nature of her character, that she would have acted with outrage as well as horror on being informed that she had sent the letter. She said she did not believe she could possibly have forged the letter and it was not something she

would ever do and yet she said she did not even check her emails to see if she had actually sent it, nor did she check her computers to see if she actually composed it: both perfectly rational, reasonable and expected actions to have taken, after all she could have been the victim of some sort of scam or vendetta. Dr Dyson said that the hard drive, the only place that both the email and the original forged document would, on her account, have been stored, had been damaged to the extent that those specific documents could no longer be retrieved. The Committee considered this account to be dubious.

117. Equally telling was Dr Dyson's apparent lack of response to an email sent by Karen Overall on 28 December 2018, in which she said, *"Thanks so much for your persistence with this situation, Sue, I really appreciate it. I know this is annoying, but I think we all have to be a lot more careful. You would not believe the papers I reject because there are no ethical assurances and they needed them. I shall send these to the reviewers."* The Committee considered that this should have acted as a prompt to Dr Dyson to have asked Ms Overall to what she was referring, or at least to have looked at her own emails to see what it was she had sent, because on her account she would have had no memory of sending anything to her, and yet she did nothing. The Committee noted how, in contrast to all her other evidence, Dr Dyson appeared flustered when dealing with questions about this email. The Committee was satisfied that the reason she had not responded in the way one might have expected was because Dr Dyson knew what she had sent, namely the 'Butler' letter.

118. Furthermore, given her account that, as far as she was aware, nothing had been done about the issues raised by the reviewer because she did not remember having dealt with it, Dr Dyson would have known, at the subsequent meetings of the ERG, that something still needed to be done and so at the very least she should have chased Debs Flack and yet she did not do so.

119.



120. Mr Edis QC emphasised the complete lack of motive for Dr Dyson to have behaved in this way. Dr Dyson gave evidence to the effect that she had nothing to gain by being dishonest and everything to lose. The Committee did not need to decide motive in order to be able to find matters alleged proved. Sometimes it is simply not possible to know why someone has behaved in a way so apparently contrary to their normal self. The Committee noted from the evidence, however, that, notwithstanding her attempts to minimise it, this project was of significant importance and any criticism of it would inevitably have had an impact on her, her team and the AHT. In the application for clinical research and ethical approval the following details of the project were given:

"Through our daily clinical work in investigation of lameness or poor performance in horses and ponies we have recognised that there is a growing problem of riders who are oversized for their

horses. There has been a growing amount of public debate in the equine press about rider size relative to horse size. The issue was highlighted as a priority area for research at the 2014 2nd International Saddle Research Workshop, hosted at AHT. Subsequent to this in 2015 World Horse Welfare, in conjunction with the British Equestrian Federation, hosted a meeting attended by senior representatives from the Association of British Riding Schools, the British Horse Society, British Eventing, British Dressage, the Pony Club, Riding for the Disabled Association, Saddle Research Trust, Showing Council and Society of Master Saddlers to discuss the problem. It was concluded that a horse ridden by an over-sized rider can suffer a range of problems including: muscle fatigue and loss of muscle tone which compromises skeletal frame; stumbling and/or falling; compromised performance; behavioural issues; and horse and rider safety. The group concluded that 'innovative ways should be developed so that riders can assess if they are the correct weight for their horse, explore pre-riding fitness initiatives and also develop guidance to support judges and officials to ensure that the horses' welfare always remains paramount.'

121. This detail alone demonstrated not only the importance of the project but also the number of institutions affected by its outcome. Furthermore, Dr Dyson said that these papers were already in the public domain, so had it been discovered that the trials had been conducted without the proper checks having been made about whether a Home Office Licence was required, this would inevitably have impacted on the reputation of the AHT and all those involved in the project. As Ms Overall said in her email to Dr Dyson on 30 November 2018, *"There are a range of opinions involved here, but we want absolutely no hint of concerns for anyone that any law has been broken or taken to be trivial."*
122. Furthermore, had it been discovered that a law may have been broken, there may well have been an impact on further funding for such projects at the AHT. As Dr Higgins, the witness called to provide character evidence for Dr Dyson, said in his role as Chair of the Veterinary Advisory Committee ("VAC") of World Horse Welfare and as Scientific Adviser to the charity, he has supported and administered grants for several projects led by Dr Dyson over many years. He went on to say, *"Clearly, it is imperative that such grants are provided on merit and that the work is undertaken ethically, honestly, openly and the grant administered efficiently and in a timely manner. If any of these criteria are not met the VAC would be unlikely to recommend further funding."* This suggests there may well have been an impact on funding for the AHT if it had been discovered the project may not have been undertaken according to Home Office guidelines.
123. The Committee did, therefore, see a motive for Dr Dyson to have behaved in the ways she did.
124. In all the circumstances and based on clear, cogent and compelling evidence, as detailed above, the Committee was satisfied so that it was sure, that Dr Dyson's conduct, as found proved in Particulars 1(A)(i)(a) & (b), 1(A)(ii), 1(A)(iv), 1(A)(v) and 1(A)(vi), was dishonest and that, insofar as it relates to the aforementioned Particulars, Particular 1(B)(ii) was, therefore, found proved. The Committee did not reach this decision lightly and was aware of the significant ramifications for Dr Dyson. However, it was duty bound to decide the case based on the evidence and not to be swayed by any concerns about the consequences of such a finding.
125. In relation to Particular 1(A)(iii), having found this Particular not proved, the allegation that it was dishonest falls away.

Particular 1(B)(iii)

Your conduct in relation to 1(A)(i) to (vi) above, whether individually or in any combination:

(iii) risked undermining a government system designed to promote animal welfare and research ethics.

126. In relation to Particular 1(A)(i)(a), 1(A)(iv), 1(A)(v) and 1(A)(vi), the Committee found this Particular proved on the basis of the Respondent's admissions, as supported by the evidence relied on by the College.
127. In relation to Particular 1(A)(i)(b), Dr Dyson said the statement to the editor of the Journal that she had obtained informal advice from a "*current inspector*" to the effect that there had been no requirement for Home Office approval of the project was not misleading or dishonest because it was true. The Committee had already rejected those assertions and found that Dr Dyson was both misleading and dishonest in saying this. Thus, Dr Dyson's statement perpetuated the myth that she had received advice from a current Home Office Inspector. Such dishonest behaviour risked undermining the government's system designed to promote animal welfare and research ethics. The Committee therefore found Particular 1(B)(iii) proved in relation to Particular 1(A)(i)(b).
128. In relation to Particular 1(A)(ii), having found this Particular proved the Committee also found that it was both misleading and dishonest because it too perpetuated the deceit that Dr Dyson had a letter from her "*friendly inspector*". Such dishonest behaviour risked undermining the government's system designed to promote animal welfare and research ethics. The Committee therefore found Particular 1(B)(iii) proved in relation to Particular 1(A)(ii).
129. In relation to Particular 1(A)(iii) having found this Particular not proved, the allegation that it risked undermining the government's system designed to promote animal welfare and research ethics falls away.

**Disciplinary Committee
7 July 2021**

The Committee's Determination on Disgraceful Conduct in a Professional Respect

130. The Committee considered with care the submissions made by the parties, together with all the evidence in the case pertinent to the facts it had found proved. It was cognisant of the fact that the question of disgraceful conduct in a professional respect was very much a matter for its own judgment and that there was no burden or standard of proof that applied. However it did take into account Mr Edis QC's comments that, in circumstances where the Committee had made a number of finding of dishonesty, he could not argue against the assertion that her conduct amounted to disgraceful conduct in a professional respect. The Committee accepted the advice of the Legal Assessor and took into account the Code of Professional Conduct for Veterinary Surgeons, together with its Supporting Guidance.

131. The Committee found Dr Dyson had breached the following parts of the Code:

2.1 Veterinary surgeons must be open and honest with clients.

6.5 Veterinary surgeons 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.

132. Dr Dyson embarked on a course of dishonest conduct which started with a lie to the editor of the Journal on 30 November 2018 about the presence of a former Home Office Inspector on the AHT Ethical Committee and culminated in the sending of an entirely bogus letter to the Journal, in which she impersonated a Home Office Inspector. This behaviour risked undermining the Government's system designed to promote animal welfare and research ethics. The Committee was satisfied that this fell far below the standard expected of a veterinary surgeon, would be considered deplorable by other members of the profession and the public and clearly amounted to disgraceful conduct.

133. Accordingly, the Committee found the allegation that Dr Dyson was guilty of disgraceful conduct in a professional respect was proved.

Disciplinary Committee
7 July 2021

The Committee's determination on Sanction

134. In reaching its decision on sanction, the Committee took into account the submissions made by Mr Edis QC, together with all matters of personal mitigation. The Committee took into account Dr Dyson's previous impeccable character, her distinguished career and the extensive character references provided on her behalf. The Committee also took into account the oral evidence from six character witnesses: three during the fact finding stage, as detailed above; and three during the sanction stage, namely Dr Barry Johnson, Mr Richard Davison and Mr Roly Owers. In addition, the Committee took into account all the evidence in the case and the facts it had found proved. The Committee referred to the Disciplinary Committee Sanctions Guidance issued by the College and had in mind the fact that the purpose of any sanction was not to punish Dr Dyson, but to protect and promote the health and welfare of animals, maintain public confidence in the profession and maintain proper standards of conduct, and that any sanction must be proportionate. The Committee accepted the advice of the Legal Assessor.

135. Based on its findings of fact, the Committee, whilst sceptical about her claims to have suffered from amnesia, could not rule out the possibility that Dr Dyson had suffered, and continues to suffer, from amnesia. The Committee therefore gave Dr Dyson the benefit of the doubt on this issue and, when considering the appropriate sanction, proceeded on the basis that Dr Dyson had not sought to deceive this Committee about having amnesia. However, based on its findings of fact the Committee had concluded that any such amnesia did not occur before on or around 24 February 2019, for the reasons given in paragraphs 113 to 119 of this determination.

136. The Committee considered the following to be aggravating factors in this case:

- premeditated misconduct
- dishonesty sustained and repeated over a period of time albeit linked to the same issue
- impersonating a Government Home Office Inspector
- breach of trust
- being in an increased position of trust and responsibility given her enhanced status within the profession, as attested by many of her referees and her status as a Fellow of the College
- abuse of professional position
- blatant and wilful disregard for the systems that regulate the veterinary profession and animal experimentation and are designed to protect and promote the welfare of animals
- inadequate insight into the disgraceful conduct
- lack of genuine remorse

- asking the Head of Operations at the Home Office, a veterinary surgeon, that the matter be “overlooked”
- only admitting to having created the fraudulent letter when discovered, despite having had time to reflect upon her actions, including whilst taking a holiday shortly after these incidents and being away from any stresses of her work

137. The Committee considered the following mitigating factors relevant to this stage to be:

- no actual harm or any risk of harm to an animal or human
- previous good character
- a long, distinguished and unblemished career
- a number of significant work and personal pressures which may have impacted upon her behaviour at the relevant time
- some early admissions
- a significant number of positive references and testimonials
- a lifelong commitment to equine welfare and the veterinary profession

138. The Committee noted that the testimonials provided were universally positive and demonstrated that Dr Dyson had acted completely out of character. The Committee noted that this case was concerned with Dr Dyson's integrity in relation to research rather than any clinical concerns. At no stage had there been any criticism of Dr Dyson's clinical competence and, from the many testimonials, it was clear her outstanding clinical skills were held in extremely high regard.

139. The Committee did, however, have in mind the comments of the Master of the Rolls in the case of *Bolton v Law Society* [1994] 1 WLR 512, who stated as follows:

“Considerations which would normally weigh in mitigation of punishment have less effect on the exercise of this kind of jurisdiction than on the ordinary run of sentences imposed in criminal cases...it often happens that a solicitor appearing before the Tribunal can adduce a wealth of glowing tributes from his professional brethren. He can often show that for him and his family the consequences of striking off and suspension would be little short of tragic. All these matters are relevant and should be considered, but the reputation of the profession is more important than the fortunes of any individual member. Membership of the profession brings many benefits, but that is part of the price.”

140. Thus, whilst the many positive testimonials were relevant, as was the potential impact upon Dr Dyson of a sanction at the top end of the scale, they had to be viewed in light of the comments made by the Judge in the case of *Bolton (ibid)*.
141. The Committee first considered taking no further action. However, the Committee considered public confidence in the profession, and the College as its regulator, would be undermined if no further action were taken in such a serious case.
142. The Committee did not consider this was an appropriate case for judgement to be postponed because there was no requirement to monitor Dr Dyson's professional conduct over a period of time.
143. The Committee next considered whether to reprimand and/or warn Dr Dyson about her behaviour. The Guidance issued by the College indicates that a reprimand may be appropriate where:
- (a) The misconduct is at the lower end of the spectrum of seriousness; and
 - (b) There is no future risk to animals or the public; and
 - (c) There is evidence of insight.
144. It was quite clear that the misconduct in this case was at the highest end of the spectrum of seriousness. Mr Edis QC, in his submissions on sanction, conceded that dishonesty was at the highest end of the spectrum of seriousness, although he submitted that the dishonesty in this case was at the lowest level of dishonesty. The Committee emphatically rejected that submission for the reasons given below.
145. In addition, the Committee considered that, as well as the dishonest behaviour, acting in a way that risked undermining a government system designed to promote animal welfare and research ethics was also at the highest end of the spectrum of seriousness. For these reasons alone it would be inappropriate and disproportionate to either reprimand or warn Dr Dyson.
146. Furthermore, Dr Dyson has failed, in the Committee's view, to demonstrate adequate insight into her disgraceful conduct. It was clear from her correspondence with individuals in the months following the discovery of her fraudulent letter that she recognised the seriousness of what she had done in relation to creating the letter and the impact it was having on her. However, she appeared to have limited genuine insight into the wider impact her actions were likely to have on public confidence in veterinary surgeons and the profession as a whole. In addition, the

Committee took into account Dr Dyson's failure to demonstrate genuine remorse for her disgraceful conduct.

147. The Committee next considered whether to order that the Registrar suspend Dr Dyson's registration. The Guidance states that suspension may be appropriate where some or all of the following apply:

- a) The misconduct is serious, but a lesser sanction is inappropriate and the conduct in question falls short of being fundamentally incompatible with remaining on the register;
- b) The respondent veterinary surgeon has insight into the seriousness of the misconduct and there is no significant risk of repeat behaviour;
- c) The respondent veterinary surgeon is fit to return to practice (after the period of suspension).

148. There was no doubting the fact that the misconduct in this case was serious and that no lesser sanction would be appropriate. Having been through this disciplinary process, which has been drawn out over two years, the Committee did not believe Dr Dyson would be likely to repeat such disgraceful behaviour. However, the Committee was most concerned by what appeared to be an underlying deep-seated attitudinal problem as demonstrated by Dr Dyson's inadequate insight and lack of genuine remorse. In light of these concerns, together with the seriousness of the misconduct, the Committee concluded that Dr Dyson's conduct could be considered to be fundamentally incompatible with remaining on the register and that suspension may not, therefore, be a sufficient sanction in the public interest.

149. The Committee therefore considered whether removal might be the appropriate sanction in this case.

150. The Committee determined that it was important that a clear message be sent that this sort of behaviour is wholly inappropriate and not to be tolerated. It brings discredit upon Dr Dyson and discredit upon the profession. For whatever reason, Dr Dyson chose not to respond to Ms Overall's email on 30 November 2018 in an honest and straightforward way. Instead she lied about the makeup of the AHT Ethical Committee in order to cloak her response with authority. She also lied about having received advice from a current Inspector for the same reason. In the Committee's view, she made a conscious decision to provide a dishonest response. She no doubt believed that would be the end of the matter. When that did not work, she lied further in the email to Andrew Hemmings, claiming to have a letter from her friendly Inspector. When that too did not work she impersonated a Home Office Inspector in creating the Butler letter. She then added a false declaration to the manuscript, which she subsequently submitted to the Journal

along with an email containing yet further lies. That was all done in a blatant and wilful attempt to deceive Ms Overall, the Editor of the Journal, into believing the contents of the correspondence to be true, that confirmation a Home Office Licence was not required had been obtained and all was therefore well with the submitted manuscript. On the evidence she did not need to do any of this. There was no rush, or urgency to have the paper published and the actions were not done in a moment of panic. No doubt she had not planned the entire course of events in advance, but instead reacted to each new obstacle that came her way, but her over-all course of dishonest conduct spanned over three weeks. In such circumstances the Committee did not accept Mr Edis QC's submission that this deliberate course of dishonest conduct, whatever the mitigation, was at the lowest end of the spectrum of dishonesty.

151. The Committee was cognisant of the importance of a veterinary surgeon's signature on any document. This should have been obvious to someone of Dr Dyson's experience. In addition, it was clear from the evidence and all the testimonials, that Dr Dyson has significant standing within the profession, and the research and equine communities. Her conduct, therefore, had added influence and hence the importance of her leading by example in acting with integrity and honesty.

152. The Committee was well aware of the impact and ramifications for Dr Dyson of any decision to remove her from the register, but had to weigh her interests with those of the public. In doing so it took account of the context and circumstances of the case, all matters of personal mitigation, as detailed above, Dr Dyson's undoubted distinguished international career and reputation and the need to act proportionally. However, for all the reasons given above, the Committee was of the view that the need to uphold proper standards of conduct within the veterinary profession, together with the public interest in maintaining confidence in the profession of veterinary surgeons, meant that a period of suspension would not be sufficient and that the only appropriate and proportionate sanction in all the circumstances of this case was that of removal from the Register.

153. The Order of this Committee is, therefore, to direct the Registrar to remove Dr Dyson's name from the Register.

DISCIPLINARY COMMITTEE
9 July 2021