

**ROYAL COLLEGE OF VETERINARY SURGEONS
BEFORE THE DISCIPLINARY COMMITTEE**

ROYAL COLLEGE OF VETERINARY SURGEONS

-and-

MR STAVROS PASCHALIDIS MRCVS

DECISION ON SANCTION

1. The Committee took into account the oral and written submissions made by Mr Jamieson on behalf of Mr Paschalidis.
2. Mr Paschalidis read a statement to the Committee at this stage of the proceedings. He stated that he respected the Committee's decision on disgraceful conduct, recognising that the conduct which the Committee had found proved amounted to disgraceful conduct in a professional respect. However, he asked the Committee to allow him to continue working as a veterinary surgeon. He stated that he appreciated the importance of honesty being fundamental to the practice of a veterinary surgeon. He also highlighted the importance of good communication and the importance of acquiring further knowledge in practice.
3. Mr Jamieson invited the Committee to suspend Mr Paschalidis. He asked the Committee not to remove Mr Paschalidis from the Register of Veterinary Surgeons

(the Register) due to the mitigating factors present in this case. Finally he invited the Committee to consider postponing judgment if it was minded to remove Mr Paschalidis' name from the Register rather than suspend him.

4. Mr Jamieson asked the Committee to take into account the following mitigating factors:

- This incident was single and isolated, as already decided by the Committee, in its decision on disgraceful conduct, as a single episode lasting up to one hour. Since that incident there have been no other concerns raised about his behaviour. Recent testimonials attest to his honesty and hard work.
- The facts of the case involved an element of dishonesty without the full opportunity for reflection – Mr Paschalidis was confronted straight away by staff at the practice.
- His youth and inexperience - at the time of these events Mr Paschalidis was only two years qualified. Since these events he has continued to work as a veterinary surgeon for a further two years.
- Insight - Mr Paschalidis stated that he understood the importance of honesty in practice and the adverse impact that such behaviour has on the wider profession and the public interest.

5. Mr Jamieson asked the Committee to consider the case of Sawati v GMC [2022] EWHC 283 and not to hold against Mr Paschalidis that he defended the charges. Mr Jamieson also invited the Committee to consider whether the dishonesty in this case was a 'secondary type' where the conduct at issue (communicating with colleagues and completing clinical records) was capable of being done honestly (rather than a 'primary' type allegation, such as fraud or theft). He submitted there was no wider evidence of lack of insight. Mr Paschalidis' defence did not cast blame on others.

6. Mr Weston invited the Committee to consider the primary facts found proved [Charge 1(c) and Charge 2(c)], he submitted that the dishonesty was 'primary dishonesty'.

7. The Legal Assessor advised that the Committee should not hold against Mr Paschalidis that he had defended the allegations and that it should consider where the conduct found proved was on the scale of dishonesty. She further advised the Committee to consider:
 - (i) how far the state of mind or dishonesty was a primary rather than a secondary allegation;
 - (ii) what, if anything, the veterinary surgeon was denying other than their own dishonesty or state of knowledge;
 - (iii) how far lack of insight was evidenced by anything other than the rejected defence;
 - (iv) the nature and quality of the defence, identifying any respect in which it was itself a deception, a lie or a counter-allegation of others' dishonesty.
8. The Committee recognised that the primary purpose of sanctions is not to punish but to protect the welfare of animals, maintain public confidence in the profession and declare and uphold proper standards of conduct. Any sanction which it applies must be proportionate to the nature and extent of the conduct found proved and the Committee must balance the public interest with the interests of the Respondent.
9. The Committee accepted the advice of the Legal Assessor and it adhered to the Disciplinary Committee Sanctions Guidance for Veterinary Surgeons issued by the College (updated August 2020) (Sanctions Guidance). It took into account the eight testimonials which included three from veterinary surgeons and a colleague in a veterinary practice; all were positive about his character. There were two from veterinary surgeons who had worked with him and six from people who were aware of the charges that he faced.
10. The Committee also took into account the Continuing Professional Development (CPD) record provided by Mr Paschalidis which illustrated the variety of CPD that he had undertaken. The Committee noted that his CPD from February 2020 to February 2023 totalled over 170 hours. It was impressed by his reflections following his CPD.

11. The Committee assessed that the conduct found proved which included dishonesty was in the upper middle range on the scale of dishonest conduct. It noted that the breaches were committed deliberately and for dishonest reasons rather than through inadvertence or mistake and that they were in an effort to conceal what Mr Paschalidis had done i.e. not examining or vaccinating two animals.
12. The Committee took into account no further aggravating factors other than those it had considered in its decision on disgraceful conduct:
- Risk of injury to two animals by not vaccinating Beluga or Simba
 - Risk of injury to two animals by not having examined Beluga or Simba adequately
 - Breach of client trust – both owners would have expected their animals to be examined and vaccinated when they could not be present in the consultation because of COVID protocols.
13. The Committee took into account the mitigating factors which it had considered in its decision on disgraceful conduct:
- there was no evidence of actual harm to either animal
 - no evidence of any gain to Mr Paschalidis
 - this episode on 7 October 2021, in respect of two animals, lasted in total, no longer than one hour.
14. It also took into account the following mitigating factors which it had not previously considered in its decision on disgraceful conduct:
- since these events, for the last two years, Mr Paschalidis had continued to work as a locum veterinary surgeon without any complaint made to the College about him
 - Mr Paschalidis had shown some insight in his statement read out to the Committee
 - the conduct found proved took place without an opportunity for full reflection
 - Mr Paschalidis was of previous good character with no disciplinary findings against him.

15. In relation to the risk of repetition the Committee noted that it had discerned no motivation or reason for the misconduct found proved. It also noted Mr Paschalidis' youth and inexperience in that he had only been working as a veterinary surgeon post-graduation for two years at the time of the events. However, it considered that his youth or inexperience did not explain his dishonest behaviour.
16. When considering whether Mr Paschalidis was likely to repeat such conduct the Committee took into account that he had admitted the conduct soon after the event, therefore enabling the practice to manage the risk to animals (even though he later denied those admissions before the Committee). The Committee also noted that the misconduct took place in unusual circumstances due to the COVID protocols whereby the veterinary surgeon was more likely to work alone without anyone else present including the owners. The Committee noted that Mr Paschalidis has changed the way he writes his notes in the clinical record, in that he no longer uses a pre-populated template nor does he cut and paste from other notes, later amending them. He now accepts that these methods were inherently risky and prone to error.
17. The Committee decided that all of the mitigating factors, combined with an absence of any further incidents or similar behaviour having been drawn to the College's attention, alongside the positive testimonials, led it to conclude that the risk of any repetition of similar conduct was reduced such that Mr Paschalidis no longer poses a significant risk to animals or the public.
18. The Committee first considered whether it should take 'no further action' against Mr Paschalidis. It did not consider it appropriate to take no further action because the disgraceful conduct in a professional respect which had been found proved was in relation to two animals and included acting dishonestly and being misleading. The Committee further decided that it was required to sanction in this case to maintain public confidence in the profession and to declare and uphold proper standards of conduct in the profession.

19. The Committee went on to consider whether it should postpone judgement in relation to sanction. It noted that by postponing judgement it could not impose undertakings on Mr Paschalidis without his consent and no undertakings were advanced on behalf of Mr Paschalidis. The Committee did not consider postponement would serve any useful purpose in this case.

20. The Committee next considered whether to reprimand and/or warn Mr Paschalidis about his behaviour. The Sanctions Guidance indicates that a reprimand may be appropriate where *'the misconduct is at the lower end of the spectrum of seriousness in such cases, there is no future risk to animals or the public and there is evidence of insight'*. The Committee did not consider that the conduct found proved was at the lower end of the spectrum because it included dishonesty and it related to conduct which was at the heart of a veterinary surgeon's practice. The Committee also considered that a warning and/or reprimand would not adequately protect the wider public interest because it was important to uphold and maintain standards within the profession and protect the reputation of the profession.

21. The Committee went on to consider whether suspension would in this case protect the wider public interest and whether such a sanction was the proportionate sanction taking into account the aggravating and mitigating factors. The Committee took into account paragraph 76 of the College's Guidance:

"Proven dishonesty has been held to come at the 'top end' of the spectrum of gravity of disgraceful conduct in a professional respect. In such cases, the gravity of the matter may flow from the possible consequences of the dishonesty as well as the dishonesty itself.³¹ The Privy Council has, in a case involving dishonesty, provided guidance on the distinction between removal and suspension from the register. [Walker v RCVS PC 16 of 2007]".

22. The Committee considered that the misconduct found proved was sufficiently serious to require suspension from the Register, which would have a deterrent effect and would satisfy the public interest in this case. However, because Mr Paschalidis had continued to work as a veterinary surgeon for two years since these events without complaint and had shown some insight, the Committee

decided that a lengthy suspension would not serve a useful purpose and would therefore be disproportionate.

23. The Committee went on to consider whether removal from the Register would in this case be proportionate. It noted that removal is appropriate where the conduct found proved is fundamentally incompatible with remaining on the Register and where the dishonesty was concealed, and where there is a serious departure from professional standards as set out in the RCVS Code of Professional Conduct for Veterinary Surgeons. It also noted that the Sanctions Guidance stated (at paragraph 74) that it should not remove an otherwise competent and useful practitioner who presents no danger to the public to satisfy demand for blame and punishment. The Committee concluded that although Mr Paschalidis had acted dishonestly he had since the time of the misconduct acted honestly and appropriately. Further, his statement to the Committee showed he had developed some insight. The Committee having been satisfied that he did not pose a significant risk to animals or the public in the future and taking into account all of the mitigation in this case, decided that removal of Mr Paschalidis from the Register would be a disproportionate sanction.

24. The Committee therefore decided to direct that Mr Paschalidis' registration be suspended for a period of 6 months.

Disciplinary Committee
12 July 2023