The dilemma in the November/December issue concerned a vet who transported a dog between clinics in the boot of an estate car (In Practice, November/December 2010, volume 32, pages 514-515). The animal was secured with a lead, but on arrival it was found dead, trapped with the lead around its neck. The noises the dog had been making seemed to be agitation, and when they stopped the vet assumed the dog had gone to sleep. Pippa Swan commented that it could be assumed that the cause of death was strangulation and that the dog had suffered. It might have been a tragic misjudgement, but that could not absolve the vet’s responsibility for the animal. A possible way forward would be to consider whether a vet who had behaved in this way should be judged more harshly than a member of the public. While vets should know the consequences of tying up a dog without proper supervision, they were also human and could make mistakes. Were the incident to be reported, the consequences for the vet might not stop at going to court; the RCVS Disciplinary Committee might decide that the vet was guilty of serious professional misconduct. If there was no evidence that the behaviour had any implications for future conduct, a decision for no further action, or a warning or reprimand might be sufficient.

The proposed case and unravelling of the arguments are an interesting exercise to show the complexity of a case from a judicial point of view. There are two practical observations I would like to make. First, I am sure the vet driving the car should have been able to tell the difference between the dog ‘playing up’ and being ‘in distress’ because of being tangled up. The difference between these two is difficult to make in a theoretical case like this, but I would suspect that in the real world a judicial case will unravel and be determined exactly depending on finding out or understanding why the vet in the front did not notice the difference. Maybe he or she has a hearing problem? Maybe he or she has no affinity to animals? Maybe it can be established that, due to the build of the car, there was absolutely no need to tie the dog up?

Secondly, it will of course depend on the ‘people involved’ whether a case will be brought to justice or not: is this not the nature of our judicial system? Is that not the part where the public plays a role in deciding what may happen to their fellow citizens, away from any judicial argument?

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