

ROYAL COLLEGE OF VETERINARY SURGEONS

V

MR LYNDON ARTHUR BASHA

DECISION OF THE COMMITTEE

The Committee wishes to emphasise at the outset that any finding involving dishonesty would normally be expected to lead to the imposition of the most extreme sanction.

However, the circumstances of this case are unusual. The Committee is mindful of the protracted time scale over which Mr Basha has been subject to the reopening of previously closed investigations, as well as trial by television, where the Committee had the advantage of viewing the entire unedited footage of his consultation.

The Committee wishes to draw attention to their concern that employers of veterinary surgeons owe a duty of care towards more inexperienced veterinary surgeons, and that while there is no longer a requirement that owners of veterinary practices need be veterinary surgeons, the clinical mentoring of inexperienced veterinary staff cannot be forsaken or ignored, nor can it be delegated to lay management personnel or veterinary nurses.

The Committee also wishes to record its disappointment with the actions of the Goddard Veterinary Group, whose management failure to provide adequate supervision, guidance and support for a new, inexperienced overseas graduate placed in a single handed practice, allowed Mr Basha's failings to continue unrecognised and unchecked for some nine years during which time the Goddard Veterinary Group reaped considerable financial benefit from his activities.

The Committee has studied the submission from Mr Basha detailing his plan to address his clinical, medical, surgical and diagnostic shortcomings, and is satisfied that the proposed courses, visits and study provide a solid foundation on which to base the necessary updating of these skills.

The appointment of a visiting Veterinary Consultant to act as a mentor over the next 24 months should in addition provide the necessary reassurance that Mr Basha is committed to raising his standards as well as abiding by the Guide to Professional Conduct. The Committee has heard evidence from Mr Ellis, who has been appointed as the consultant, and is satisfied that he understands his responsibilities arising from this position.

The Committee has therefore decided to postpone judgement for two years on the following conditions which the Committee considers are clear, simple and enforceable. The Committee has considered carefully the draft undertakings submitted by the College and have reached the conclusion that they are unnecessarily complex, and in some instances are

unenforceable. The conditions, which the Committee considers are appropriate, and which require Mr Basha's consent, are that:

Mr Basha agrees to

- continue to work in a practice accredited under the RCVS Practice Standards Scheme.
- comply with the detailed plan provided to the Committee by Mr Basha on 18th October 2006
- produce independent verification of his attendance at the planned CPD courses following the completion of each course to the Chairman of this Committee to be copied to the College
- provide progress reports to the Chairman at quarterly intervals, to be copied to the College. Annexed to the report to be any reports prepared by his mentor as provided for in his detailed plan.

The Committee wishes to make clear that it is for Mr Basha to make appropriate arrangements as to the cost of his compliance with the detailed plan at no expense to the College.

The Committee reserves the right to require an RCVS appointed visitor to make unannounced spot checks on the practice which would include scrutiny of clinical notes and insurance claims, the costs of such visits to be borne by or on behalf of Mr Basha at no expense to the College.

At the end of the two year period of postponement the Committee emphasises that it is for Mr Basha to demonstrate positively to the Committee that he has complied with the terms of the postponement and has satisfactorily addressed his deficiencies.

**DISCIPLINARY COMMITTEE
10 NOVEMBER 2006**