

**THE ROYAL PHARMACEUTICAL SOCIETY OF GREAT BRITAIN**

**DISCIPLINARY COMMITTEE**

Monday, 22 March 2010

Chairman - MR. JOHN BURROW

Committee Members:

Dr. Ged Fisher

Dr. Dai John

Case of:

**KALRA, Gitika (3000523)**

-----  
**MR. K. MCCARTNEY** (Instructed by Charles Russell) appeared on behalf of Miss Kalra.

**MISS J. OLIVER**, of Field Fisher Waterhouse, solicitors, appeared on behalf of the Society.

-----

T A REED AND CO

**PLEASE NOTE: Copies printed from email may differ in formatting and/or page numbering from hard copies.**

A

DETERMINATION OF THE COMMITTEE

B

CHAIRMAN: We retired to consider sanction. We reminded ourselves that the purpose of sanction is threefold: the protection of public, the maintenance of public confidence in the profession, and the maintenance of proper standards. However, in this particular case where there is no evidence to suggest any clinical inadequacies, we therefore accepted there is no issue of protection of the public from risk of harm. We further reminded ourselves that it is not the purpose of sanction to punish or further punish a registrant. Any sentence imposed must be fair and proportionate and not impose any greater restriction than is absolutely necessary to achieve its objective.

C

We had regard to the Society's indicative sanctions guidance document, first of all to the criteria listed under the heading 'Aggravating Features'. We considered first dishonesty. Here we accepted that, while the dishonesty was limited to a relatively small value, and was limited to a single day, it was nevertheless in our view very serious dishonesty. It was repeated and persisted with on a number of occasions during the day. It was, as was admitted by Miss Kalra, premeditated dishonesty. It consisted of several different types of dishonest conduct, including theft of notes, theft of coin, and the dishonest processing and purported return of items which had not in fact been returned. We concluded that Miss Kalra's conduct required planning and guile in its execution.

D

E

The conduct was carried out by Miss Kalra, a pharmacist, against her pharmacist employers on pharmacy premises and was in our view a serious breach of trust. It was carried out in the course of the exercise of her pharmacy profession. Further, it resulted in no fewer than nine criminal convictions, seven theft convictions, and two convictions for making a false instrument, very serious matters indeed for any professional pharmacist. As we say, in our view the dishonesty was very serious despite its limited value and its occurrence on a single day.

F

We have already said that the actions were premeditated as admitted by Miss Kalra and were a breach of trust -- two further headings under 'Aggravating Features' in the indicative sanctions guidance. We have set out in our ruling on impairment that we have rejected Miss Kalra's evidence of an intent to repay the money stolen. We have accepted that, in seeking to mitigate and lessen the seriousness of her actions in this way, she has not shown she fully accepts the seriousness of what she did, and has not therefore shown full or adequate insight into her actions despite the fact that she had admitted the allegations in court and before us. Finally, we accepted as an aggravating feature the fact that she was the pharmacist in charge of the pharmacy premises at the time of her actions.

G

H

We next considered mitigating features. We first considered the issue of repayment. We have already said that we do not accept her account that she intended to repay the sums on 1 October 2006. As part of the sentence imposed by the Mid South and South West Magistrates' Court on 15 March 2007 she was ordered to repay £102 in compensation, this sum apparently relating to the sums obtained by the two false refunds. There were further sums taken why Miss Kalra, including the cash, the coin and the gift vouchers, which she has not apparently repaid.

A

We accept that Miss Kalra was suffering health issues.

B

In her evidence to us she spoke of the stress, shame and anxiety brought on by her husband's imprisonment in 2004, continuing after his release in 2006. This was, she said, compounded by financial stress which caused her to seek employment at weekends in addition to her full time job. She described her health deteriorating, being stressed and feeling low, with a loss of appetite.

C

The other mitigating factors we had regard to was that she had an otherwise unblemished career. We also noted she had pleaded guilty to the matters in court, and admitted the convictions for the purpose of the current proceedings. We further reminded ourselves of the character references. We noted that Mr. Budheo, the pharmacist manager at her current employers, has described her as excellent with customers and staff, good clinically, and generally an excellent pharmacist and an attribute to the profession, being ethical, professional and honest. Other character witnesses, some four in number, described her high moral fiber, with high moral standards, being hard working, professional and ethical, exemplary in her standard of work. She was described as a valuable member of the profession.

D

We next had regard to the indicative sanctions guidance document where it listed criteria relevant to particular sanctions. We considered each in ascending order, starting with the least serious. We first considered a warning, but we concluded that the circumstances of dishonesty and the nine convictions arising from it was far more serious than a minor breach of guidance.

E

We next considered conditions, but we concluded that the insufficient and/or inadequate insight, coupled with the convictions for dishonesty, meant that there were no appropriate, realistic or verifiable conditions which could be formulated, and we did not feel able to rely on Miss Kalra to comply with any such conditions.

F

We next considered suspension. We have set out above our findings that in our view there was a failure by Miss Kalra to accept the full seriousness of her actions, and that there was therefore insufficient insight on her part. For this reason we accepted there was a risk of repetition of her actions. We accepted that the dishonesty and the associated criminal convictions were so serious that they demanded a more serious sanction to maintain public confidence in the profession.

G

We next considered removal. We have set out above that in our view there is insufficient insight and a risk of repetition. We have also set out above our findings that the dishonesty was in our view persistent, repeated, planned and premeditated and was executed during the course of her pharmacy practice. It was in our view very serious dishonesty.

H

We had regard to the case of Tait v Royal College of Veterinary Surgeons [2003] UKPC 34 that, for all professional practitioners, a finding of dishonesty lay at the top end of the spectrum of misconduct, and we have said that we regarded this misconduct as very serious.

A

We gave all the weight we could to her personal difficulties as we have set out above, but we concluded that her behaviour is fundamentally incompatible with registration. We considered public confidence in the profession, and noted again the seriousness and repeated occurrences of her dishonesty, resulting in the nine criminal convictions. We accepted that the nature and extent of the dishonesty and the number of the convictions was such as demanded no lesser sanction than removal in order to preserve public confidence in the profession.

B

C

It was suggested in submissions, following the case of Nicholas-Pillai v General Medical Council [2009], that her dishonesty was exacerbated by her untruthful evidence in the hearing as to her intent to repay the sums stolen. We did accept that Miss Kalra should not have given untruthful evidence to the disciplinary committee on this issue. To give such untruthful evidence on oath is a serious matter and confirmed to us the necessity for her removal from the register, but which was in any event necessitated in our view by the seriousness of her dishonest actions on 24 September 2006, and subsequent convictions.

D

We impose removal from the register as being the appropriate and necessary sanction.

That is our ruling. Are there any other matters -- we ought to say perhaps that there is I think 28 days for any appeal.

E

-----  
  
Paul Brincau  
MBIVR ACR  
22 Mar 10

F

G

H