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Confidential**

**REPORT OF THE PROFESSIONAL CONDUCT COMMITTEE FOLLOWING  
AN INQUIRY HELD PURSUANT TO SECTION 58 OF THE HEALTH AND  
SOCIAL CARE PROFESSIONALS ACT 2005 (AS AMENDED) ("THE ACT")**

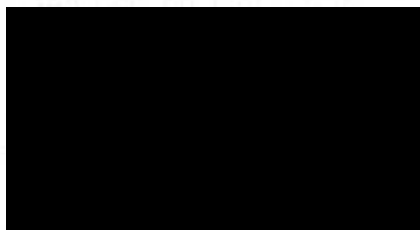
**Name of Registrant:** Varghese Vadakkekkecheri Devesia

**Registrants in Attendance:** No

**Registration Board:** Radiographers Registration Board

**Registration No:** RA023959

**Registrant Address:**



**Case Number:** C427

**Date(s) of Inquiry:** 21 March 2025

**Members of Inquiry Committee:** Dr. Shane McCarthy, Chairperson

**Dr. Shane Foley**, Registered Professional  
Radiographer Member

**Esther Purcell**, Registered Professional **Medical  
Scientist** Member

**Legal Assessor:** Thomas Hogan S.C.

**Appearances:**

**For the Registrar:** Caoimhe Daly BL instructed by Hannah Unger, of  
Fieldfisher Solicitors

**For the Registrant:** Unrepresented

**Hearing** In Public

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## **The Nature of the Complaint that resulted in the Inquiry:**

On 16 November 2023 CORU received an e-mail from the UK Health and Care Professions Council (HCPC) with an Alert List dated 05 May 2023. As a statutory regulator the HCPC provides CORU with lists of its registrants who are the subject of fitness to practise investigations, or who have had sanctions or conditions imposed on their practise.

In the Alert List the Registrant was identified as an individual who had received an interim suspension from the register in the UK.

The complaint of Margaret Hynds O'Flanagan, the then Registrar of the Radiographers Registration Board of the Health and Social Care Professionals Council (CORU), (the "Complaint") arose out of an alleged failure on the part of the Registrant to notify the Radiographers Registration Board that he had been suspended from practising as a radiographer by the HCPC.

The Preliminary Proceedings Committee formed the opinion that there was sufficient cause to warrant further action being taken, and referred the complaint to a Professional Conduct Committee, under Section 56(1)(b) of the Health and Social Care Professionals Act 2005 (as amended) ("the Act"). The Committee referred the complaint for an Inquiry on the grounds of professional misconduct (section 52(1) (a) of the Act), poor professional performance (section 52(1) (b) of the Act), and a contravention of the Act (section 52(1)(f) of the Act).

## **Preliminary Matters**

1. The Registrant did not appear at the inquiry and the Registrar sought to proceed in his absence. Having carefully considered the submissions on behalf of the Registrar as to service of notice of the proceedings on the Registrant and having taken advice from the legal assessor the Committee were satisfied that it was appropriate in all the circumstances to proceed with the inquiry in the absence of the Registrant. The Committee was satisfied that the Registrant was properly served with notice of the proceedings and had voluntarily absented himself from the inquiry. The Committee believed that it would not be in the public interest for there to be further delay in the hearing and conclusion of the inquiry.
2. The Registrar sought the permission of the Committee to interpose the evidence of a witness before opening the case. The witness was in the UK and scheduled to give evidence by video link but had extremely limited availability. Having taken legal advice from the legal assessor the Committee acceded to the request on the grounds that no unfairness would result.

3. At the outset, the Registrar confirmed that the burden of proof was on the Registrar to substantiate the allegations and the applicable standard of proof was that of beyond reasonable doubt.
4. Following the conclusion of the Registrar's case the Committee was requested to consider an undertaking signed by the Registrant on 1 October, 2024, (in which he undertook not to repeat the conduct the subject matter of the complaint, voluntarily remove his name from the register, never re-apply for restoration to the register of radiographers and consent to being censured) and to consider requesting the Registrant to give that undertaking and consent to sanction pursuant to s. 61(1) of the Act. Having taken advice from the legal assessor the Committee was not minded to request the proposed or any undertaking and or consent to sanction in the absence of the Registrant.

#### **Evidence presented to the Committee:**

The Committee heard evidence from the following witnesses on behalf of the Registrar:

1. Ms Leanne Silvestro, Head of Fitness to Practise Legal with the Health and Care Professionals Council.
2. Mr. Stephen Ovington, Operations and Project Manager of Registration Department of Radiographers Registration Board.

The Committee did not hear evidence from any witnesses on behalf of the Registrant.

The Committee considered the following exhibits:

1. Core Book
2. Appendix 1: Documentation from HCPC to CORU at PPC stage
3. Appendix 2: Email from the HCPC to Mr Devesia dated 31 05 2023 together with copy Panel Discussion
4. Appendix 3: HCPC register – Mr Devesia
5. Appendix 4: Approved order HCPC v Varghese Vadakkekkecheri Devesia AC 2024 LON 003716
6. Notice of Inquiry dated 13 January, 2025
7. Signed undertaking dated 1 October 2024
8. Booklet of inter partes correspondence between Fieldfisher and Mr. Devesia up to 20.03.2025.

#### **Findings of the Committee:**

## **Allegation 1**

That you, while registered as a radiographer with the Radiographers Registration Board ("the Board"):

1. Failed to notify the Board, whether as soon as was reasonably practicable or at all, that on or about 30 May 2023, you were made the subject of an interim suspension order by the Health and Social Care Professions Tribunal, sitting as the Investigating Council Committee of the Health and Care Professions Council in the United Kingdom.

## **FACTS PROVED**

**YES**

## **REASON FOR DECISION**

The Committee find Allegation 1 proven as to fact beyond a reasonable doubt. The Committee is satisfied beyond a reasonable doubt based upon the evidence of Ms. Silvestro that the Registrant was made the subject of an interim suspension order by the Health and Social Care Professions Tribunal, sitting as the Investigating Council Committee of the Health and Care Professions Council in the United Kingdom.

The Committee accepted the evidence of Ms. Silvestro that following a complaint to the HCPC made on 25 August, 2022, the Registrant was suspended from practise as a radiographer for a period of 18 months following a hearing on 30 May, 2023. Following a review hearing on 27 November, 2023, the suspension was extended by the High Court (England and Wales) on 29 November, 2024.

The Committee is satisfied beyond a reasonable doubt based upon the evidence of Mr. Ovington that the Registrant failed to notify the Board, whether as soon as was reasonably practicable or at all, that he had been suspended from practise as a radiographer in the United Kingdom.

## **GUILTY OF PROFESSIONAL MISCONDUCT**

**YES**

## **REASON FOR DECISION**

Pursuant to section 5(b) of the Radiographers Registration Board Code of Professional Conduct and Ethics, adopted by the Radiographers Registration Board [contained in the Schedule to the Code of Professional Conduct and Ethics for Radiographers Bye-law 2019 (S.I. No. 44/2019) which came into effect on 19 February 2019] (the "**Code of Conduct**") (to comply with obligations regarding registration) a registered radiographer is obliged to inform the Radiographers Registration Board within 7 days if his or her employer or another body has suspended them or placed restrictions on their practice because of concerns about their conduct or competence.

Pursuant to sections 7(a) and (b) of the Code of Conduct (to obey laws, regulations and guidelines) a registered radiographer is obliged to know and work within the laws, regulations and guidelines governing their practice and keep up to date with any changes in legislation or regulation or guidelines and obey the laws of the country in which they live and work in both their professional practice and their personal life.

Pursuant to section 20(e) of the Code of Conduct (to raise concerns about safety and quality of care) a registered radiographer is obliged to report any serious breaches of behaviour or malpractice by themselves or others. Malpractice includes negligence, incompetence, breach of contract, unprofessional behaviour, causing danger to health, safety or the environment, and covering up any of those issues.

Pursuant to section 22.1(b) and (c) of the Code of Conduct (to demonstrate ethical awareness) a registered radiographer is obliged to always behave with integrity and honesty and make sure they read, understand and comply with the Code of Professional Conduct and Ethics.

In support of his application for registration with the Registration Board as a radiographer the Registrant made a solemn declaration on 4 May, 2017, that he agreed, *inter alia*, that he would tell the Registration Board if his circumstances changed during the course of his registration, and in particular that he would tell the Registration Board as soon as practicable about any change in the status of any licence, certificate or registration relating to the practice of any profession granted to him by a body (other than the Registration Board) inside or outside the State or anything likely to affect his right to such licence, certificate or registration or anything likely to affect his right to be registered under the Act.

In a letter dated 29 June, 2017, confirming his successful registration with the Registration Board, the Registrant was reminded of his obligations of disclosure pursuant to s. 45 of the Act, and in particular those contained in subsections (d), (e) and (f). The letter further reminded the Registrant that when he signed the statutory declaration for his application he agreed to comply with the Code of Professional Conduct and Ethics for his profession, and enclosed a copy of same.

In light of the clear and unambiguous terms of the statutory declaration, the contents of the letter of 29 June, 2017, and the provisions of the Code of Conduct and in particular the obligation contained in Section 5(b) of the Code of Conduct, the Committee is satisfied beyond a reasonable doubt that the Registrant knew and understood and or ought to have known and understood his obligation to disclose to the Registration Board that he had been suspended from practising as a radiographer in another jurisdiction.

The Committee accepted the evidence of Mr. Ovington (as proving beyond a reasonable doubt) that when the Registrant applied to renew his registration in October, 2023, and at a time when he was suspended from practising radiography in another jurisdiction, the Registrant declared to the Registration Board that he knew of no reason why the Registration Board should not grant him registration and positively asserted that he was not the subject of proceedings of any sort, either in the Republic of Ireland or in any other jurisdiction, which could lead to conditions being imposed on his registration or licence, or his registration or licence being suspended, withdrawn or removed.

The Committee is satisfied beyond a reasonable doubt that in failing to notify the Registration Board, whether as soon as was reasonably practicable or at all that he had been suspended from practise the Registrant breached the Code of Conduct by:-

- (i) Failing to inform the Registration Board within 7 days that another body had suspended him because of concerns about his conduct or competence.
- (ii) Failing to read, understand and comply with the Code of Professional Conduct and Ethics.

The Committee is further satisfied beyond a reasonable doubt that the breaches of the Code of Conduct were serious and constitute professional misconduct (as defined by Section 50 of the Act) within the meaning of Section 52(1)(a) of the Act.

## **GUILTY OF A CONTRAVENTION OF THE ACT**

**YES**

### **Reasons:**

Pursuant to s. 45(1)(d) of the Act the Registrant was obliged, as soon as practicable, to notify the Registration Board of any change in the status of such licence, certificate or registration (including the attachment of conditions to it) and under s. 45(1)(e) of any matter likely to affect the Registrant's entitlement to such licence, certificate or registration, and under s. 45(1)(f) of any matter likely to affect the Registrant's entitlement to be registered under the Act.

The Committee notes that these obligations are mandatory.

The suspension of his practise as a radiographer by the HCPC was a significant change in the status of his registration which did affect his entitlement to registration and was a matter likely to affect his entitlement to be registered under the Act.

For the same reasons as above the Committee is satisfied beyond a reasonable doubt that the Registrant contravened these sections of the Act.

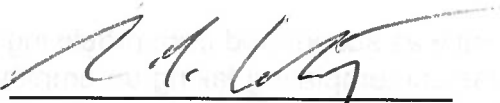
### **Professional Conduct Committee recommendation to Council in respect of sanctions**

The Committee recommends the cancellation of the Registrant's registration pursuant to s. 66(1)(d) of the Act.

### **Rationale for Recommended Sanction:**

1. In considering and recommending sanction the Committee considered all of the circumstances of the case, the submissions on behalf of the Registrar, the CORU Sanction Guidance Notes and the advice of the legal assessor.
2. The Committee was satisfied that the failure on the part of the Registrant to disclose to the Radiographers Registration Board the fact of his suspension by the HCPC was very serious and created a risk to public safety.
3. The Committee took no adverse inference from the decision by the Registrant not to participate in the inquiry but had no evidence of any insight on his part and could not identify any mitigating factors in his favour.
4. On the other hand, the Committee identified the following aggravating factors:-
  - (i) When the Registrant renewed his registration in October, 2023, he concealed the fact of his suspension by the HCPC.
  - (ii) At a time when the Registrant was suspended from practising radiography in another jurisdiction he was contemplating taking up employment in this jurisdiction as a radiographer.
  - (iii) When the Registrant was requested by letter dated 5 December, 2023, to confirm whether he was registered with the Health and Care Professions Council ("HCPC") in the UK and, if so, to confirm, *inter alia*, whether there were any restrictions or conditions imposed by the HCPC on his practise (including dates of any such restrictions or conditions) and whether he was the subject of any Fitness to Practise proceedings by the HCPC/TS (including dates of any hearings) the Registrant neglected to do so.
  - (iv) The foregoing matters suggest a worrying lack of insight on his part.
5. The Committee considered all of the available sanctions (under s. 66 of the Act) in ascending order of severity.
6. Admonishment or censure were clearly inadequate as sanctions for such serious misconduct and contraventions of the Act.
7. The Committee could not identify any appropriate or workable conditions. The Committee were of the view that the failing on the part of the Registrant was not capable of remedy through the imposition of conditions.
8. The Committee also considered suspension but could not identify an appropriate period of suspension and were not satisfied that suspension would be adequate to protect the public.
9. Overall, the Committee is of the firm opinion that the only sanction that would adequately protect the public is cancellation of the Registrant's registration.

10. The Committee did not believe that it was necessary to prohibit the Registrant from applying for restoration to the register for a specified period. It will be open to the Registrant to re-apply for registration, at which time it shall be a matter for the Registrant to satisfy the Registration Board that he is a suitable person to be registered and that safeguard shall be sufficient to protect the public in the future.
11. In making its' recommendation on sanction the Committee was as lenient as possible.
12. The Committee believes that the sanction will send a clear message to the profession as to the seriousness with which it views conduct such as this and deter other members of the profession from engaging in similar conduct.
13. The Committee believes that the recommended sanction is proportionate and shall protect the public, uphold the reputation of the profession of radiography and maintain public confidence in the profession and the regulatory process.

**Signed:**   
**Dr. Shane McCarthy, Chairperson**

**Date:** **28<sup>th</sup> March 2025**