

ROYAL COLLEGE OF VETERINARY SURGEONS

INQUIRY RE:

Ms Laura Padron Vega

**DECISION OF THE DISCIPLINARY COMMITTEE ON THE APPLICATION
OF THE APPLICANT FOR RESTORATION TO THE REGISTER**

1. Ms Padron Vega's name was removed from the Register following a Decision on Sanction of the Disciplinary Committee dated 7 December 2018.
2. Ms Padron Vega applied to have her name restored to the Register and a Restoration Hearing was held on 8 and 9 December 2020. The findings of the Committee on that occasion are set out in its Decision dated 9 December 2020. The Decision was reached that the Applicant's Application should be adjourned for a period of 6 months in order to allow her to satisfy the Committee that it was appropriate to restore her name to the Register so that she could resume practice as a veterinary surgeon. In its Decision the Committee set out in detail their concerns and identified for the Applicant the matters that she would need to address when the matter was relisted for a determination of her Restoration Application.
3. In this Decision the Committee does not repeat the findings previously made or the detailed reasons identified previously for the conclusions reached on 7 December 2018. These are to be found on the RCVS Website for those who wish to read them. This Decision proceeds on the basis of those previous Findings and Reasons.

The Restored Hearing (July 2021)

4. The College produced a written Opening in which it set out the history of these Hearings. It identified the matters which the Committee had set out in its Decision of December 2020 and invited the Applicant to address at this adjourned Hearing. Otherwise, as is the practice, the College did not adopt any specific stance on the Applicant's Application for Restoration. That is because such a decision is essentially one for the Committee to reach.
5. The Applicant's Documentary Evidence: this comprised the original documentation submitted for consideration by the Committee at its December 2020 Hearing. In addition the Applicant provided the following new documentation:

- (i) CPD documentation covering a Certification Support Officers' course and examination which she undertook in mid-December 2020;
 - (ii) a letter dated 15 April 2021 from Eville & Jones to confirm that the Applicant had worked for them as a Certification Support Officer during February and March 2021 during which time they received positive feedback concerning her work and that they would consider re-engaging her if and when circumstances permitted (this is significant in that this was her employer at the time of the wrongful certification for which she was disciplined and dismissed – and which conduct formed the basis of the disciplinary charges which led to her removal from the Register);
 - (iii) a letter dated 14 April 2021 from the Practice Partner, Ms Dyche RVN, confirming that the Applicant had been offered a veterinary surgeon position at that practice during which hours of work would be every Monday and Tuesday 9am to 7pm and every other weekend Saturday 9am to 5pm and Sunday 10am to 4pm and that a Dr Khan would be her Mentor and with whom she would be working every Tuesday; the letter further confirmed that the practice had a learning academy to help with underpinning knowledge to assist her transition back into practice;
 - (iv) a letter from the same practice dated 7 July 2021 this time signed by Dr Khan MRCVS corroborating the offer of employment by the practice, confirming that he would be the Applicant's mentor, that she would be working with other veterinary surgeons at the practice, that since 4 May 2021 the Applicant had attended each week for work experience during the course of which she shadowed him and familiarised herself with current medicines used within the practice in addition to having clinical discussions with him; he considered that the Applicant had demonstrated good underpinning knowledge in those discussions; he stated that if she was readmitted to practice he would wish to see the Applicant complete a range of CPD courses as supported by his practice and that these would include subscription to www.centralcpd.com an entity which had a range of webinars available to help support her in practice; that the practice would provide her with a subscription to the British Small Animal Veterinary Association; and that the practice also had a learning academy from which she would have to complete various courses online which would include health and safety and GDPR; and
 - (v) a document entitled Reflective Statement on the Importance of Certification which was dated July 2021.
6. The Applicant's Oral Evidence: On this occasion, in addition to giving evidence herself the Applicant called Dr Max Rutana MRCVS to support her application. Dr Rutana is a veterinary surgeon who qualified in Poland in 1999 and registered with the RCVS in 2006. He joined a small animal practice in 2007 and has remained with the practice ever since. It was there that he met the Applicant and worked with her during the period September to November 2018. His evidence was that the practice was a busy one which meant that from the beginning of September 2018 the Applicant worked for a period of 3 weeks under supervision after which time she would have undertaken 10-15

consultations per day and some unsupervised surgery. The decision to allow her to work unsupervised was made by the head veterinary surgeon in the practice having interviewed her and being satisfied that she was fit so to act. This was a decision with which Dr Rutana agreed. Initially she showed herself to be a bit rusty, not having undertaken small animal work for a period of time. He found her clinical notes to be totally satisfactory and there were no complaints from any of the clients she dealt with. She also signed up for the new Graduate Scheme. This work obviously came to an end as a result of the December 2018 hearing which resulted in her removal from the Register.

7. Dr Rutana was not cross-examined by Counsel for the College.
8. The other evidence came from the Applicant. She elected to give evidence under affirmation and confirmed the accuracy of the evidence given above.
9. She was then cross-examined by Counsel for the College. The following matters emerged from this cross examination. First, the 2 CPD documents dated 15 December 2020 and 16 December 2020 both related to the same training course, the second evidencing the fact that she had passed an assessment at the conclusion of that CPD course. That CPD course was related to the practice needs of a certifying support officer, which was the work which she undertook for Eville & Jones in February and March 2021. That CPD course and certificate enabled her to undertake the work ascribed to her by that entity.
10. Secondly, the Applicant had undertaken no other CPD courses and none relating to small animal practice requirements. The Applicant's answer was that she had nonetheless been observing Dr Khan whilst he undertook his small animal work at the Cannock practice; and that Dr Khan had stated in his letter that she had the necessary skills for such work; that she had been with him for the last (as she put it) 4 months. However it emerged that she had only started shadowing Dr Khan on 4 May 2021 and, accordingly, the period in question was one of just over 2 months. It was suggested to her that what it amounted to was shadowing Dr Khan for only 8 Tuesdays. To that the Applicant replied that they were in fact 10 hour days and that she had therefore completed, in effect, 80 hours of shadowing a practitioner undertaking small animal consultations and surgeries.
11. Next the Applicant was asked questions about the various steps which the Committee had stated in their Decision of December 2020 they would wish to see her undertake and/or fulfil by the time of this Adjourned Hearing. To these the Applicant provided the answers set out below.
12. The Applicant was asked what evidence she had produced to establish that she was appropriately skilled for the work that she intended to undertake. Her answer was that there was the letter from Dr Khan; she had had clinical discussions with him during the course of her work shadowing; and that she had previously worked in a small animal practice.

13. She was asked whether the evidence was of a properly formulated agreement which identified the amount of support which she would receive in future from other professional colleagues. The Applicant answered that this was set out in Dr Khan's letter and the fact that she would receive support from the other veterinary surgeons who operated within that practice. She said that if she was working, Dr Khan would either be on site or available for advice and support if he was working elsewhere.
14. Next she was asked about her Plan for a Return to Work which concentrated on ensuring that she brought herself up-to-date with the skills and knowledge relevant to the type of veterinary work that she proposed to undertake. The Applicant's answer was that this was set out in the job offer as evidenced by the 2 letters from the Cannock practice; and that it would be covered in the CPD courses that she was going to undertake.
15. The Applicant was questioned about the Committee's request for evidence of appropriate CPD courses and other study which included objectives, planning and reflection and proper documentation in a number of areas including the Principles of Certification the Code of Conduct, honesty and its importance for trust in the profession and the individual and its effect on self-respect, the protection of animals and the protection of the public interest. To these questions the Applicant stated that, although she had no other evidence of undertaking formal CPD courses of the kind indicated, those courses would commence when she started work with the Cannock practice. She accepted that she had undertaken no CPD other than the CSO course of December 2020, but maintained that she considered that the work shadowing was equivalent to CPD.
16. Finally, she was asked about her Reflective Statement which Counsel for the College emphasised was intended to address the issues and the importance of certification, and honesty, and how they relate to the conduct which led to her removal from the Register. It was suggested to her that her Reflective Statement did not address the issue of honesty. To that the Applicant stated that everything referred to in that passage was included in her own Reflective Statement. When it was put to her that she was asked to reflect on the issue of honesty, the Applicant's answer was that it was implied in what she said in her own Reflective Statement. She was further pressed on the issue of why her Reflective Statement did not say that backdating was "dishonest". To that the Applicant responded by saying "I know I was dishonest and I am going to make sure that it won't happen again" and ascribed the difficulty to a language barrier (her first language being Spanish, not English).
17. The College, as is usual in such applications, made no opposing submissions in its closing speech. It confined itself to noting the clear indications which the December 2020 Committee had given about the matters and issues which the Applicant ought to address during the adjournment period and before the return date. The Committee was invited to consider whether the Applicant had addressed those issues or met those guidance indications, in particular whether the Applicant's Reflection Statement addressed the issue of dishonesty and its impact on practice as a veterinary surgeon

and its role in the decision to remove her name from the Register. Essentially the College left the matter to the judgement of the Committee.

18. The Applicant closed her case with a short speech which did not raise any new points. She contended that her Reflection Statement did address the issue of her dishonesty, albeit not in the precise manner demanded by Counsel for the College. Her competency she asserted was dealt with and addressed in the letters from Eville & Jones and that of Dr Khan. Finally she emphasised how difficult it was to secure a job offer which was held open for as long as the one from the Cannock practice, which was offered to her in April 2021, some 3 months ago.
19. The Applicant was specifically asked by the Committee if she wished to call Dr Khan to give evidence on her behalf. She said no as he was on holiday that day.
20. However, after further reflection and whilst the Committee was in retirement she decided that she did wish to call Dr Khan to give evidence. The Committee decided to allow her to re-open her case to allow this to happen and he gave his evidence this morning.
21. In summary his evidence consisted of confirming the contents of the letter he had written to the College dated 7 July 2021. In that letter he confirmed that the Applicant had been offered a position as a small animal veterinary surgeon at his practice in Cannock; that he would be her mentor; that, in addition, in the initial stages she would be working with other experienced veterinary surgeons at the practice for continued support; that since 4 May 2021 she had attended the practice every week for work experience shadowing him and familiarising herself with the medicines used within the practice and undertaking clinical discussions with him; and that she had demonstrated good underpinning knowledge during those discussions. In addition he confirmed that if she was allowed to return to practice he would wish the Applicant to complete a range of CPD courses which would be fully supported by the practice; that these would include a subscription to www.centralcpd.com which provided a range of webinars that would help support her in practice; that she would also be provided with a BSAVA subscription; and that she would partake in the learning academy requirements to which the practice was committed.
22. The College asked Dr Khan no questions in cross examination. However the Committee members enquired in some detail as to the steps that Dr Khan would take to implement the mentoring role which she stated he was willing to perform for and over the Applicant. Dr Khan runs 2 practices, one in Cannock and the other at Walsall. He has been qualified for some 20 years and a member of the Royal College since 2006. The Cannock practice sees between 200 and 300 clients per week and during her shadowing period he considered that she had progressed a lot. She had engaged with clients he considered that she was learning well and that she had good potential. He considered that she did have the requisite knowledge albeit she needed, as he put it, to “polish it up”. She was growing well and in their diagnostic and treatment discussions she revealed that she had the requisite degree of knowledge. She had observed him undertake a lot of surgeries, some of which were difficult ones.

23. Were she to be allowed to return to practice she would be treated as if she were a new graduate – initially shadowing, then administering vaccines, and dealing with nurse admissions and with patient discharge processes. She would then move on to the common sickness cases. During the first 3 months she would not be in sole charge.
24. When asked about the Applicant's contractual obligations were she to be taken on by his practice, Dr Khan confirmed that there were such obligations in relation to, for example, attendance on GDPR courses which would relate to data protection issues and she would be required then to move on to undertaking clinical CPD courses. As regards the practices Learning Academy it provided a new graduate programme which would generate feedback to him on how she had performed. The courses covered a range of CPD topics including professional ethics. He considered that to be important given the Applicant's past history.
25. On the topic of mentoring Dr Khan indicated that when he was not available to undertake those tasks himself the Applicant would be supervised by the other 3 senior veterinary surgeons at his practice. Further, he stated that, as these practices were his business, he had made it clear to all the veterinary surgeons that, even when he was off duty, he was happy to be contacted by them at any time to discuss any issues of concern that they might face when carrying out their duties. In answer to further questions put to him, he indicated that he saw his role as mentor as involving clinical professional development and support. In relation to client expectations he considered that it was very important to be transparent at the outset so that they could have an informed understanding of what was and was not realistically achievable. He saw his role as being one in which he would supervise her both morally and professionally.
26. When asked specifically whether he would meet with the Applicant formally he firstly stated that previously all the veterinary surgeons at his practice would meet up formally to discuss difficult cases, but that this had ceased to be done in person since the advent of the Covid restrictions, although they maintained a professional dialogue via a WhatsApp group. He then went on to say that he considered that it was a good suggestion that he should meet up formally with the Applicant and proposed to do so at least once per month. She would also be overseen by his very experienced practice manager who was his business partner and a senior nurse of 20 years' experience. It was his view that after 3 months or so the Applicant would not need as much support as she would when she commenced work with his practice.
27. When asked specifically whether he would be content to provide a report to the College covering his mentoring program and activities he stated that he would be happy to do so.
28. Following the conclusion of his evidence Counsel for the College advanced further submissions in which he reminded the Committee of the submission that he had advanced yesterday in his Closing Speech. He submitted that Dr Khan could not address the issue which the College had raised pertaining to the matter of dishonesty and the Applicant's failure to address it in her Reflective Statement. He also reminded

the Committee that the Applicant had not provided the CPD information which it had requested in its decision of December 2020.

29. The Applicant thereafter submitted that the issue of CPD had been, in effect, covered by the shadowing work that she had undertaken which was entirely suitable to cover that issue. She stated that the conundrum she faced was that understandably the practice was not willing to pay for her to undergo CPD courses unless she was permitted to re-enter practice and she had no funds of her own which would allow her to sign up to CPD courses of the type which the Committee identified in its decision of December 2020.
30. The view the Committee formed of Dr Khan and his evidence was favourable. It considered that the answers that he gave to the questions posed by the Committee revealed a level of commitment and willingness to discharge the obligations of a mentor which was commendable. He willingly accepted that the idea that he should hold formal meetings with the Applicant was a good one which would enable the Applicant's past failings to be addressed. He impressed as an engaged employer who would monitor the Applicant's progress during the CPD courses that she would be required to undertake. He did not seek to underplay the issue of the need for the Applicant to undergo a CPD course on ethics. He impressed as someone who would take a sensible and practical approach to his mentoring tasks which he believed should last at least 3 months.
31. The Committee considered that the steps which Dr Khan stated that he would take as the Applicant's mentor would go a long way to meet the Applicant's own failure or inability to undertake the CPD measures as requested in its decision of December 2020. The Committee considered Dr Khan to be an impressive witness who knew how to run a successful practice which would mean that the Applicant would have to comply with his standards and requirements. Further Dr Khan impressed as someone who had a very clear understanding of his own responsibilities as Head of Practice and of his obligations to the RCVS as a Mentor, which would include ensuring that the Applicant undertook the relevant CPD courses that her history indicated were appropriate and needed. The Committee was also minded to accept that the Applicant undoubtedly faced certain difficulties in meeting the requests of the Committee as set out in its decision of December 2020 and that these included her obvious lack of funds as a single mother with a young child who was not able to seek employment in the profession for which she had qualified.

The Committee's Approach and its Findings

32. The approach which this Committee has adopted when considering the Applicant's adjourned Application for Restoration is that which it adopted when reaching its Decision of December 2021. First, it accepts the Advice given by the Legal Assessor which was that this Disciplinary Committee must consider whether the Applicant is fit to be restored to the Register and return to future practice as a veterinary surgeon. The Disciplinary Committee must also consider the public interest. These are the 2 primary considerations to which the committee should have regard when deciding this Application for Registration.

33. The burden is upon the Applicant to satisfy the Disciplinary Committee, on the balance of probabilities, that she is fit to return to practice. The factual assertions by the Applicant may be proved on the balance of probabilities where they are in dispute. Where the College is not in a position to positively dispute factual assertions made by the applicant, it is still a matter for the Committee to consider those assertions and decide whether, on the balance of probabilities, it is satisfied that they are made out.
34. The Committee has considered all of the evidence presented by the Applicant in this case and that includes the written evidence previously submitted in December 2020 support of her Application for Registration.
35. This Committee has adopted the same structured approach as it has done previously in this case.
36. The first issue addressed is whether the applicant veterinary surgeon has accepted the findings of the Committee at the original inquiry hearing; and evidenced remorse. This Committee's view on this issue is that, Ms Padron Vega does now accept the findings of dishonesty that were made against her at the original enquiry hearing. Whilst she has not directly and specifically stated that she acknowledges that her conduct in backdating the subject certificates was dishonest in her Reflective Statement she does expressly state that veterinarians have a professional responsibility to ensure the integrity of veterinary certification; that she is now well aware that when signing documents as a veterinary surgeon those documents need to be approached with care and accuracy; that she has undertaken a CPD course on this very ethical issue and has passed the examination set at the end of that course; and that she solemnly declared her resolution to ensure the protection of animal welfare in all her future professional endeavours , which would include a requirement on her to invest time and effort in keeping up to date with protocols and best professional practices. The evidence of Dr Khan confirms that this is an issue which he will ensure is addressed further by the Applicant in the CPD courses that would be set for her by his practice.
37. The second issue concerns the seriousness of the findings of the original Committee as set out in its Decisions of 7 December 2018. As previously stated in its Decisions this Committee is also of the view that the Applicant's conduct constituted a very serious breach of her duties as a member of the RCVS, in particular her obligations as an OV issuing certificates under and pursuant to the Welfare of Animals at the Time of Killing Regulations 2015.
38. Issue three concerns whether the Applicant had demonstrated insight into his or her past conduct. This Committee is now satisfied that the experience of 3 attendances before the Disciplinary Committee and having to undergo detailed questioning by Counsel for the College and by the Committee has driven home to her in the clearest of terms that false issuing of certificates is wholly unacceptable conduct from a member of the veterinary profession and that such conduct will result in the ultimate sanction of removal of the name from the Register. The CPD course which she undertook in December 2020

will have reaffirmed that view, as will the further CPD that Dr Khan will require her to undertake.

39. The fourth issue the Committee has addressed is whether on the known facts there was a likelihood of repetition and, if so, what steps had been taken to guard against that. This Committee has reached the same view as before which is that the experience which this Applicant has undergone since her removal from the Register is such that she is unlikely to repeat the conduct which brought her before the Committee in December 2018.
40. The fifth issue concerns what, if any repercussions there have been consequent on the commission of the disciplinary offences that led to her Removal from the Register. This Committee adheres to the view it previously expressed that there were undoubtedly consequences for third parties which flowed from the Applicant's misconduct which led to her removal from the Register and that that remained one of the serious features of her misconduct. The Committee notes that one of the third parties affected by her misconduct was prepared to reengage her in a position of trust earlier in 2021, albeit in a different capacity.
41. The sixth matter relates to the length of time she has spent off the Register. The Applicant has been unable to practice for a period of now 2 years 8 months. This has been a particularly difficult experience for her given the age of her young child at the time of her removal from the Register. She has been unable to find any full-time work during this period and this, the Committee accepts, has caused her significant financial hardship. The Committee also formed the view that this period of being unable to work as a veterinary surgeon has had a not insignificant emotional impact on the Applicant.
42. The seventh issue concerns the Applicant's conduct since removal from the Register. This Committee finds that her conduct has been entirely acceptable. Her desire to return to practice as a veterinary surgeon has been confirmed by her search for engagement by another practice and she has been fortunate to have been offered employment by Dr Khan's practice.
43. The eighth matter relates to the evidence demonstrating the efforts by the Applicant to keep up to date in terms of knowledge, skills and developments in practice, since removal from the Register (accepting that he or she must not practise as a veterinary surgeon). This issue has been addressed above in its review of the evidence that has been adduced at this Hearing. The difficulty that the Applicant has faced is that she has had no funds with which to embark upon the CPD courses which the Committee requested that she sign up to. Instead the course she has followed is to seek to re-skill herself by shadowing Dr Khan as he has carried out his practice consultations and surgeries and to partake in discussions with him concerning the professional work that he has undertaken. In short, her contention is that she has in practical terms achieved the same outcome as the December 2020 Committee had intended, certainly as regards knowledge, skills and developments in practice. The ethical issues concerning certification obligations were, at least in part, addressed by the CSO course and

examination which she undertook in mid-December 2020. Whilst this Committee would have wished for a closer adherence to the steps which it indicated it wished to see the Applicant fulfil, it is now satisfied that Dr Khan would ensure that the Applicant undertakes relevant CPD courses, which would include CPD courses which address professional ethics.

44. Finally, the Committee has given careful consideration to the issue of whether the Applicant had satisfied it that she is fit to return to unrestricted practice as a veterinary surgeon and that restoration is in the public interest.
45. This Committee has been very mindful of the fact that the Applicant was, again, unrepresented legally. Once more it is clear that she has received no assistance from any veterinary organisation or other similar advisory entity.
46. The consequence has been that once more that the end effect is that she has not comprehensively addressed the issues which the Committee requested she cover by the written evidence she presented to this Committee. In particular she had not adequately explained how she had prepared herself for a return to practice in a manner which might satisfy the Committee that she was presently fit to be returned to unrestricted practice and, were she to be so permitted, that she would not present any risk to the public or the public interest.
47. The Committee in December 2020 considered that the Applicant would find it helpful to have in place a Mentor to offer guidance as to what aspects of her knowledge and skills require improvement and how best to bring about that improvement. Although no specific concerns had been expressed about the Applicant's clinical skills, the Committee indicated that she should apply herself to drawing up a properly structured and focused Return to Practice Plan, and produce evidence of how she had fulfilled the requirements of that Plan. Clearly that has not happened but the evidence of Dr Khan is, in effect, that this is what he will endeavour to ensure does take place if the Applicant is permitted to return to practice as a veterinary surgeon in his practice.
48. Despite some of the short comings in the information that the Applicant provided, the Committee was reassured by Dr Khan's evidence that he will take all necessary steps to ensure that the Applicant is appropriately skilled for any work that she will be allowed to undertake, that she will be fully supervised throughout the course of her first 3 months of work in his practice and that he will not allow her to undertake any work for which she does not have the appropriate levels of skill. On the basis of Dr Khan's evidence the Committee is satisfied that the interests of the clients will be met and the public can be re-assured as to the quality of the work she will be allowed to undertake. Although there will be no formal agreement in place which would identify the amount of support that the Applicant will receive from the other veterinary surgeons in practice, Dr Khan's evidence is clear and precise as to the fact that the Applicant would be treated as a trainee veterinary surgeon and would be fully supervised in all activities for the first 3 months of work and would not be permitted to undertake any tasks for which he was not satisfied she had the requisite skills and knowledge.

49. The Committee noted Dr Khan's agreement to provide to the Chair of this Committee a mentoring report which covers the steps taken by his practice to ensure that the Applicant has undergone a controlled Plan for Return to Work ensuring that she was properly supervised during her first 3 months of employment at his practice, that she undertook relevant CPD (in particular CPD related to ethics), that she attained appropriate CPD results and that she partook in formal discussions concerning her own work and that of colleagues from whom she could learn. The Committee considers that this would be helpful and would request that it be provided approximately 3 months after the Applicant commences work at his practice.

50. For the reasons set out above this Committee is satisfied that the future welfare of animals under the Applicant's responsibility will be properly protected, that her future clients will be properly treated and that the interests of the public generally will be met. Accordingly, it is the Decision of this Committee that the Applicant's name should be restored to the Register and it requests the Registrar to so act.

Disciplinary Committee
21 July 2021