

ROYAL COLLEGE OF VETERINARY SURGEONS

-v-

GARY JAMES CASSIUS SAMUEL

DECISION ON APPLICATION FOR RESTORATION

1. The Disciplinary Committee of the Royal College of Veterinary Surgeons heard the original case against the Applicant on 11 July 2018. Dr Samuel did not attend that hearing, but responded to the Notice of Hearing in an email dated 15 June 2018, stating:

“I have no intention of attending any inquiry the reasons being legion:

- i. *I cannot afford legal representation and feel that defending himself would not be feasible*
- ii. *Regardless of the outcome of the inquiry the 3 year ban will still be patent*
- iii. *The entire ordeal has been mentally taxing and emotionally draining”.*

He respectfully asked for a suspension for 3 years to run alongside the existing disqualification order.

2. The Disciplinary Committee decided to proceed in his absence. The charge he faced was as follows:

“That, being registered in the Register of Veterinary Surgeons:

1. (A) *On 21 January 2016, at the Leeds Magistrates Court, you were convicted of the following offences, namely that you:*
 - (i) *Between 10 February 2015 and 24 February 2015, at Armley, Leeds, caused unnecessary suffering to protected animals, namely 12 dogs, by a failure to act, namely to explore and address their poor physical condition, and you knew or ought reasonably to have known that the [failure to] act would have that effect or be likely to do so, contrary to sections 4(1) and 32(1) of the Animal Welfare Act 2006;*

- (ii) Between 10 February 2015 and 24 February 2015, at Armley, Leeds, caused unnecessary suffering to protected animals, namely 3 cats, by a failure to act, namely to explore and address their poor physical condition, and you knew or ought reasonably to have known that the [failure to] act would have that effect or be likely to do so, contrary to sections 4(1) and 32(1) of the Animal Welfare Act 2006;*
- (iv) Between 10 February 2015 and 24 February 2015, at Armley, Leeds, caused unnecessary suffering to a protected animal, namely a Ragdoll cat, by a failure to act, namely to seek appropriate veterinary care to explore her deteriorating physical condition, and you knew or ought reasonably to have known that the failure would have that effect or be likely to do so, contrary to sections 4(1) and 32(1) of the Animal Welfare Act 2006;*
- (v) On or about 24 February 2015, at Armley, Leeds, did not take such steps as were reasonable in all the circumstances to ensure that the needs of animals for which you were responsible, namely a number of dogs (identified as NC1 to NC5 and NC8 to NC26), were met to the extent required by good practice in that you did not ensure their need for a suitable environment in which to live, contrary to section 9 and 32(2) of the Animal Welfare Act 2006;*
- (vi) On or about 24 February 2015, at Armley, Leeds, did not take such steps as were reasonable in all the circumstances to ensure that the needs of animals for which you were responsible, namely a number of cats (identified as NC6, NC7 and NC27 to NC32), were met to the extent required by good practice in that you did not ensure their need for a suitable environment in which to live, contrary to section 9 and 32(2) of the Animal Welfare Act 2006; and*

(B) In relation to which convictions, on 7 March 2016, you were:

- (i) sentenced to 12 weeks' imprisonment, suspended for 12 months on condition that you complete 150 hours' unpaid work and pay a fine of £100;*
- (ii) ordered to pay costs of £500 and a victim surcharge of £80;*
- (iii) made subject to a disqualification order for three years, pursuant to sections 34(2), 34(3) and 34(4) of the Animal Welfare Act 2006, with immediate effect;*

AND THAT it is alleged that these convictions render you unfit to practise veterinary surgery”

9. The criminal proceedings were brought by the RSPCA. Dr Samuel was originally convicted in January 2016 in the Leeds Magistrates Court, along with a co-defendant (his former partner). Both Dr Samuel and his former partner appealed against their convictions. The appeals were heard together in April 2018 by a Judge and two lay Justices sitting in the Bradford Crown Court. The appeals consisted of a complete re-hearing with the Court hearing evidence from RSPCA witnesses and witnesses for the defence.

10. The Crown Court allowed the appeal against the conviction in respect of charge 3 because the pathological evidence could not explain why the cat that related to this charge was so ill. Although the Court had taken the approach of looking at the overall picture regarding the other animals and it was able to see that they had recovered with an appropriate diet, it was unable to be sure with this particular cat as to the cause of suffering as euthanasia was performed shortly after the arrival of the police.
11. The Appeal Court found the other charges proved, dismissing Dr Samuel's appeal against conviction (and that of his co-defendant). Dr Samuel's five convictions (as detailed above) were therefore upheld.
12. Three of the convictions were for causing unnecessary suffering to protected animals, namely twelve dogs, three cats and one ragdoll cat.
13. The remaining two convictions were for failing to ensure that animals, for which Dr Samuel was responsible, had a suitable environment in which to live: one related to twenty-four dogs and the other related to eight cats. These included the animals referred to in the three convictions (as noted above) for causing unnecessary suffering, together with other cats and dogs.
14. Dr Samuel was sentenced to 12 weeks' imprisonment, suspended for 12 months on condition that he completed 150 hours of unpaid work and paid a fine of £100. He was also ordered to pay costs of £500 and a victim surcharge of £80. This sentence was upheld on appeal to the Crown Court. He was subject to a disqualification order in relation to keeping animals. The length of that order was adjusted on appeal, from an indefinite order to an order for three years, which took effect on 4 April 2018.
15. The original Disciplinary Committee found all the matters alleged proved and determined that the convictions rendered Dr Samuel unfit to practise veterinary surgery. It was directed that his name should be removed from the Register. In its decision on sanction, that Committee noted the following aggravating factors:
 - actual injury to an animal
 - risk of injury to an animal
 - misconduct repeated over a period of time
 - no insight
 - the animal cruelty took place within Dr Samuel's veterinary practice and home
16. The original Disciplinary Committee noted the following mitigating factors:
 - Dr Samuel had no previous disciplinary findings against him
 - He had been a registered vet since July 1999
17. In deciding the appropriate sanction, the original Disciplinary Committee stated:

“The Committee was satisfied that the behaviour found proved in this case was serious. There were animals found starving in a cellar without water and Dr Samuel directed police to them when the police attended his practice. The Committee was not satisfied on the evidence before it that Dr Samuel had insight into the serious nature of what he had done particularly where he continued to deny responsibility in his recent email to the College dated 9 July 2018. It therefore found no evidence to satisfy it that Dr Samuel no longer posed a risk to animals in the future. Although it accepted that the offending arose out of a domestic arrangement, the Committee was concerned that Dr Samuel maintained that he lacked any responsibility for the offending and that he had allowed animals to suffer when they lived under the roof of his veterinary practice and home.

The Committee noted that the concept of fitness to practise involves three elements: the protection of animals, maintenance of public confidence in the profession and the declaration of standards of conduct for the membership of a profession. Furthermore, the Committee was not satisfied that a suspension order would maintain public confidence in the profession or uphold proper standards of conduct for the profession.

The Committee noted that Disciplinary Committee Procedure Guidance stated at paragraphs 50-51

50. Removal from the register may be directed where the respondent veterinary surgeon’s behaviour is so serious that removal of professional status (and the rights and privileges accorded to this status) is the only means of protecting animals and the wider public interest. Removal is imposed in order to protect animals and the wider public interest. It is not imposed as a punitive measure, although it will almost invariably adversely affect the respondent veterinary surgeon.

51. The Privy Council has stated that a disciplinary committee should not feel bound to remove from the register:

‘An otherwise competent and useful [practitioner] who presents no danger to the public in order to satisfy [public] demand for blame and punishment.’

Equally, the reputation of the profession is more important than the interests of one veterinary surgeon and Lord Bingham, Master of the Rolls stated:

‘The reputation of the profession is more important than the fortunes of an individual member. Membership brings many benefits, but that is a part of the price’.

The Committee decided that the behaviour found proved was fundamentally incompatible with being a Veterinary Surgeon because in this case there had been a serious departure from standards as set out in the RCVS Code of Professional Conduct for Veterinary Surgeons in particular 1.1. “Veterinary Surgeons must make animal health and welfare their first consideration when attending to animals”.

Furthermore, there had been serious harm caused to a number of animals and a risk of serious harm caused to a number of animals.

Whilst the Committee accepted that the situation arose due to a domestic arrangement it was not persuaded that this was a sufficient mitigating factor to allow Dr Samuel to remain on the register because his omission to act at that time was fundamentally incompatible with a core tenet of the veterinary profession to protect the health and welfare of animals.

The Committee therefore directs that the Registrar remove Dr Samuel's name from the Register of Veterinary Surgeons."

Background

18. The background to the convictions are set out in a judgement delivered in the Crown Court by a Recorder sitting with two lay justices. The facts referred to below come from that judgement.
19. Dr Samuel was practising as a veterinary surgeon, including (probably on two days of each week, although during the restoration application he was to say he only worked there on a Monday) from a veterinary practice of which he was the principal, at Armley Veterinary Practice, Town Street, Armley, Leeds. The premises were owned by him and comprised of a terraced house with a vet's surgery downstairs and living accommodation upstairs. His then partner had lived there since early 2012.
20. Police were called by Dr Samuel's ex-partner on 24 February 2015, following a report of a domestic incident. They entered the premises and described an immediate and strong smell of stale urine mixed with a strong smell of faeces. Having entered through the rear of the premises, they found themselves in an examination room, where there appeared to be a dirty towel with instruments on a table. As they moved onwards, they found cages, two of them occupied by husky-type puppies. They did not appear to have any water or bedding. An officer opened a chest freezer and discovered meat that appeared to be off. Dr Samuel was found in the main bedroom. He was sitting on a bed, he had a laptop on his knees and he put his headphones on as a police officer approached him.
21. The police noted that there were five animals in the bedroom, including two small dogs and two cats. Dr Samuel told the police about a cellar and showed them a trap door, covered by a carpet and a table. Dr Samuel turned on the light and officers saw that there were a large number of dogs in cages in the cellar. Dr Samuel said "*these are her animals, she collects them, she never feeds them*".
22. The police noted the dirty state of the premises and that the cages in the cellar were dirty. There was only water in one cage and the lack of water was a common theme throughout the premises. Upstairs there were a large number of cats found in the kitchen, which were also surrounded by urine and faeces.
23. During the criminal trial there was evidence from two Veterinary Surgeons for the prosecution and one Veterinary Surgeon for the defence. There were also some admissions made in respect of a further defence Veterinary Surgeon's report.

24. In total Dr Clarke, who gave evidence for the Prosecution, found 24 dogs, 22 of them being husky-type dogs of which six of them were puppies. 16 were kept in pens in the cellar and four of the puppies were kept in the upstairs bedroom with two kept in a cage.
25. One puppy from the cage had to have euthanasia performed on it. The remaining animals were checked and most of them appeared to be underweight. None of them appeared to be being kept in an appropriate environment. The conditions were overcrowded and dirty and there was little or no sign of any basic care.
26. Dr Samuel denied in interview and at his trial that he had any responsibility for the animals, saying that they were his then partner's sole responsibility. He said he had nothing to do with the animals since his relationship with her had deteriorated. He said that he had had some concern about the condition of some of the animals for some months. He said in terms that it would have been difficult to treat any of the animals because his then partner could be aggressive. He said in retrospect he probably could have done more but the dynamics of the relationship had prevented him from doing so.
27. Dr Samuel gave evidence before the Crown Court. He described how the number of dogs in the flat had increased from the original four or five to about sixteen during 2014. He said that most of them were rescue dogs that his then partner was trying to re-home and it was a similar story with the cats. Dr Samuel told the court that the animals were the responsibility of his then partner. He also said that the cages in the cellar had been built in October or November of 2014 and, he said, this had been in response to letters from the Royal College of Veterinary Surgeons recommending that he expand the practice, although he went on to say that he was fed up of the place and was looking for somewhere more suitable.
28. Dr Samuel accepted that he would treat the various animals being looked after by his then partner but he claimed that he looked on her as a client rather than his girlfriend. He suggested he did not have much to do with the animals. He had looked after them for five days in 2011, when his then partner went on holiday. Sometimes he might buy a bag of food and sometimes he took his partner to the supermarket or a halal butcher to buy food or collect chicken carcasses and other meat waste products because she mainly fed them on a raw diet.
29. Dr Samuel provided the court with evidence that he was only in Leeds for 15 out of the 27 days when he was back in the country between 27 January and 24 February 2015. He said he had been away in the USA in January 2015 and he proved the same with stamps from his passport. He said upon his return he was made aware of dogs in the cellar although he did not go there himself to look. He said he wasn't happy about it but he and his then partner were not talking to each other, and he said he asked her to go, and he thought she was making preparations to leave.
30. Dr Samuel categorically denied any responsibility for the cats or the dogs in the property. He said that if there had been a problem, his partner would have told him but he said he

stayed out of the areas where the animals were kept. There was a relatively small number of rooms and a large number of animals, including cats, living in the kitchen and sometimes the bathroom.

31. Dr Samuel's partner gave evidence and stated that she had moved in with Dr Samuel in 2012 and she had brought 10 dogs with her. She spoke about taking in rescue dogs and rehoming cats and dogs. She accepted that there came a time when there were too many animals under one roof. Although her intention was to only provide temporary shelter there were times when she was unable to find new homes and so the numbers built up. She also said she had noticed a problem with one husky in December 2014 and Dr Samuel and she had discussed the results of a blood test and he had advised her that there was nothing significant in the results and that she should worm the dogs and increase the amount of food. She said the condition of the dogs was a topic of discussion between her and Dr Samuel right up to and into February after his return from the USA. She said he both saw and touched the dogs. Dr Samuel had also advised her in relation to two of the cats. She said she had not planned to put the dogs in the cellar and she could not remember when she started doing that. She said that she did not normally leave them in the cellar overnight. She said that they had been put down there on 22 or 23 February and that she did that after Dr Samuel said he was poisoning them and so she did it for their own protection.
32. Essentially, she said that she asked Dr Samuel for his help and advice regarding the physical condition of the animals and that, as he was a vet, she deferred to him and followed his advice. She said that the unfortunate living conditions for the animals on 24 February did not represent the normal situation, it was a temporary situation caused by Dr Samuel's behaviour.
33. The Judgement of the Crown Court hearing the appeal found that Dr Samuel did have responsibility towards the animals for the purposes of Charges 1-4. It further found to the criminal standard, that is so that it was sure, that Dr Samuel was the owner of the premises and that he therefore had control over what happened within them. The Judgement stated that the fact that he was away for part of each week and had taken time to visit the USA did not absolve him of that responsibility. The Crown Court was satisfied that Dr Samuel was involved in the care and welfare of the animals through helping to provide food, accommodation and veterinary services. It noted that its own observations of Dr Samuel giving evidence in the Crown Court led it to be sure that everything that happened in that building would require his permission, or at least his acquiescence.
34. It also found that Dr Samuel's then partner was responsible for the animals as their primary carer.
35. The finding on appeal was that each of the animals specified in three of the criminal charges suffered both physically and mentally. Physically due to malnutrition caused by underfeeding over a period of at least four weeks and mentally due to the overcrowded conditions. It also found that the suffering was unnecessary. It further found that by the start of 2015 a huge volume of food would have been necessary to look after the number

of animals found. It took the view that there had been a steady downward spiral regarding the animals which coincided with Dr Samuel's changing attitude towards his partner. Dr Samuel was found to be present sufficiently frequently, even on his own account, during February 2015 and that as a trained professional he could see what was happening. The Court did not accept his assertions that he never went where the animals were kept due to the size and layout of the premises.

36. The Judgement made plain that Dr Samuel failed to explore and address the issue of the health of the animals. It found that the one set of blood test results that he discussed with his partner should have been a warning to anyone that the animals were declining due to malnutrition and their environment. It found that when Dr Samuel returned from the USA he had decided to end his relationship with his partner and he was behaving differently towards her. It was sure that he had withdrawn his help and support and was completely indifferent to the plight of the animals. It found he must have been aware of their suffering and that he effectively tried to wash his hands of the situation by ignoring it. As a person who had accepted shared responsibility for the animals on his premises, it found this to be a failure in his duty to help them.
37. In answering the question whether Dr Samuel knew that an animal suffered or was likely to suffer, the Court found it was in no doubt that he did know that each of the animals was likely to suffer with the exception of the one cat, which was subject to euthanasia.
38. The Crown Court judgment clearly found both Dr Samuel and his then partner jointly responsible for the welfare of the animals and that both failed to take such steps as would have been reasonable to ensure that the needs of each of the animals was met to the extent required by good practice. It also found the huskies in the cellar had been there without a break for 48 hours in cramped conditions with no natural light and that they had been spending long periods in the cellar for at least several weeks. It found the cages in the cellar were in fact built to house the huskies, notwithstanding Dr Samuel's assertions to the contrary. It found the animals that had been kept upstairs were also in an unsuitable environment. Eight cats living in the kitchen and sometimes being put into a toilet 'spoke for itself' and having dogs and cats confined to a bedroom was 'equally unsuitable'. It found the conditions were cramped, dirty and inappropriate.
39. The Court also found that in respect of charges 1, 2 and 4 that most of the animals were not given a suitable or sufficient diet and many were close to starvation. It found all the animals would have been unable to display normal behaviour patterns due to the conditions in which they were kept.
40. On appeal the Crown Court accepted that Dr Samuel's then partner was a principal and Dr Samuel a secondary party to the offending in terms of culpability but that matters were evened out by their respective abilities. It therefore upheld the substance of the sentences imposed by the District Judge in the Magistrates Court and it did not alter the substantive sentence imposed. It agreed with the District Judge's assessment that the case fell within the Sentencing Council's Guideline in the borderline of the top category and the middle category. It further agreed that the reason to suspend the sentence was because of the

peculiar circumstances which led to this offending, *'borne as it was out of domestic strife rather than two people setting out on a course of conduct to be deliberately cruel to animals in the first place'*.

41. The Crown Court did however decide to vary the disqualification order because this was a *'case of animals rescue which then went horribly wrong in the midst of the deterioration of a chaotic relationship'*.
42. The Crown Court also heard evidence from character witnesses who spoke in positive terms about Dr Samuel's qualities as a vet.

Conduct since the original disciplinary hearing

43. The Committee was informed by Ms Curtis that since the original sanction by the Disciplinary Committee of removal from the Register, Dr Samuel had not come to the attention of either the RSPCA or the police.

Summary of the College's submissions

44. These are set out fully in the written submissions for the College in respect of this application. The Committee took into account the oral and written submissions and all the information set out in the College's bundle.
45. Ms Curtis on behalf of the College, drew the Committee's attention to the underlying facts relating to the conviction and the seriousness of the matters found proved. She said that the College opposed the application by Dr Samuel on the grounds that he is not fit to be restored to the Register. Ms Curtis submitted that this was both from the perspective of a future risk to animal welfare and from the perspective of the wider public interest, including upholding the reputation of the profession and maintaining public confidence in the profession. She emphasised that the College relied in particular on the nature and seriousness of the original findings.
46. Ms Curtis invited the Committee to note the submissions made on behalf of the College at the hearing in 2018 and which, she submitted, remained of direct relevance to this application. They included:
 - (a) the convictions concerned animal welfare and went to the heart of the profession;
 - (b) the conduct was wholly incompatible with registration as a veterinary surgeon;
 - (c) the number of animals adversely affected by the conduct was properly described as "*staggering*" and it was remarkable that a veterinary surgeon could have failed in his core responsibility at all, let alone on such a significant scale;
 - (d) whilst there is a distinction between deliberate infliction of harm upon animals and causing animals suffering by neglect, that distinction may be of less significance to regulatory

proceedings concerning the veterinary profession than it might be to criminal proceedings, as the former relates to the responsibility of veterinary surgeons to animals and the public; and the central responsibility of veterinary surgeons is to care for, protect and act in the best interests of animals in all circumstances; as reflected in every veterinary surgeon's declaration on admission to the profession "*ABOVE ALL, my constant endeavour will be to ensure the health and welfare of animals committed to my care*"

- (e) any mitigation relating to domestic context is similarly of less significance here than it was in the criminal court: the applicant chose to allow his own interests to take precedence over the interests of the large number of animals he knew were being left to suffer on his practice premises;
- (f) although the applicant alerted the police to the dogs in the basement of his premises, having done nothing for them himself, he did not do so in their interests but rather to serve his own interests in order to cause trouble for his former partner;
- (g) the applicant maintained throughout the criminal proceedings that he had no responsibility for the animals on his premises, which in the circumstances was an extraordinary position for a veterinary surgeon to take.

47. Ms Curtis submitted that these submissions all continued to be relevant today since their significance was either hardly reduced by the passage of time or not reduced at all.

48. Ms Curtis acknowledged that Dr Samuel's sentence in the criminal proceedings had now come to an end, including the period of disqualification from keeping animals. She submitted, however, that this should not be equated with now being fit to return to the Register, since very different considerations apply to the criminal justice system than to regulatory proceedings. She reminded the Committee of the importance of the Regulator taking into account the public interest in promoting animal welfare and ensuring public confidence in the profession. She submitted that conduct of the kind described in the criminal proceedings, even when it took place some years ago and even when it has been addressed in the criminal courts, continued to represent a serious concern in relation to the promotion of animal welfare. Ms Curtis said that the Applicant had "*shown himself to be capable of complete indifference to the appalling plight of multiple animals within his own veterinary practice and his own home. Many of those animals were close to starvation. This was not a case of a veterinary surgeon overlooking a single animal in a single, isolated incident.*"

49. Ms Curtis submitted that Dr Samuel continued to represent a risk to the welfare of animals and that to allow him to be restored to the Register would undermine public confidence on the profession and that, accordingly, the application was opposed.

Summary of Applicant's submissions

50. These are set out in the written statement provided by Dr Samuel, who also gave evidence before the Committee. The Committee took these into account, together with the oral submissions made by Mr Jupp, the information contained in Dr Samuel's bundle and the additional papers served, which contained a petition signed by approximately 100 people comprising former clients and friends in support of his application.
51. In his oral evidence, Dr Samuel confirmed the contents of his written statement and answered questions put to him by Mr Jupp, Ms Curtis and the Committee.
52. Mr Jupp invited the Committee to grant the application for restoration and specifically addressed the Committee on paragraphs (a) to (h) of the Disciplinary Guidance, as referred to in the guidance to restoration hearings. In summary he said as follows:

a. Whether the applicant veterinary surgeon has accepted the findings of the Committee at the original inquiry hearing;

Dr Samuel has fully accepted the DC's decision. He does not in any way seek to challenge or go behind the findings of the DC of 11 July 2018. His answers in evidence were consistent in that he accepted the findings. His vocabulary may not be as sophisticated as one might expect, but the key expression was acceptance of selfishness. He talks of making an error, but was not seeking to downplay his conduct.

b. The seriousness of those findings;

Dr Samuel accepts the seriousness of the findings. They are serious. Whilst the harm inflicted on the animals in 2015 was not deliberate it was inflicted through a wholesale lack of care within his premises. He accepts that.

c. Whether the applicant veterinary surgeon has demonstrated insight into his or her past conduct;

In the sanction decision, para 66, which led to Dr Samuel's removal from the register one of the most significant matters that led to that decision was the committee's finding that Dr Samuel lacked insight. In 2018 the Committee felt he lacked insight and that was why had to be struck off. He was in a difficult, chaotic, destructive relationship and he took time to come to terms with that and face up to what he had done. That is no longer the case. He has reflected on this incident and on his conduct. He clearly recognises the seriousness of the matters for which he was convicted and for which he was removed from the register. He has, as he expressly acknowledged, made a 'grave error' and 'a serious error of judgment'. Importantly, he recognises what he did was wrong, as he accepts he put his domestic situation ahead of the animals he was supposed to protect.

He has reflected on what happened, the mistakes he made and what he needs to do now. He has taken steps to educate himself reading extensively and undergoing a substantial amounts of work experience.

53. The Committee was referred to the statement of Dr Don Lesolle, the principal vet in a mixed practice in Lichfield. Mr Jupp said Dr Samuel had undertaken 300 hours of work experience with Dr Lesolle. Mr Jupp observed that whilst it was fair to say Dr Lesolle had had some “run ins” with the College, he was a veterinary surgeon of long standing with a significant amount of experience. Mr Jupp said Dr Samuel had taken steps to ensure he was “up to speed” and he also made reference to a testimonial from Mr Friday Enabulele, recording a further 40 hours of work experience.

d. The protection of the public and the public interest;

He made a grave and serious mistake in the context of a chaotic and destructive personal relationship. That relationship has ended and ended a long time ago.

This is not a case where we say that because the ban on keeping animals has been lifted so must he be restored. It is accepted that very different considerations apply, namely the protection of the public and the public interest. This is the heart of the decision you have to make.

You obviously weigh in the balance the matters of which he was convicted and which led to his removal from the register but you also need to consider Dr Samuels’ service in the profession up to the events of 2015.

Dr Samuel operated a thriving veterinary practice in a deprived area of Leeds for about 9 years, serving his community and having about 10,000 customers; a practice in an area where there are very few, if any, affordable veterinary services. We can see how important this was from the testimonial letters of Mr and Mrs Suthers. Mr Grant and Mr Terry set this out most clearly. He has great support in the local community as we can see by those who signed the petition.

He provided veterinary services in a part of the country where others did not at a rate that was affordable. This is important when considering the public interest.

You also have to have regard to Dr Samuel’s change in domestic circumstances. It was the destructive and chaotic relationship and his failure to prioritise his professional obligations in that context which led to the issues. Dr Samuel is now in a settled relationship. He has a child and is expecting a daughter imminently. His life has been transformed. He is in a completely different place than he was before.

It was not just the nature of the stressful relationship that caused the problem, it was the fact that the person he was in a relationship with was someone involved in collecting cats and dogs that needed re-housing or were rescue dogs and putting them into his

property, with his consent. It was the convergence of all of those facts that cause the problem, not just the relationship. He has made it clear that is never going to happen again. He readily accepted he lost sight of what he should have been doing.

When a vet is removed from the register, it is usually because the Disciplinary Committee has determined that that is what the public interest demands. That vet's conduct has been such that continued membership of the college is incompatible with membership. However, it has never been Parliament's intention that this must mean that a vet can never be readmitted, can never be redeemed, can never take steps to do so and that he must be banished from practice forever.

On the contrary, by section 18 of the 1966 Act, Parliament allows an application for restoration to be made 10 months after removal. Parliament therefore does not say that a mistake by a vet, even a very serious mistake warranting striking off, is one that should forever mean that the individual should be banished from the profession. The public would expect to be informed of the whole circumstances, about the nature of the relationship and not just the mere fact of the convictions five years ago when Dr Samuel was in a different place.

Dr Samuel is aged 55 and has been out of practice for 5 years. The effect of not allowing him to be restored is to say that he is beyond redemption. That an episode, as serious as it was, committed over 5 years ago in the context of a chaotic and dysfunctional relationship, should forever prevent him from practising as a vet.

e. The future of the welfare of animals in the event of the applicant veterinary surgeon being permitted to have his or her name restored to the register;

This committee can be absolutely confident that animals in Dr Samuel's care will be treated properly. In this context it is important to recognise the circumstances which gave rise to Dr Samuel being removed from the Register. I do not mean to in any way diminish his responsibility or to excuse what he did but rather to demonstrate that the position is completely different now.

There have been no subsequent matters recorded by the RSPCA or the Police and Dr Samuel has taken steps to relearn.

Dr Samuel was in a relationship with a person who rescued animals in the hope of housing them. She brought 10 dogs with her. Of course, as is inevitable, some animals could not be rehoused and the numbers grew. The relationship was destructive and, towards the end, chaotic. Dr Samuel did not prioritise the welfare of the animals in his premises as he ought to have done. But that is not, and never will be, his situation again. He is now in a settled relationship with children. He has had a completely new start in his personal life and is asking the panel to allow him a new start in his professional life.

f. The length of time off the register;

He has been off the register since 2018 – 5 years. That is a lengthy sentence.

54. Mr Jupp accepted the correction that in fact it had been 3 years.

g. The applicant veterinary surgeon's conduct since removal from the register;

There are no adverse matters at all. The police and RSPCA have been asked about this and confirmed Dr Samuel has not come to their notice since these events.

h. Evidence demonstrating the efforts by the applicant veterinary surgeon 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).

Dr Samuel has undertaken a number of courses set out in page 2 of his documents. These demonstrate a range of activities which Dr Samuel has engaged in covering animal welfare, legal issues and matters relevant to running a practice. He is a vet who performed a valuable public service for deprived communities for long periods of time. He has 100 signatures of support. That has to be set against the seriousness of the conduct, but he accepts the seriousness, he has insight into what he did wrong, the public interest would be satisfied by allowing him to be restored to the Register. If the application is refused then you are saying he can never act as a vet again.

The Committee's decision

55. The Committee noted that the burden of proof is on Dr Samuel to satisfy the Committee, on the balance of probabilities, that he is fit to be restored to the Register. The Committee accepted the advice of the Legal Assessor. It took into account all the material provided, the oral evidence of Dr Samuel and the submissions made by the parties.

56. The Committee considered the factors set out in the Disciplinary Committee's Procedure Guidance in exercising its judgement and in deciding if Dr Samuel was fit to be restored to the Register, namely:

- a. Acceptance by the Applicant veterinary surgeon of the findings of the Committee at the original inquiry hearing;
- b. The seriousness of those findings;
- c. The protection of the public;
- d. The future of the welfare of animals in the event of the Applicant veterinary surgeon being permitted to have his or her name restored to the Register;
- e. The length of time off the Register;
- f. The Applicant veterinary surgeon's conduct since removal from the Register;

- g. Efforts by the Applicant veterinary surgeon 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);
- h. The impact on the Applicant veterinary surgeon of having his or her name removed from the Register; and,
- i. The public support for the applicant veterinary surgeon.

(a) Acceptance by the Applicant veterinary surgeon of the findings of the Committee at the original inquiry hearing

57. In his written statement provided for this hearing, Dr Samuel stated:

"I would like to say to the disciplinary committee of the RCVS that I primarily would like to apologise for my behaviour while on the register, a privileged position, in which I did not live up to as a Veterinary surgeon. By my actions brought the profession into disrepute by endangering the life of the animals that I swore to protect.

I have fully accepted the ruling made by the committee to remove myself from the register in order to restore public confidence in the profession and protect the welfare of animals. The job of the regulatory body is just that to maintain a standard of behaviour and to prevent the veterinarian from repeating this action until he or she shows reformation.

The scale of the events that took place at Armley Vets was indeed serious made worst by the fact that it took place under the roof of a vet surgery.

I fully understand that I made a grave error, a serious misjudgement while being the principal of Armley Vets with the animals in my care that I was responsible for. I placed my domestic situation ahead of that of the animals which I was supposed to protect, for that I am deeply remorseful."

58. The Committee noted that Dr Samuel denied responsibility for the animals in question during the criminal proceedings and even post conviction in his correspondence with the College. He then did not attend his own hearing before the College and thus the Committee could not know what his response might have been at that hearing, although it noted he suggested a three year suspension would have been appropriate. Dr Samuel claimed to have subsequently "*reformed*" or been through a "*reformation*" and could now see the error of his ways. He was unable, however, to be clear about when this reformation happened but said it was triggered by speaking to people. The Committee did not consider this reformation to be genuine, but rather put forward in an attempt to satisfy the Committee that he had accepted his failings and he was now in a "*different place*".

59. The Committee was particularly struck by paragraph 8 of Dr Samuel's statement in which he said: "*Now that I have gone through this reformation process I would never have animals belonging to someone else kept in a vet practice, [I] understand that it is important that animals under my care must meet animal welfare standards of adequate lighting,*

space, ventilation a clean supply of food and water, exercise and social interaction.” Dr Samuel had, by this time, been practising as a veterinary surgeon for some 16 years. The Committee considered it extraordinary that he would require some sort of reformation in order to realise that animals under his care would need such basic essentials as adequate lighting, space, ventilation a clean supply of food and water, exercise and social interaction. All pet owners, let alone veterinary surgeons, would or should be aware of such basic matters.

60. The Committee had in mind the comments of the Judge in the Crown Court, who said that Dr Samuel had been *“completely indifferent to the plight of the animals.”* The Crown Court found that he must have been aware of their suffering and that he effectively tried to wash his hands of the situation by ignoring it. In answering the question whether Dr Samuel knew that an animal suffered or was likely to suffer, the Court found it was in no doubt that he did know that each of the animals was likely to suffer with the exception of the one cat which was subject to euthanasia. It also found that in respect of charges 1, 2 and 4 that most of the animals were not given a suitable or sufficient diet and many were close to starvation. The Committee noted that some of the cats were half the body weight they should have been. There was no doubt the animals were really suffering over a period of time and yet Dr Samuel did nothing for them and even now was not expressing concern for them.
61. Furthermore, although he claimed to have undergone a reformation, the Committee noted that Dr Samuel referred to his conduct variously as an error, a mistake and a misjudgement. All these terms suggested he was underplaying the gravity of his offending behaviour and the Committee did not accept Mr Jupp’s submissions to the contrary. The Committee also noted that Dr Samuel was evasive when answering questions and did not want to answer simple propositions put to him by Ms Curtis about, for example, whether he accepted the animals in his care were starving, lacking water and lacking food. Instead he resolutely stuck to his answer that they were not kept in good condition. Having heard from him, the Committee witnessed no depth of feeling, no sense of true remorse and no degree of upset for the animals that had suffered. The Committee considered he was still not taking full responsibility for his actions because he continued to blame the relationship.
62. Whilst the Committee was satisfied that Dr Samuel had demonstrated some limited acceptance of the findings of the original enquiry, it considered his answers were more of a device to persuade the Committee to allow him to be restored to the Register, rather than any genuine expression of insight. This was revealed by his persistent lack of insight into his actions and the fate of the animals that suffered as a result of his lack of action. This resulted in the Committee concluding that there was a very real possibility that he would repeat this type of behaviour if allowed to be restored to the Register.

(b) The seriousness of those findings

63. The Committee noted that when reaching its decision that Dr Samuel was unfit to practise the original Disciplinary Committee stated the following:

“The disqualification imposed under section 34(2), 34(3) and 34 (4) of the Animal Welfare Act 2006, which took effect on 4 April 2018 (and superseded a previous 2½ year disqualification) meant that Dr Samuel remains disqualified from owning animals, from keeping animals, from participating in the keeping of animals, and from being party to an arrangement under which he is entitled to control or influence the way in which animals are kept, from dealing in animals, transporting animals, and from arranging for the transport of animals, until 4 April 2021. This was the most obvious reason why Dr Samuel was currently unfit to practise.

The Committee further noted that the Crown Court Judgement referred to these offences as falling within the borderline of the top category and middle category of sentencing for these types of offences. The offences took place in the premises and the Veterinary practice which Dr Samuel owned. They also directly referred to matters well within his knowledge, the welfare of cats and dogs. The Committee considered those matters directly relevant to its judgement on whether Dr Samuel was fit to practise.

In the Committee’s judgement Dr Samuel’s neglect and omission to protect the health and welfare of so many animals was extremely serious and breached a fundamental tenet of a Veterinary Surgeon’s practise.

The Committee accepted the points submitted by Mr Bradly as to why Dr Samuel was unfit to practise.”

64. The points submitted by Mr Bradly, and accepted by the Disciplinary Committee, were as follows:
- (a) given that Dr Samuel’s convictions concern animal welfare they go to the heart of his practice as a veterinary surgeon and to the core responsibility of all veterinary surgeons;*
 - (b) in the circumstances described at (a) above, Dr Samuel has behaved in a manner which is wholly incompatible with registration as a veterinary surgeon;*
 - (c) while it may be right to observe that all of the offences relate to the same period of time and his failures as regard the animals all arose in the same circumstances, the numbers of animals adversely affected by this veterinary surgeon’s failures is staggering: 16 animals were the subjects of charges 1, 2 and 4 (12 dogs in charge 1, 3 cats in charge 2, the (ragdoll) cat in charge 4) (charges 5 and 6 made a different allegation in relation to the dogs as one group and the cats as the other). It is remarkable that a veterinary surgeon can have failed in his core responsibility at all, let alone on such a vast scale;*
 - (d) while a distinction must of course be drawn between the deliberate infliction of harm upon animals with the intention to cause them to suffer on the one hand and causing animals suffering by failing to act (neglect) on the other, that distinction may be of less significance here than it was in the criminal court, given that this committee is concerned with the responsibility of veterinary surgeons to animals and the public and the central responsibility of veterinary surgeons is to care for, to protect and act in the best interests of animals in all circumstances;*
 - (e) similarly, the fact that these offences occurred in the context of domestic strife may be of less significance here than it was in the criminal court: the circumstances of these offences*

mean that Dr Samuel allowed his own interests to take precedence over the interests of the large number of animals he knew were being left to suffer on his premises;

- (f) while it was Dr Samuel who notified the police of the animals in the basement of his premises, having done nothing for them himself, he did not do so in their interests but in his own interest in getting his partner/former partner into trouble;*
- (g) Dr Samuel maintained throughout the criminal proceedings that he had no responsibility for the animals on his premises. That is an extraordinary position for a veterinary surgeon to take, and neither the College nor the Committee has received any indication from Dr Samuel that he has reflected on that position;*
- (h) the concept of fitness to practise involves three elements: the protection of animals, maintenance of public confidence in the profession and the declaration of standards of conduct for the membership of a profession. Without doubt all three elements are acutely engaged here.*

65. The original Disciplinary Committee went on to say:

“The Committee took into account the email correspondence sent by Dr Samuel inviting the Committee to take account of his lack of knowledge of the animals that his then partner brought onto the premises. It considered that the email dated 9 July 2018 in which Dr Samuel continued to submit that he had no knowledge about the animals illustrated his complete lack of insight. The Committee was therefore satisfied that Dr Samuel continued to pose a risk to animals in the future.

Just as the judgment of the Crown Court and the Magistrates Court had found, the Committee also found that Dr Samuel must have known that the animals were in distress and were in a neglected state. The Committee was sure that Dr Samuel must have been aware of the animals notwithstanding his continued denial. The Committee concluded that Dr Samuel was unfit to practise because of the facts underlying the convictions. Dr Samuel had an overriding duty of care for the animals and to take action in relation to their health and welfare because they were living under the roof of his veterinary practice.”

66. That Committee added:

“The Committee did not agree that the circumstances of domestic strife which led to the offending made Dr Samuel’s position less serious. In the Committee’s judgement a Veterinary Surgeon had a duty to act when faced with large number of animals requiring care and the reasons as to how the animals came to be within the premises might pertain to mitigation rather than any fitness to practice.

The Committee therefore concluded that Dr Samuel is currently not fit to practise as a veterinary surgeon. It is satisfied that the type and nature of his criminal conduct fell far below the standard to be expected of a member of the profession.”

67. Accordingly, there was no doubting the seriousness of the findings made against Dr Samuel, which resulted in actual harm to animals. It was repeated over a period of time and the animal cruelty took place within Dr Samuel’s veterinary practice and home. Dr Samuel did say that he accepted that the findings made against him were very serious.

(c) The protection of the public

68. The Committee firmly believed that allowing Dr Samuel to be restored to the Register would not protect the public. As already stated above, the Committee could not be confident that Dr Samuel would not allow animals in his care to suffer in the future. His omission to act at that time was fundamentally incompatible with a core tenet of the veterinary profession, namely to protect the health and welfare of animals. He allowed 32 animals to suffer and end up in the appalling condition they were in when found by the police. The Committee has already made reference to his lack of insight into his behaviour. In the Committee's view members of the public would be horrified to know that a veterinary surgeon could behave in that way and could then be restored to the Register. Such a decision would seriously undermine public confidence in the integrity of the Register and those permitted to practise veterinary surgery.

(d) The future of the welfare of animals in the event of the Applicant veterinary surgeon being permitted to have his or her name restored to the Register;

69. The original Disciplinary Committee found that Dr Samuel had a complete lack of insight and thus posed a risk to animals in the future. In this Committee's judgement, therefore, Dr Samuel's insight was key to whether he was fit to be returned to the Register. As already stated above, the Committee considered Dr Samuel had demonstrated almost no insight into his behaviour and, importantly no insight into the impact of his omissions on those animals in his care. Accordingly, the Committee had grave concerns about the future welfare of animals in the event that Dr Samuel were permitted have his name restored to the Register.

(e) The length of time off the Register

70. The Committee noted that Dr Samuel had been off the Register for over three years. It also noted that the disqualification referred to above came to an end on 4 April 2021. This was a significant factor for the original Disciplinary Committee in finding Dr Samuel unfit to practice, which has now been removed from the equation.

71. However, given his continued lack of insight and the very real concern that he continues to represent a risk of harm to animals in his care, the Committee did not consider the length of time off the Register to be a particular factor in its decision about whether to allow the application. It did note, however, that inevitably Dr Samuel's basic skills will have reduced during that time, and he would have much to do before being considered able to return to unrestricted practice. Whilst accepting the inevitable limitations resulting from not being able to practise as a veterinary surgeon, the Committee nonetheless considered the work experience Dr Samuel referred to with Dr Lesolle to be at a very basic level.

(f) The Applicant veterinary surgeon's conduct since removal from the Register

72. The Committee noted that there had been no further matters brought to the attention of the RSPCA or the Police in the time since the conviction in the Crown Court.

(g) Efforts by the Applicant veterinary surgeon to keep up to date in terms of knowledge, skills and developments in practice, since removal from the Register

73. In his statement, Dr Samuel stated:

"I have read extensively about animal welfare issues and kept current with changes in legislation by reading books and journals including the Vet Record which was made available during work experience. During work experience I have discussed welfare issue and learnt by observing during the 340 hours of seeing practice and work experience at three venues two accredited by the RCVS. The 340 hours of work experience can be divided as legion:

I did 300 hours working with Mr Don Lesolle at his mixed practice in Lichfield in the Midlands

The mixed practice involved work experience and assistance and consultation/surgery in small animals, equine, farm animals and health certification introduction to new legislation, veterinary jurisprudence strict instructions and guidance on animal welfare and principles of medicine. Attention was paid new veterinary drugs writing prescriptions and especially labelling of drugs for despatch to clients. For example, the drive to reduce the use of antibiotics which was not prominent 5 years ago.

The other 40 hours was dedicated to working in the London area with Dr Friday Aboduwele who is the clinical director the CVS group in Waddington and Selsdon. The Selsdon practices is RCVS accredited and routine consultation mainly on small animal cats and dogs was observed during work experience observation of surgical techniques post consultation record keeping and animal welfare were observed and discussed.

As stated above I have completed 340 hours work experience/seeing practice and I have completed over 20 hours CPD. Due to COVID restriction most CPD courses are online. I have become familiar with new legislation in terms of public health and export for example the eradication of pet passport since I was a former OVS and LVI prior to my removal from the register. I think that work experience has helped me to stay in tune with being off the register for so long and allow myself to be up to date with present clinical procedures, drugs and current legislation after UKs departure from the European Union.

Since I have been removed from the register I have travelled outside the United Kingdom in America and the Caribbean my, parents who are deceased, own a farm in the Caribbean and due to COVID 19 I was stranded there for over a year I worked on the farm mainly doing farm work e.g. picking fruits and clearing brush. I have not worked in the UK since removal from the register and have not broken the laws of the land."

74. Dr Samuel also provided documentary evidence of his Continued Professional Development. It was apparent to the Committee that Dr Samuel had taken some steps to keep up to date since April 2021, although, as referenced above, the Committee noted that the tasks Dr Samuel had been set by Dr Lasolle were somewhat rudimentary and the Committee was thus concerned about whether Dr Samuel has the necessary knowledge and experience to return to work unrestricted.

75. The Committee concluded that there was not sufficient information before it to be able to say that Dr Samuel was of the standard required to be restored to the Register.

(h) The impact on the Applicant veterinary surgeon of having his or her name removed from the Register

76. The Committee acknowledged that removal from the Register had caused Dr Samuel hardship, but such was the cost of his reprehensible behaviour and the inevitable consequence of being struck off the Register. Dr Samuel had provided limited information about the financial impact but did refer to owning a number of properties and receiving a limited income from them.

(i) The public support for the Applicant veterinary surgeon.

77. The Committee considered the positive references from a number of Dr Samuel's previous clients, who spoke in glowing terms of the service he used to provide in an impoverished area of Leeds. The Committee acknowledged the value of such a service. The Committee also took into account the letter from the Selsdon and Warlington Vet Group, confirming that Dr Samuel has spent over 40 hours of CPD time with the author, which involved observing practice at their two branches and included discussing clinical cases and situations. The author said how he has known Dr Samuel, who he described as passionate about the profession, for over 20 years and believed him to be honest and dedicated to animal care.

78. In addition, there was a reference from Dr Don Lesolle, MRCVS (referred to above). He is a veterinary clinical practitioner with over 30 years' experience, who has known Dr Samuel for over 15 years and who described him as an asset to the veterinary profession. He confirmed that Dr Samuel had completed 300 hours work experience at the Swinfen Veterinary Centre since April 2021.

79. The Committee also noted the petition provided by Dr Samuel and signed by 100 former clients and some friends, supporting his return to the Register.

80. Notwithstanding the positive references and petition, the Committee considered that Dr Samuel was not fit to be restored to the Register. In reaching this decision the Committee particularly had in mind the findings of the Crown Court, as referred to by the original Disciplinary Committee, for example, to the effect that "*the huskies in the cellar had been there without a break for 48 hours in cramped conditions with no natural light and that they had been spending long periods in the cellar for at least several weeks*" and that "*many [of the animals] were close to starvation*"

81. In addition, the Crown Court "*was sure that [Dr Samuel] had withdrawn his help and support and was completely indifferent to the plight of the animals.*" It found he must have been aware of their suffering and that he effectively tried to wash his hands of the situation by ignoring it. The Court "*was in no doubt that [Dr Samuel] did know that each of the animals [in the RCVS charges] was likely to suffer.*"

82. Where a veterinary surgeon has shown himself to be capable of such indifference to the welfare of multiple animals, there remained, in the Committee's view, a real risk of that indifference manifesting itself again. A registered veterinary surgeon is entrusted with the care of animals, often when they are at their most vulnerable, and sometimes for prolonged periods of time. Given the nature of the animal welfare offences committed by Dr Samuel, the Committee considered there would be a real and significant risk to animals if the high level of responsibility and trust that comes with registration were returned to him.
83. In addition, the Committee considered there would be a real and continuing risk to the reputation of the profession and to public confidence in the profession if Dr Samuel were restored to the Register. Conduct of this kind is of a particularly egregious nature for a member of this profession. Regardless of the approach taken by the criminal courts by way of punishment, the statutory Regulator continues to be responsible for public confidence in the profession and in its reputation. It is imperative that members of the public trust the profession and are confident, when bringing their animals to veterinary practices for treatment and care, that they will be treated and looked after properly. The Committee was firmly of the view that if a veterinary surgeon, who has committed such serious offences with regards to multiple animals, was nonetheless now allowed to practise, the public's trust in the profession was liable to be seriously undermined. As referred to above, Dr Samuel's omission to act at that time was fundamentally incompatible with a core tenet of the veterinary profession to protect the health and welfare of animals.
84. For a veterinary surgeon, conduct involving neglect of animals is at the highest end of the spectrum of serious professional misconduct. For the reasons outlined above, the Committee considered Dr Samuel continued to represent a risk to animal welfare and thus allowing him to be restored to the Register would seriously undermine public confidence in the profession. For all these reasons the application to restore Dr Samuel to the Register is refused.

DISCIPLINARY COMMITTEE
17 December 2021