

**ROYAL COLLEGE OF VETERINARY SURGEONS**

**INQUIRY RE:**

**STEPHEN PRICHARD**

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**DECISION OF THE DISCIPLINARY COMMITTEE**

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1. At the start of the hearing the Committee was informed that Mr Prichard was not in attendance. Miss Curtis (on behalf of the RCVS) told the Committee that the Notice of Hearing had been sent by email and first class post to Mr Prichard on 8 August 2022 notifying him that the hearing would take place virtually via zoom commencing on Monday 19 September and scheduled to run until Friday 23 September 2022.
2. Following the death of Queen Elizabeth II, Mr Prichard was informed by email dated 13 September 2022 and his supporter at the Veterinary Defence Society was so informed by email on the 15 September 2022 that the case was now listed to commence on Tuesday 20 September 2022. Those emails included the Zoom link for the hearing. The Committee was satisfied that the rules of service of notice of inquiry had been complied with.
3. Miss Curtis applied to proceed in Mr Prichard's absence. She supplied the Committee with written submissions outlining the efforts the College had made to contact Mr Prichard since February 2022. She told the Committee that he had failed to respond to nearly all the letters and emails sent to him, including the Notice of Inquiry. More recently, the College had endeavoured to contact him by telephone as well, but without success.
4. The Committee heard and accepted the advice of the legal assessor.
5. The Committee determined to proceed in Mr Prichard's absence.

6. The Committee took into account the judgment of Sir Brian Leveson in *GMC v Adeogba and GMC Visvardis* 2016 EWCA Civ 162 wherein he referred to “the potentially devastating consequences of non-engagement for registrants. The fair, economical, expeditious and efficient disposal of allegations made against ..... practitioners is of very real importance. There is a clear burden on registrants to engage with their regulators both in relation to the investigation and the resolution of allegations made against them...Discretion about proceeding in absence must be exercised having regard to all the circumstances of which the panel is aware, with fairness to the registrant being a prime consideration, but fairness to the regulator and the interest of the public also taken into account”.
7. The Committee noted that there was a public interest that the hearing takes place within a reasonable time; Mr Prichard has not been engaging with his regulator; there has been no application to adjourn; there are 11 witnesses warned to give evidence.
8. The Committee will not hold the non-attendance against Mr Prichard nor will it attach any adverse inference from the same

## **Background**

9. Miss Curtis provided the Committee with a written opening, which she went through orally. She asked that the statements from all eleven witnesses be read into the record as their evidence in chief. She summarised the background to the case. Mr Prichard joined Arundell Vet Care (the practice) in April 2016. In 2017 and 2018 staff noticed concerning behaviour and when questioned, Mr Prichard said he was a heavy drinker. On occasions he was seen to be unsteady on his feet and his speech was slurred. Staff put this behaviour down to alcohol although no one smelt alcohol on or around him. In April 2021 a member of staff, AP, went to Mr Prichard's house to help him clear up and found a number of empty Vetergesic bottles, a Prescription Only Medicine and a Controlled Drug of Class C Schedule 3. Staff alleged that Mr Prichard was later seen acting suspiciously around the dangerous drug cabinet, CCTV also showed him acting strangely, he was seen taking a box out of the cabinet and putting a syringe into his pocket.
10. The practice called an investigative meeting on 7 June 2021. Mr Prichard attended this meeting and admitted taking bottles of Vetergesic and injecting himself to stop pain as he could not take paracetamol or ibuprofen. He said he had been taking Vetergesic on and off for twenty years. He said he would take the medicine at least once a week and inject himself while in the toilets. At a disciplinary meeting on 10 June 2021, Mr Prichard referred to his “theft” of the medicine and spoke of his shame at his conduct. He was dismissed from employment.

11. The Committee accepted the witness statements as evidence in chief. It did not wish to ask any additional questions. Miss Curtis called NA, the practice manager, to clarify the date in charge 1(a)ii. NA told the Committee that the month of March as recorded on the investigative meeting was an error and all the other evidence showed that it should have been recorded as 30 April 2021. NA confirmed that, at the investigative meeting, Mr Prichard had admitted to taking the Vetergesic on 30 April 2021.

### **Decision on facts**

12. The Committee heard and accepted the advice of the Legal Assessor which included advice on the burden and standard of proof and reference to the guidance on dishonesty as set out in *Ivey v Genting [2017] UKSC 6*.

13. **Charge 1(a)(i)** On occasions between 1 April 2016 and 29 April 2021, took quantities of Vetergesic (a brand of buprenorphine), a Prescription Only Medicine and a Controlled Drug of Class C Schedule 3, from the Practice's stocks, other than for legitimate veterinary purposes;

14. This charge is found proved as fact.

15. The Committee took into account Mr Prichard's admissions made at the investigative meeting and his admissions at the practice's disciplinary meeting. The notes of the meeting were signed by him. He explained that he took Vetergesic to relieve pain in his back and leg. He said he could not take paracetamol or ibuprofen because his liver had been damaged by his use of alcohol. He said he had been taking it for 20 years. He admitted taking "never more than a bottle a day" and said he was "really ashamed for what I've done". Mr Prichard's admissions are supported by other evidence including the empty Vetergesic bottles, syringes and needles found in his house and the fact the quantities of Vetergesic in the drug cabinet could not be reconciled with legitimate veterinary use. However, SMA, the Clinical Director of the practice, stated that following the incident on 30 April 2021, he checked the drug stock record. He said that the recording of the stock of Vetergesic "was never accurate and it would not be possible to know whether someone had been taking something". KBL, Head Nurse at the practice, stated that the controlled drug book frequently "did not tally up".

16. **Charge 1 (a) (ii)** On 30 April 2021, took Vetergesic from the Practice by drawing it into a syringe for the purposes of self-administration;

17. This charge is found proved as fact.

18. NA in her oral evidence clarified that 30 April 2021 was the correct date. The Committee took into account the very clear admissions made by Mr Prichard in the notes that he had signed that he took the Vetergesic to alleviate pain because he could not use paracetamol or ibuprofen. He admitted that he went to the toilet and injected himself.
19. **Charge 1(a)(iii)** Your conduct in relation to 1(a)(i) and/or 1(a)(ii) above was dishonest;
20. This charge is found proved as fact both in relation to charge 1(a)(i) and charge 1(a)(ii)
21. Mr Prichard admitted through the practice's disciplinary process to taking the Vetergesic other than for legitimate veterinary purposes without the knowledge of the practice on the occasions set out in charge 1(a)(i) and charge 1(a)(ii). He acknowledged his behaviour as "theft" during the practice's disciplinary process and spoke of his shame at his conduct. The Committee determined that when he took the Vetergesic he was acting dishonestly.
22. **Charge 1 (b)** On occasions between 4 December 2019 and 1 May 2021, attended the Practice in order to work as a Veterinary Surgeon whilst unfit to do so, more particularly, on or around:
- i. 5 December 2019:
23. This charge is found proved as fact.
24. AW, head receptionist at the Practice, was at work that day when she saw Mr Prichard leaning against a wall, he could not stand up properly, he was shaking and his eyes were bloodshot. He asked if there was a bug going round as he did not know what was wrong with him. AW took him home because in her opinion he was unfit for work.
25. At 7.09am that day Mr Prichard had left a voicemail on NA's phone saying that he felt unwell and would not be coming into work that day. Notwithstanding this message he still came in to work. He later claimed that he began to feel unwell whilst at work which contradicts his voicemail message that he felt unwell before going to work.
26. The Committee determined that Mr Prichard was unfit to work as a veterinary surgeon that day.
- ii. 29 December 2020:
27. This charge is found proved as fact.

28. NA viewed CCTV footage of that day and saw Mr Prichard stumbling around and using the walls to support himself. Other witnesses who saw Mr Prichard confirmed this and stated that he was slurring his words. NA spoke to Mr Prichard who admitted that he did not feel well. He said that he wanted to go home to sleep. NA sent him home.

29. The Committee determined that Mr Prichard was unfit to work as a veterinary surgeon that day.

iii. 1 March 2021:

30. This charge is found proved as fact.

31. KB, Veterinary Nurse at the practice, noticed Mr Prichard to be unsteady on his feet and slurring his words. His hands were shaking, and he struggled to walk. When he attempted to give a dog an injection he stumbled and fell and had to be supported by the dog's owner. The dog's owner thought that Mr Prichard might be having a stroke and suggested calling an ambulance, which Mr Prichard refused. Other members of staff also noted him to appear to be unwell. He was noted to be breathing heavily, sweating profusely and his hands were shaking.

32. The Committee determined that Mr Prichard was unfit to work as a veterinary surgeon that day.

iv. 26 April 2021:

33. This charge is found proved as fact.

34. KL, Head Nurse, at the practice, noticed Mr Prichard to be quiet, wobbly and weak. She did not believe him to be fit for work. CLC, Deputy Practice Manager at the practice, stated that Mr Prichard was dishevelled, and although not staggering, was struggling to stand up for any length of time and kept having to hold onto things.

35. The Committee determined that Mr Prichard was unfit to work as a veterinary surgeon that day.

v. 29 April 2021:

36. This charge is found proved as fact.

37. At around midday Mr Prichard was seen by KL to be wobbling on his feet. An hour or so later he was seen in his consulting room and appeared to be asleep whilst standing up. He was swaying from left to right and rolling around. He was rubbing his eyes and looked tired. KL asked him if he was okay, and “he said that he was really struggling to sleep but he would be okay”.

38. The Committee determined that Mr Prichard was unfit to work as a veterinary surgeon that day.

vi This charge was withdrawn.

**Charge 2** Between around 24 February 2022 and 8 June 2022, failed to respond adequately or at all to reasonable requests from the Royal College of Veterinary Surgeons for your response to concerns raised about your conduct.

39. This charge is found proved as fact.

40. On 21 February 2022 Mr Prichard was asked by letter from the College to acknowledge receipt of the statements in this case relating to the concerns by 24 February 2022. He failed to respond. Further follow up letters were sent by recorded delivery on 28 February 2022 and 3 March 2022. No response was received. On 11 March 2022 Mr Prichard left a voicemail saying he would respond by 14 March 2022. No response was received by 14 March 2022.

41. On 18 March 2022, RAG, Solicitor from the College telephoned Mr Prichard and spoke to him. RAG, explained the College’s Health Protocol and agreed that the time for the written response would be extended by 3 weeks.

42. On 20 April 2022 Mr Prichard was asked to respond to the concerns by 4 May 2022. No response was received. The College left a follow up message on Mr Prichard’s voicemail and in an email. No response was received.

43. On 23 May 2022 the College wrote to Mr Prichard reminding him of his professional obligation to respond to reasonable requests. On 30 May 2022 the letter of 23 May 2022 was put into Mr Prichard’s letterbox by MDH, a member of the Professional Conduct Department. No response was received.

44. The Committee determined that Mr Prichard has failed to respond adequately or at all to the College's reasonable requests for comments upon the concerns raised about his conduct for the period stated in the charge.

### **Decision on disgraceful conduct**

45. The Committee has proceeded on the basis that conduct is disgraceful in a professional respect when it falls far short of that which is to be expected of a member of the veterinary profession.
46. The Committee heard submissions from Miss Curtis and accepted the advice of the Legal Assessor.
47. The Committee considered whether each charge either individually or in combination could amount to disgraceful conduct in a professional respect. It is a matter of judgment for the Committee and not a matter to be decided on a burden or standard of proof.
48. Miss Curtis invited the Committee to consider that there were serious breaches of the Code relating to honesty and integrity as well as serious concerns around Mr Prichard's use of controlled drugs. In summary, she said his conduct represents breaches of the fundamental tenets of the profession.

### **Decision**

49. Charge 1(a) i

It was clear from the evidence and the Committee's decision on facts that over the period covered by the charge Mr Prichard took quantities of Vetergesic from the practice. Taking a controlled drug other than for legitimate veterinary purposes can only amount to behaviour far below the standards expected of a professional veterinary surgeon so as to amount to disgraceful conduct. Any member of the public and the profession would be appalled at such behaviour.

50. Charge 1 (a) ii

Taking a controlled drug such as Vetergesic and drawing it into a syringe for the purposes of self-administration is serious and clearly behaviour that falls so far short of the standards expected of a veterinary surgeon that it amounts to disgraceful conduct in a professional respect; again any member of the public and the profession would be appalled at such behaviour.

51. Charge 1 (a) iii

Mr Prichard's conduct involved dishonesty over a number of years. This can only be described as disgraceful conduct involving a breach of trust not only between him and his employer but also the public who properly expect the highest standards from those in the profession.

52. Charge (1)(b)

From his admissions made during the practice's disciplinary proceedings, Mr Prichard was regularly injecting himself with Vetergesic. In addition, he had repeatedly told colleagues at the practice that he was a heavy drinker. There is however no evidence to show whether on any of the occasions that he presented as unfit to work this resulted from drink or drugs. It is however clear that between 4 December 2019 and 1 May 2021 Mr Prichard was at times unwell and unfit to work but he appears to have taken very limited steps to manage his health and wellbeing. The evidence shows that on more than one occasion in early 2021, the practice had encouraged Mr Prichard to seek support from occupational health and/or Healthshields, though there was nothing to show whether he had done so. Notwithstanding this, on another occasion when colleagues had expressed concerns about his condition when at work, the practice manager appeared to have given him the choice between staying at work or going home, saying that in the latter event, his behaviour would "be escalated to HR".

53. Ultimately however, the Committee considered that it was a matter for Mr Prichard to take responsibility for his own fitness to practise. By attending at work while unfit, Mr Prichard acted recklessly and presented a significant risk of harm to the animals in his care. In these circumstances therefore, the Committee concludes that his conduct fell so far short of the standard expected of a Veterinary Surgeon so as to amount to disgraceful conduct.

54. Charge 2

Over the period 24 February 2022 and 8 June 2022, Mr Prichard failed to respond to numerous reasonable requests to address the concerns raised. He all but ignored all of them. He was afforded ample opportunities which he rejected. By this conduct Mr Prichard has limited the avenues of action available to the College, notably referral to the Health Protocol. Mr Prichard has a clear professional obligation to comply with the College's reasonable requests and failure to respond is also a breach of the College's Code of Professional Conduct for Veterinary Surgeons (the Code). His failure to



respond to these requests falls so far short of what is to expected of a veterinary surgeon so as to amount to disgraceful conduct.

## 55. Aggravating and Mitigating Factors

In reaching its decision on the question of disgraceful conduct in a professional respect, the Committee considered that the following aggravating and mitigating factors taken from paragraphs 39 and 42 of the Disciplinary Committee Sanctions Guidance for Veterinary Surgeon Cases ( 2020) were relevant to Mr Prichard's conduct.

### Aggravating

- b. Risk of injury
- d. Recklessness
- e. Premeditated misconduct
- m. Abuse of professional position
- o. Misconduct sustained or repeated over a period of time.

### Mitigating

Some admissions to the practice at an early stage of the internal practice disciplinary investigation.

## 56. Breaches of the Code

In reaching its decision on the question of disgraceful conduct in a professional respect, the Committee considered that Mr Prichard's conduct transgressed the following provisions of the Code:

*“Veterinary surgeons seek to ensure the health and welfare of animals committed to their care and to fulfil their professional responsibilities, by maintaining:*

*.... Honesty and integrity ... professional accountability...*

*1.1 Veterinary surgeons must make animal health and welfare their first consideration when attending to animals.*

*1.5 Veterinary surgeons who prescribe, supply and administer medicines must do so responsibly.*

*3.1 Veterinary surgeons must take reasonable steps to address adverse physical or mental health or performance that could impair fitness to practise; or that results in harm, or a risk of harm, to animal health or welfare, public health or the public interest.*

*5.4 Veterinary surgeons, and those applying to be registered as veterinary surgeons, must comply with reasonable requests from the RCVS as part of the regulation of the profession....*

*6.4 Veterinary surgeons must comply with legislation relevant to the provision of veterinary services...*

*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.”*

The Committee concluded that Mr Prichard's conduct fell so far short of the standards expected of a veterinary surgeon that he is guilty of disgraceful conduct in a professional respect.

## **Decision on Sanction**

57. The Committee considered whether or not, on the basis of its findings on Mr Prichard's Disgraceful Conduct in a Professional Respect, it is necessary to impose a sanction.

58. The Legal Assessor has advised the Committee that it should have in mind that the primary purpose of a sanction is not to punish but rather to protect the welfare of animals, maintain public confidence in the profession and declare and uphold proper standards of conduct. Addressing dishonesty, the Legal Assessor referred the Committee to the cases of *Atkinson v GMC [2009] EWHC 3636 (Admin)* and *Parkinson v NMC [2010] EWHC 1898 (Admin)*.

59. The Committee took into account the aggravating and mitigating factors as set out in its determination on Disgraceful Conduct, which it does not repeat here. The Committee was informed by Miss Curtis that there have been no previous findings against Mr Prichard.

60. The Committee found little evidence of insight save Mr Prichard's acknowledgment at the Practice's investigatory stage that he was guilty of "theft" and he felt "ashamed". Mr Prichard has not engaged with the College and there is no evidence before the Committee that he has addressed the alcohol and drug misuse concerns or any other aspects of his health and wellbeing which may have contributed to the conduct giving rise to the charges. There is therefore a real risk of repetition of the kind of behaviour that finds him before the Committee today.
61. The Committee considered what further action needed to be taken. Having regard to the seriousness of the findings in this case, the Committee considered that it would be inappropriate to take no further action.
62. The Committee was unable to consider postponement of its judgment on the basis of undertakings as Mr Prichard did not attend the hearing and had offered no undertakings. The Committee then considered the available sanctions in increasing order of severity.
63. The Committee next considered Reprimand and/or Warning but decided that the findings of dishonesty, sustained and repeated over a period of time, required a more severe sanction in order to protect the welfare of animals and serve the public interest.
64. The Committee next considered whether suspension would be sufficient to achieve that objective. The Committee had regard to the Disciplinary Committee Guidance which stated that suspension may be appropriate where the misconduct is sufficiently serious to warrant more than a reprimand but not sufficiently serious to justify removal from the Register. However, the Committee noted that, there was no evidence of Mr Prichard having addressed any of the concerns as to the conduct giving rise to the charges and, if a period of suspension were to be imposed, at the end of the suspension Mr Prichard would be entitled to resume practice without any preconditions.
65. This is a case involving serious dishonesty, sustained over a period of time, and conduct potentially detrimental to animal welfare, as well as wilful disregard of professional regulations. Regrettably, Mr Prichard's failure to engage with the College and with the regulatory process limited the options open to the Committee. Notwithstanding this, Mr Prichard's disgraceful conduct is so serious that removal from the Register is the only means of protecting animals and the wider public interest which

includes the maintenance of public confidence in the profession and the upholding of standards.

66. Accordingly, the Committee directs the Registrar to remove Mr Prichard's name from the Register.

**DISCIPLINARY COMMITTEE**  
**22 September 2022**