

ROYAL COLLEGE OF VETERINARY SURGEONS

INQUIRY RE:

PAVELS ANTONOV MRCVS

DECISION ON SANCTION

Submissions from the College

1. Ms Manning-Rees reminded the Committee that the decision as to whether to impose a sanction and, if so, which sanction is a matter for the judgment of the Committee. There is no burden or standard of proof. The College makes no representation as to sanction, it simply reminds the Committee of the matters which it should take into account as set out in the Sanctions Guidance published by the College in August 2020 (“the Guidance”).
2. Referring to the Guidance, Ms Manning-Rees observed that the purpose of sanctions was not to punish but to protect the public, although a sanction may well have a punitive effect. The Committee should observe the principle of proportionality. With that in mind, the Committee should approach the various sanctions available to it in ascending order of severity. If the Committee was minded to depart from the Guidance, as it was entitled to do, it should give clear and cogent reasons for so doing. She explained that at this stage of the hearing, the Committee was entitled to take into account matters of personal mitigation as well as other matters of mitigation.
3. She submitted that the aggravating features in the case are as follows:
 - Risk of harm to animals – Mr Antonovs attended his workplace on 3 occasions under the influence of alcohol. Had he not been stopped there is no evidence to suggest he would

not have worked and operated on animals. Indeed, in one case, he did undertake an examination of an animal;

- Recklessness – as to the potential risk to animals in attending work under the influence of alcohol;
- Conduct exacerbated by alcohol;
- Blatant or wilful disregard of the role of the RCVS and the systems that regulate the veterinary profession, in particular a breach of the relevant Code of Conduct as outlined above;
- Conduct sustained/repeated over a period of time in relation to both that the Respondent drank at work on a number of occasions and that he failed to adequately respond to his regulator over a period of more than a year.

4. She acknowledged that there were mitigating features in the case as follows:

- No actual harm to animals;
- Ill health – potential;
- Lapse of time since the incident without repetition (no further reports to College);
- College witnesses made positive observations about the Respondent in their witness statements;
- The Respondent made full admissions to the factual charges;
- There was no previous adverse history against the Respondent.

5. The Respondent elected to give evidence at the sanction stage, a summary of which is as follows:

- He relied upon his evidence which he gave at the second stage of the hearing concerning disgraceful conduct;
- There had been no complaints about his conduct either before or after the matters the subject of this inquiry;
- There were no complaints of unprofessional conduct from staff or colleagues;
- He had not compromised animal welfare.
- He had sought to fight his alcohol misuse after the incident at Beverley on 2 September 2020 by trying to quit alcohol and by [REDACTED] in November 2020 in order to address his behaviour;
- His life is better now. He did not know what he could do other than look after animals. He wished to remain a vet. His financial circumstances are directly dependent upon his ability to work as a vet. If he lost his job, he would lose his income. [REDACTED], to some extent, rely upon contributions from him to support them financially with regard to [REDACTED];
- He asked the Committee to consider postponing judgement, so that it could be confident that he will not go to work under the influence of alcohol, and that there will be no problems for his clients and their animals;

- He would be prepared to accept any conditions which the Committee might impose including alcohol testing and obtaining reports from managers where he works as a locum.

In answer to a question from the Committee, the Respondent stated:

- The last time he drank alcohol was in November 2022.

Decision

6. Following receiving legal advice from the Legal Assessor, which reflected the legal matters which Ms Manning-Rees had addressed, the Committee retired to consider what if any sanction it should impose.
7. It considered that the following were aggravating features in the case:
 - On account of the Respondent's behaviour, there was a risk of injury to animals;
 - There was an element of recklessness in the Respondent's behaviour;
 - He will have breached client trust in that clients will not have expected the veterinary surgeon treating their animals to be at work under the influence of alcohol;
 - The Respondent's behaviour was occasioned by alcohol misuse;
 - His conduct was repeated;
 - He blatantly disregarded the role of the RCVS and the systems that regulate the veterinary profession.
8. The Committee accepted that there were mitigating features in the case as follows:
 - He profusely apologised for his actions to the profession and to the Committee.
 - He did make significant admissions to the charges. Although he did not respond to many of the matters which were raised by the College, he admitted the matters the subject of the second charge on 15 February 2021 and the matters the subject of the first charge, which were put to him on 2 August 2021, on 17 November 2022;
 - He was depressed after the incident on 2 September 2020, although he sought to address this in part by alcohol consumption which led to the second incident in December 2020.
 - He endured significant loneliness. The Committee accept that this will have had an effect on his ability to cope with [REDACTED] and deal with the shame of the first incident in September 2020. It contributed to his behaviour both in respect of Charge 2 – attending work under the influence of alcohol in December 2020, and his failure to adequately respond to the College's communications as set out in Charge 3.

- The incidents of misconduct in September and December 2020 occurred during the isolation to which he was subjected on account of the Covid-19 pandemic. This caused or compounded his loneliness, and meant that he was unable to visit his family or friends.
- He has made efforts to avoid a repetition of his behaviour. He [REDACTED] after the first incident. He has adopted strategies to avoid relapse subsequent to the second incident including relying upon his friendship group, playing computer games, watching movies, addressing his CPD obligations, playing chess, reading books, playing the guitar. He stopped drinking alcohol in November 2022. He is able to say that such strategies have kept him from relapsing into any form of misconduct after December 2020, save for his failure to respond adequately to the College's correspondence. The Committee did accept that he had learnt from his mistakes as he explained in stage 2.
- There has been a significant lapse of time since the incidents which were at the end of 2020.
- He has demonstrated considerable insight into his behaviour and the effect his behaviour will have had on the profession. This has been demonstrated by his efforts to correct his behaviour by the adoption of strategies and his recognition that his career as a veterinary surgeon is of the utmost importance to him as a person. The Committee felt able to accept this by the absence of further complaint about his behaviour since December 2020, notwithstanding that the behaviour in September and December 2020 was occasioned by alcohol consumption.
- Written evidence from College witnesses attested positively to his performance as a locum veterinary surgeon and to the contribution which he made to their practices. It was acknowledged that clients liked him and sometimes asked for him. His employer at Peel stated:

“Generally, we all thought that Paul was a really nice person. To my mind, I felt that he was one of the very best locums we had had up to that point. Clients would ask to see him specifically and I was really pleased that he seemed to be going down so well with them and also with all his new colleagues.”

9. Taking these matters into account and bearing in mind that it should keep in the forefront of its mind the need to protect the public and the principle of proportionality, the Committee considered which, if any, of the sanctions available to it, it should impose on the Respondent's registration.
10. It determined that it would not be appropriate to take no action. The charges which have been found proved on the Respondent's admission are too serious.
11. The Committee considered carefully whether it should postpone judgement upon undertakings offered by the Respondent concerning his conduct and relating to his

consumption of alcohol. This disposal was suggested by the Respondent; it was superficially attractive. However, the Committee determined to reject it as an appropriate disposal since the last time the Respondent was reported to have attended work under the influence of alcohol was some two and a half years ago. Thereafter, he has continued to work in locum positions with no complaint. The Committee has no medical evidence to confirm whether he had a significant problem with alcohol at the time of the matters in question, or thereafter. There has been no programme or plan of action presented to the Committee in relation to controlling alcohol consumption. Indeed, the Committee has been told by the Respondent, consistently, that he has not consumed alcohol now since November 2022. Moreover the function of the Committee is to protect the public and the care of animals, not to address a possible condition in respect of which it has no primary evidence.

12. Before considering whether it should impose a reprimand and/or a warning, the Committee did consider whether it should suspend the Respondent from practice for a period of up to 2 years. It considered that that would serve no purpose. He has been in practice for virtually the whole of the period since December 2020. There have been no complaints. Moreover the mitigating factors set out above mean, in the view of the Committee, that such a sanction would be disproportionate.
13. The Committee therefore considered whether the sanction of a Reprimand and/or Warning as to future conduct was an appropriate sanction. The Committee considered paragraphs 66 and 67 of the Guidance in this regard which read as follows:

66. Where the Disciplinary Committee is minded to issue a reprimand or warning as to future conduct, it will consider whether a reprimand or warning provides adequate protection to animals and the wider public interest, bearing in mind that a reprimand or warning has no direct effect on the right to practise.

67. A reprimand might be appropriate if the disgraceful conduct in a professional respect, or conviction that renders the respondent veterinary surgeon unfit to practise, is at the lower end of the spectrum of gravity for such cases and, for example, there is no risk to animals or the wider public interest that requires registration to be restricted. A reprimand or warning 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,*

14. The Committee considers that all these conditions apply in this case.

15. The Committee also took into account the salutary effect of these proceedings on the Respondent. The Committee concluded that both a Reprimand as to his conduct and a Warning as to any future conduct is sufficient and proportionate in this case to meet the need to maintain public confidence in the profession and uphold proper standards.
16. The Committee therefore decided, in the particular circumstances of this case, to impose a Reprimand and Warning on the basis that it would be proportionate in order to maintain public confidence in the profession and declare and uphold proper standards of conduct and behaviour. That Reprimand and Warning is as follows:

The Committee reprimands Mr Antonovs for his Disgraceful Conduct, which does not meet with the standards required of a veterinary surgeon. It risks bringing the profession into disrepute and it must not be repeated. The required standards are set out in the Code of Practice for Veterinary Surgeons issued by the College. Whilst these failings are in themselves not so serious as to require any greater restriction on his registration, the Committee has also determined to issue a formal Warning to Mr Antonovs. The Committee warns that any repeat of this or similar behaviour in the future is likely to be regarded very seriously by the College and by any future Disciplinary Committee.

17. That completes this case.

**DISCIPLINARY COMMITTEE
22 JUNE 2023**