

ROYAL COLLEGE OF VETERINARY SURGEONS

INQUIRY RE:

DR SYLWIA KALISZ MRCVS

DECISION ON SANCTION

1. In line with its usual practice the College made no submissions on sanction, but informed the Committee that there had been no previous adverse findings against the Respondent.
2. The Respondent's counsel submitted that this was a case where it was neither necessary nor proportionate to impose any sanction. The Respondent's counsel had submitted at stage two that the conduct in this case was at the lower end of seriousness. Taking into account the extensive mitigation, the Respondent's counsel submitted that the case should be concluded with no further action.
3. The Legal Assessor reminded the Committee that the purpose of sanction is not to be punitive (although it may have this effect) but to protect the welfare of animals, maintain public confidence in the profession and declare and uphold proper standards of conduct. The sanction must be proportionate to the nature and extent of the conduct and must weigh the public interest against the interests of the Respondent.
4. The Committee took into account all of the mitigation submitted on behalf of the Respondent and the written testimonials produced. The Committee was impressed by the character testimonials from veterinary co-workers, both current and at the time of these events, as well as from clients. It was apparent from those testimonials that SK had been open and honest with them about the charges and was considered to be an excellent, committed veterinary surgeon.
5. The Committee considered the aggravating and mitigating factors set out in the Guidance in its decision on disgraceful conduct. In addition, the Committee considered that the following mitigating factors were also relevant at this stage:
 - Youth and inexperience

- Open and frank admissions at an early stage. The Respondent admitted her failings from as early as July 2020 and continued to do so throughout the investigation and the hearing
 - [REDACTED]
 - Subsequent efforts to avoid a repetition of such behaviour
 - Subsequent efforts to remediate her misconduct
 - Significant lapse of time since the incident
 - Demonstration of insight into the disgraceful conduct committed
 - Personal character references/testimonials
6. The Committee considered that the background circumstances of the case went to mitigation. [REDACTED]
Both the Respondent and another witness described deficiencies in the training and support offered by the practice which was exacerbated by the Covid pandemic.
7. The Committee considered that SK had demonstrated an exemplary level of insight:
- She expressed remorse for her actions from 30 July 2020 and continued to do so, including an apology to the Committee and to the owners at the start of her oral evidence
 - [REDACTED]
 - She had undertaken substantial Continuing Professional Development to address the failings of July 2020
 - She had found appropriate ongoing professional mentorship
 - Her oral and written evidence was reflective of the events and short comings at that time
 - She did not seek to deflect any of the blame or retract from the seriousness of her actions.
8. The Committee found that this was a single isolated incident, which involved serious lapses of clinical judgement. The Committee concluded that despite her actions being reckless, the extensive mitigation and the high level of insight, coupled with steps taken to avoid repetition, meant that there was negligible future risk to animal welfare.
9. The Committee noted that the Respondent has been in practice for three years since these events, there was no evidence that the Respondent had fallen short of the standards expected of her on any other occasion.
10. The Committee first considered whether it would be appropriate to take no further action in this case. The Committee considered that the public interest was engaged and concluded that the findings and reasoning on disgraceful conduct in

a professional respect in this case were too serious for no further action to be taken.

11. The Committee next considered whether to postpone judgement. The Committee concluded that this was not appropriate in all of the circumstances of this case.
12. The Committee went on to consider a Reprimand and/or Warning as to future conduct. It did not consider the misconduct to be at the lower end of the spectrum of seriousness. However, SK posed negligible future risk to animals and the public and there was considerable evidence of remorse, exemplary insight and remediation. The Committee did not consider it necessary to issue a warning to the Respondent about her future conduct, on the basis that the Committee has concluded that there is little risk of repetition. The Committee considered that a Reprimand would be an appropriate sanction in this case.
13. In accordance with the Guidance the Committee went on to consider whether suspension would be proportionate. The seriousness of this misconduct could support the sanction of suspension. However, in view of the level of insight and remediation demonstrated, and the minimal future risk to animals or the public, the Committee concluded that suspension would be disproportionately punitive.
14. In conclusion, the Committee considers that a Reprimand is sufficient to satisfy public confidence in the profession and uphold proper standards of conduct.
15. The Committee therefore directs the Registrar to issue a Reprimand to the Respondent.

DISCIPLINARY COMMITTEE
20 October 2023