

**ROYAL COLLEGE OF VETERINARY SURGEONS**

**INQUIRY RE:**

**MR W J SEYMOUR-HAMILTON**

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

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1. The Applicant, Warwick John Seymour-Hamilton, has applied for restoration to the Register of the Royal College of Veterinary Surgeons, having been removed following a direction of the Disciplinary Committee on 13 June 1994. This is the Applicant's tenth such application, his nine previous applications (in 1995, 2010, 2015, 2016, 2017, 2018, 2019, 2020 and June 2021) having been refused.
2. The College has opposed the application, on the basis that the Applicant is not fit to be restored to the Register, and would pose a risk to animal welfare were his name to be restored to the Register.

**The Legislative Framework and Guidance Documents**

3. Section 18(1) of the Veterinary Surgeons Act 1966 provides:  
*"where a person's name has been removed from the Register of Veterinary Surgeons or the Supplementary Veterinary Register in pursuance of a direction under section 16 of this Act, the name of that person shall not again be entered in the Register from which it was removed unless the Disciplinary Committee on application made to them in that behalf otherwise direct."*
4. The Act provides that no application for restoration shall be made within ten months of the date of removal, or the date of a previous application for restoration (s18 (3)). The Applicant has satisfied this requirement.
5. Part V of the Veterinary Surgeons and Veterinary Practitioners (Disciplinary Committee) (Procedure and Evidence) Rules Order of Council 2004 provides for the procedure at a hearing for restoration.

This includes provision for the Chairman and the College's Solicitor to invite the applicant to provide evidence concerning the applicant's character and conduct since his name was removed.

6. The Disciplinary Committee Manual (September 2013) provides:

*"181. Upon an application for restoration, the burden of proof is on the Applicant to satisfy the Committee that he or she is fit to be restored to the Register. Factual assertions by the Applicant (who was the Respondent at the initial hearing) may be proved on the balance of probabilities.*

*182. At an application for restoration hearing the Committee will be concerned to learn of the character and conduct of the Applicant since his name was removed from the Register. Every case is different and no list can be exhaustive, but reference should be made to the list of relevant factors in the Disciplinary Committee Procedure Guidance. Common matters include the following, in no particular order; the Applicant's remorse; whether on the known facts there is a likelihood of repetition and if so, what steps have been taken to guard against that; whether the Applicant has kept himself sufficiently up to date with techniques of practice since his removal from the Register, and the repercussions of the disciplinary offence that led to his removal.*

*184. The Committee will be concerned to judge the weight of the case which led to the decision in the first place. In opening the case the RCVS barrister will provide the Committee with details of the case that led to the removal. The Applicant or his solicitor or barrister shall be entitled to address the Committee and adduce evidence and make such submissions on the question as he wishes. Likewise the RCVS barrister shall be entitled to address the Committee, adduce evidence and make submissions."*

7. The Disciplinary Committee Procedure Guidance (August 2020) confirms that the obligation is on the Applicant veterinary surgeon to satisfy the Committee that they are fit to be restored to the Register. It also provides that the Committee will consider a number of factors when exercising its judgement as to whether to restore a veterinary surgeon (para 85) to the Register, such as:
- (a) Whether the applicant veterinary surgeon has accepted the findings of the Committee at the original inquiry hearing;
  - (b) The seriousness of those findings;
  - (c) Whether the applicant veterinary surgeon has demonstrated insight into his or her past conduct;
  - (d) The protection of the public and the public interest;
  - (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;
  - (f) The length of time off the register;
  - (g) The applicant veterinary surgeon's conduct since removal from the register;
  - (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).

## **The Original Charges**

8. The Original Charges were heard before the Disciplinary Committee on 13 June 1994. The Applicant did not attend the hearing and the Committee decided to proceed in his absence. The charge was:

*“At the time of an inspection by appointment of his professional premises at 9 Orchard Road [sic], Orpington, Kent on 6 August 1993, the said premises were not in a proper condition for the exercise of his profession and equipment and facilities were not maintained in working order, so that risks to the health or welfare of animals brought or to be brought to the said professional premises existed and the state and condition of the said inspected premises was such as to bring the profession into disrepute.*

*In particular, in the said inspected premises:-*

- (a) there was no efficient system for documenting and filing records of case histories of all patients;*
- (b) the Controlled Drugs Register was not properly maintained;*
- (c) there were no adequate facilities for the sterilisation of instruments;*
- (d) the operating theatre showed evidence of quite inadequate attention to hygiene presenting a constant risk of infection<sup>1</sup> to animals undergoing surgical procedures.”*

9. The College, in support of its case, called Mr Jack Walsby MRCVS, who had visited the premises on 6 August 1993. He referred to a report that he had prepared in relation to the visit<sup>2</sup>, indicating that, in response to a request for clinical records, the Applicant had produced three samples, all of which Mr Walsby described as *“totally inadequate”*. Mr Walsby stated that there had been no Controlled Drugs Register at the premises. He further said that he had been *“appalled by the unhygienic conditions in the operating theatre, the prevailing smell and slime under the mat.”* He stated that there had been nowhere to wash; the wood in the operating theatre had been chewed and was impossible to clean; and that, on the floor of two of the cages, there had been urine-stained newspaper which appeared to have been there for some time. Mr Walsby described a pile of about 100 syringes on a dresser, many with needles; and indicated that there had been no sharps box and no facility for sterilising instruments. When asked questions by the Committee, Mr Walsby replied that *“to the best of his knowledge at the time of the visit the Respondent was treating animals on a regular basis.”* Mr Walsby also stated that *“the Respondent had said that he was operating on a regular basis”*

10. The College also called Mr Neal King MRCVS to give evidence. In response to questions from the Committee, Mr King replied that, *“the Respondent had given every impression of being actively engaged in practice at the time of their visit.”*

11. The Committee found the facts in the charge proved and further found that those facts constituted disgraceful conduct in a professional respect. The Committee commented that the *“evidence*

*presented relating to the operating theatre showed a total disregard of basic hygiene and care for animals and was such as to bring the profession into disrepute".* The Committee directed that the Registrar remove the Respondent's name from the Register.

12. There was no appeal against that decision.

### **Previous Applications for Restoration**

13. Since his removal from the register, the Applicant has made a number of applications for restoration. The Committee is not bound by the decisions made in relation to those applications, but the College submits that they are of relevance for the following reasons:

- i. They set the context of the current application;
- ii. They provide some detail of the Applicant's conduct since removal from the register, as he has given evidence on a number of occasions about that conduct;
- iii. They demonstrate that the Applicant has been made aware, on a number of previous occasions, of the type of concerns that would need to be addressed when making any future application for restoration. The Disciplinary Committee has expressed those concerns directly to the Applicant at previous restoration hearings.

### **First Application for Restoration**

14. On 24 July 1995, the Applicant made an application for restoration to the Register. He informed the Committee that since 1990, the combined effects of the recession and the strain of looking after his elderly mother had led to the situation in which his premises had been in the state described at the original hearing. Although he has done so subsequently, at this first restoration hearing he did not raise any suggestion that his practice was not open for business at the time of the visit.

15. The Applicant gave evidence that his main concern was to return to work with animals, but that he had made no preparations for doing so. He stated that he had not taken any steps during his period off the Register to update his knowledge, but would be prepared to undertake a course after restoration. He had not visited other practices within the previous year. He indicated that his former surgery premises were now closed: he was using them to keep rabbits and as kennels for his dogs. He stated that he had not undertaken any refurbishment of the premises as yet.

16. The Committee refused the application for restoration.

### **Second Application for Restoration**

17. On 18 June 2010, the Applicant made a second application for restoration. He gave evidence to the Committee that he had no intention of returning to clinical practice, but believed that restoration would improve his professional status by giving him more credibility, particularly in terms of recognition by the medical and veterinary professions, and that this would assist him with his plans to further his research work into plants with potential medicinal properties.
18. The Applicant accepted that in the previous fifteen years he had not undertaken any relevant Continuing Professional Development (CPD), had not visited any veterinary practices or read the RCVS Guide to Professional Conduct. He indicated that although it was not his intention to return to practice, if he did so, he would have to do some *“rapid revision of the areas where I was going to work”*.
19. The Committee refused the application, stating:

*“Although the Applicant said he had no intention at the present time of going into general practice... the Committee is mindful of the fact that it would have no power to prevent him from doing so. The Committee has an obligation to protect the public and animal welfare. If the Committee were to reinstate the Applicant to the Register, it would have to be satisfied that he is competent and safe to practise immediately and cannot simply accept his assurance that he would take steps to rectify his self-confessed shortcomings at some point in the future.”*

### **Third Application for Restoration**

20. On 11 February 2015, the Applicant made a third application for restoration. He told the Committee that he wished to be restored to the Register in order to widen his work and research, to include animals as well as humans.
21. The Committee refused the application, finding:

*“The Applicant’s answers to a number of questions from both Counsel for the College and the Committee raised a number of concerns. He described the hearing as an ‘exploratory meeting’ and indicated that his lack of knowledge in respect of a number of areas to do with veterinary practice and its regulation was because they are not relevant to his current work as a herbalist and naturopath. The Committee notes that this demonstrates a fundamental lack of understanding as to the Committee’s function and its terms of reference.”*

### **Fourth Application for Restoration**

22. On 18 March 2016, the Applicant made a fourth application for restoration. He referred to various research and studies he had undertaken.
23. The Committee again refused his application, stating:

*“The Committee has concluded that the Applicant has not satisfied it that he is fit to be restored to the Register. The Committee is concerned about the length of time that has passed since he last practised and the paucity of evidence he has provided to establish that, if permitted to return to practice, he would be able to attain the professional standards required of a modern veterinary practitioner, either as regards surgical capabilities/competencies or as regards his knowledge of currently available veterinary medicines. These factors lead into a conclusion that this Committee is not satisfied that the welfare of animals which the Applicant would be called upon to treat would be sufficiently protected were he to be allowed to return to practice, especially bear in mind that any restoration to the Register would entitle the Applicant to practise without any limitations or restrictions on the type of work that he could undertake. The Committee entirely understands the Applicant’s desire to advance his prospects of achieving acceptance amongst academics and practitioners of his research work and that those prospects might be enhanced by a restoration of his name to the Register but that is not as factor which is relevant to his Application for Restoration. The Committee’s obligations and duties are to see that the interests of animal welfare are properly protected by ensuring that only those who are properly trained, knowledgeable and experienced are permitted to treat animals and that public confidence in the standards of the profession are maintained. The risks attendant on a restoration of this Applicant to the Register are, in the judgment of the Committee, plain and obvious.”*

#### **Fifth Application for Restoration**

24. On 15 May 2017, the Applicant made a fifth application for restoration. The Committee again refused his application, stating:

*“The Committee has very great concerns about the future of the welfare of animals in the event of the applicant being permitted to have his name restored to the Register. He has made it clear that whilst he has no intention to return to routine veterinary general practice, he would intend to treat animals and to continue his research using animals, The Committee observes that, were he to be restored to the Register, there would be no power to prevent the applicant practising as a veterinary surgeon in any way he may choose...*

*The Committee is far from persuaded that the passage of 23 years has not had a negative impact on the applicant’s ability to practise safely and competently as a veterinary surgeon at this present time.”*

#### **Sixth Application for Restoration**

25. On 23 April 2018, the Applicant made a sixth application for restoration. The Committee once again refused his application, stating:

*“The Committee noted that the Applicant had been off the register for 24 years. Until relatively recently he had not been undertaking CPD. His CPD now has a bias for herbal medicine, as does*

*his extensive reading. The Committee was not satisfied that his skills are up to date and that he can practise veterinary medicine safely. The Committee was not satisfied that he would approach a sick animal with the full and rounded approach required of a veterinary surgeon. Nor did his confidence in this regard allay the concerns of the Committee. He expressed belief in himself on the basis of his practice which came to an end some 24 years ago. Veterinary medicine has developed profoundly during this period. The purpose of being on the register is to treat animals holistically using a veterinary surgeon's skills and knowledge...*

*The Committee was concerned that the Applicant has not undertaken a prolonged and intense period of retraining by way of relevant study to ensure a sufficient level of competence on return to practise."*

### **Seventh Application for Restoration**

26. In May 2019, the Applicant made another application to be restored to the register. On 30 May 2019, the Committee refused the application, stating:

*"This Committee had significant concerns regarding the Applicant's ability to practise safely because nearly twenty-five years have passed since he has been in practice and there is little, if any, evidence of keeping up to date with the knowledge and skills required to practise as a veterinary surgeon. The Applicant, worryingly in the Committee's view, did not accept that he was in any way deskilled by the passage of time. The evidence that the Applicant has provided showed limited interaction with other veterinary surgeons and there is no documented evidence of the discussions or structure of the meetings he had with veterinary surgeons in Europe. He described the meetings as "having a chat". There is no evidence of a prolonged and intense period of re-training by way of relevant study to demonstrate that a sufficient level of competence to return to practise has been achieved. In the absence of such evidence the Committee was of the view that there would be a serious risk to the welfare of animals if the Applicant was restored to the Register. Further it was a grave concern to this Committee that the Applicant demonstrated worrying attitudinal issues towards individuals of a different religion and his attitude to employing a minor when he knew it to be against the law. Such attitudes in the Committees view are incompatible with professional standards the public would expect of a veterinary surgeon. Finally, there is no evidence of public support for the applicant veterinary surgeon."*

### **Eighth Application**

27. In June 2020, the Applicant made another application to be restored to the register. On 1 July 2020, the Committee refused the application, stating:

*"He has exhibited a disregard for regulation and compliance with the law. He lacks an understanding as to why he has not been restored in the past. He has not set about addressing any of his shortcomings. He relies wholeheartedly on his research, yet he does not support that research with any real peer reviewed publications and he fails to acknowledge the consequences of being out of*

*practice for so long. He has misplaced confidence in his own abilities and does not recognise that his approach and / or actions can represent a danger to animals and to the public."*

### **Ninth Application for Restoration**

28. In June 2021, the Applicant made another application to be restored to the register. On 25 June 2021, the Committee refused the application, stating:

*"The Committee considers that where some 27 years have passed since the Applicant has practised, there will inevitably be a serious risk to the welfare of animals if he is restored to the Register. In addition, the Committee is firmly of the opinion that it would not be in the public interest for the application for restoration to the RCVS Register to be granted in this case"*

### **The Current Application**

29. On 4 May 2022, the Applicant notified the College that he wished to make a further application for restoration. He was reminded, by letter from the College's solicitors dated 1 June 2022, of the factors listed at paragraph 85 of the Disciplinary Committee Guidance.
30. The Committee has been advised by the Legal Assessor that it is a matter for the Committee's judgement as to whether the Applicant has satisfied them that he is fit to be restored to the register, taking into account the factors set out at paragraph 85 of the Guidance.
31. The Committee heard the Application remotely on 8 June 2022. The Applicant attended the hearing, having submitted a bundle of documents, which included a witness statement setting out all the matters that the Applicant wished the Committee to consider in support of his application, including some certificates of CPD webinars that he had attended in the past year. This statement was treated as his evidence in chief. In addition, he gave oral evidence to the Committee.
32. Ms Curtis began proceedings by presenting an outline of the background to this case, as set out above, and the reasons why the RCVS opposed the Application. These included the statement by the Applicant that he does not accept the basis of the original findings made against him in 1994, stating that at the time of the inspection his premises were closed to business. Further, the College referred to the fact that the Applicant stated (as he has in the past) that the purpose of his application is to enable his herbal and natural remedy discoveries to be forwarded. In the past he has indicated that he has no intention of going back into general practice. The College noted that the Committee has no power to attach conditions to registration. Regardless of the Applicant's current intentions, if restored to the Register, he would be free to practise as a veterinary surgeon without restriction.
33. The College submitted that whilst this Committee is not bound by the decisions made in relation to the Applicant's previous applications, they are of relevance for the following reasons:
- (i) They set the context of the current application;



- (ii) They provide some detail of the Applicant's conduct since removal from the Register, as he has given evidence on a number of occasions about that conduct;
  - (iii) They demonstrate that the Applicant has been made aware, on a number of previous occasions, of the type of concerns that would need to be addressed when making any future application for restoration. The Disciplinary Committee has expressed those concerns directly to the Applicant at previous restoration hearings.
34. The College submitted that the Applicant was not fit to be restored to the Register because of the factors identified in paragraph 85 at (a), (c), (d), (e), (f), (g) and (h), which he was not able to satisfy or meet, namely:
- (i) The Applicant still does not accept the original findings which led to his removal from the register and, over the course of his previous applications, he has shown no insight into the conduct underlying those original findings, nor has he shown insight into the matters identified by previous Committees as raising serious concerns (factors (a) and (c)).
  - (ii) The Applicant has been off the register for some 28 years and so would need to undertake prolonged, intensive, formal re-training to ensure that he was now fit to practise and meet the "day one" competencies of a veterinary surgeon. He has not done so, and to be restored would therefore pose a significant risk to animal welfare (factors (e), (f) and (h)).
  - (iii) The Applicant has on previous occasions indicated that he has practised veterinary surgery – including two spay procedures in Calais – whilst off the register. He has also admitted using his own animals in order to try out new, untested remedies. This conduct is indicative of someone without due regard to the importance of the relevant level of skills, experience and qualifications required in order to undertake veterinary surgery. This therefore presents a real and significant risk to animal welfare (factors (e) and (g)).
  - (iv) The College submitted that the reputation of the profession, and public confidence in the profession, would be significantly undermined if the Applicant were to be restored without the necessary prolonged and intensive training required for him to be a safe practitioner (factor (d)).
  - (v) In these circumstances the College invited the Committee to consider that where some twenty-eight years have passed since he had practised as a veterinary surgeon, where there has been no intensive and prolonged re-training, no acceptance of the original findings and no insight into concerns about his fitness to practise, there will exist a serious risk to the welfare of animals and the wider public interest if the Applicant were to be restored to the Register.

### **The Applicant's Evidence**

35. Much of the Applicant's evidence, which he provided after taking an Affirmation, was not relevant to the criteria and test which this Committee is enjoined by its Guidance documents to consider and apply. It consisted largely of a repetition, and in some cases elaboration, of the content of his written statements which were included in the Inquiry Bundle.

36. The most material points he sought to make included the following. He said that the reason he keeps applying for restoration is because the decision to remove his name from the Register was unfair. Given that the Applicant did not appeal the Decision to remove his name from the Register, that is not a matter which this Committee can consider. He referred to his intention, when he can get his money out of Turkey, to apply for a Judicial Review. As that would be applied for some 28 years after the event, that prospect must be considered a remote one. Normally a party is expected to apply for a Judicial Review within 3 months of the decision in question.
37. Notwithstanding the advice given to the Committee by the Legal Assessor concerning the irrelevance of the contents of the email from Mr Trevor Farrow dated 3 June 2022, the Applicant persisted in his attempts to rely on its contents to “undermine” the validity of the 1994 Decision which led to his removal from the Register. In any event, the content of that email amounted to nothing more than a commentary on the evidence adduced before the Committee in 1994 and was heavily caveated by Mr Farrow in his email.
38. He continued to state that the reason he keeps applying for his name to be restored to the Register is because he has wonderful herbal products that he wishes to be able to bring to the public – “If I can’t get restored I can’t get my products to the public”. He asserted that he had been doing vital research into powerful antibiotics in the form of chelated herbal compounds. It was very difficult to get such products through to the public as there were many committees which had to approve them before they could be placed in the market. He complained that he could not get his products peer reviewed as that would cost him £120,000 and he did not have such a sum available to him. He had approached 140 drugs companies but they would not touch herbal medicines.
39. He went on to say at one stage that he did admit the seriousness of the previous findings of the Committee. He maintained that he always acted well within the requirements of the law but then referred to his conduct in undertaking the spaying of a cat whilst he was in Calais. The surprising explanation for undertaking that procedure was that he did it for “a joke”. Quite what the “joke” was he did not explain. What he did explain was that this procedure was undertaken in the presence of two French veterinary surgeons and was permitted because the jurisdiction on the RCVS did not extend beyond the boundaries of the UK.
40. He insisted that he did not intend to return to practice as a veterinary surgeon. He is now 83 years of age. He had undertaken animal surgery for 30 years before he decided to retire from practice in 1994 and “that was enough for me”. Instead what he wanted to do was peer reviewed research. He surprisingly then stated that he was asking for “the rules to be bent in this case” so that he could still do his research and then “forward it”.
41. In cross examination he repeated that he did not intend to return to practice as a veterinary surgeon. When it was suggested to him that, in the 28 years which had passed since he last practised, veterinary medicine and surgical practices had progressed, the Applicant responded that he read up on veterinary medicine so he covered that aspect but that a lot of surgery “is just the same”.

42. Once more he offered the statement that he was only here to “try to influence this Committee to bend it a little” because “there were a lot of people out there who are dying”.
43. As to keeping up to date with developments in veterinary medicine and practices he accepted that he had not undertaken any formal structured training. He explained that there was no College course that he could join. He did accept that he had not seen any practice since 2021 when he last applied for restoration, nor had he visited any practices to undertake observations of modern clinical practice. His CPD courses were undertaken because he found them entertaining. He had done one month on human pharmacology and had done the best he could.
44. He was asked whether he considered his use of unlicensed medicines on his own animals to be dangerous. His answer was that herbal medicines had been used for millennia and he had taken these medicines himself.
45. To the question whether, if restored to the Register, he would be happy to use such unlicensed medicines, he responded by stating that he was happy to treat animals with these but he would only do so in conjunction with two other veterinary surgeons and where there were no alternatives. On the issue of safety, he stated that they were because he had used them on himself.
46. He was next questioned about his statement that he had gone to Croatia and Gibraltar for the purpose of contracting Covid-19 in its various forms, his contraction of the infection some 5 times and his self-treatment with chelated allium and it was put to him that this was a reckless way in which to conduct research. His answer was that “someone had to do something about Covid. It was not reckless for me to do it”.
47. When asked if he was applying for restoration because people would respect his views about his medicines more, he answered “Yes, that’s it”.
48. He ended his evidence by repeating that he was “here to try to get the rules to bend. We are facing a plague and it will kill millions”.
49. This evidence from the Applicant and its relevance to the criteria which the Committee must apply is addressed below.

### **Approach Adopted**

50. The Committee received and accepted the advice of the Legal Assessor, which confirmed the RCVS submissions as to the legal framework relating to restoration applications, and the various factors that the Committee had to take into account.
51. As regards the previous decisions reached by other Committees on the Applicant’s prior Applications for Restoration, this Committee considered their relevance lay only in the limited respects submitted by the College, namely that they set out the factual history and basis on which he advanced his earlier Applications for Restoration, they identify his conduct since his removal from the Register and they confirm that the Applicant was then and is now fully familiar with the

criteria applicable to applications for restoration to the Register following removal. Accordingly, whilst the Applicant was unrepresented he was at no disadvantage stemming from an unfamiliarity with the process. Save to that extent, the Committee has made its decision based on the merits of the case now before it and has not been swayed or influenced by the outcome of those previous Decisions. The Applicant was apprised of the importance of the obligation on him to satisfy this Committee, by the evidence he presented today, that he had met the criteria identified in paragraph 85 of the Guidance and of his need to establish that he was fit to return to practice, having regard to those matters identified in that paragraph. By his presentation of his case, the Applicant appears to have fully appreciated the importance of these requirements, for he addressed them in his Written Submissions.

52. The Committee gave careful consideration to the documentation submitted by the Applicant and to his written and oral submissions. The documentation and written submissions had been considered by the Committee in advance of the Hearing but were reflected on once more during the course of its deliberations.
53. One document that the Committee was not able to place reliance on was the document provided by Mr Farrow. It does not constitute evidence in this case, but instead amounts to no more than a “commentary” on evidence given by others at the original disciplinary hearing which took place back in 1994. Further, and in any event, the Committee has no power to go behind the decision made on the basis of the evidence heard in 1994, a decision which was not and has not been appealed by the Applicant.
54. The Committee also notes that the Applicant’s contention that his practice would have been closed to the public at the time of the inspection visit on 6 August 1993 was one which he did not seek to advance at the time of his first appearance in person before the Disciplinary Committee, namely at the hearing on 24 July 1995, as the Transcript confirms.
55. The Committee has given careful consideration to the evidence, both written and oral, of the Applicant. The Committee is reminded by the Legal Assessor that the obligation is on the Applicant to satisfy the Committee that he is, at this present moment, fit to be restored to the Register and to practise. This is a matter of judgement for the Committee, which has had particular regard to the criteria set out in paragraph 85 of the Guidance. It has addressed each of the matters listed in reaching its Decision. In addition, the Applicant has addressed the Committee both in writing prior to the Hearing and orally before the Committee, as to each of those criteria.
56. Those factors relevant to the exercise of the Committee’s judgement as to whether a veterinary surgeon is fit to be restored to the Register are set out and addressed below, as are its findings in relation to those factors which it is enjoined to consider on such an application is this.

## **The Decision of the Committee**

### (a) Whether the applicant veterinary surgeon has accepted the findings of the Committee at the original inquiry hearing

57. The Applicant does not accept the Findings of Fact made by the Committee at the 1994 Hearing nor, obviously, the correctness of its Decision to order his removal from the Register. The basis for his non-acceptance of that Committee's findings is that he states that his practice premises had been closed a full three weeks prior to the inspection, and were not in use as a veterinary surgery as the inspectors had found. His presentation of the email from Mr Trevor Farrow was a further attempt by him to undermine the Findings of the 1994 Committee. It appears to this Committee that he has become more adamant, not less, with the passage of time that the original Findings were unfounded. This Committee again notes that he did not appeal the decision of the 1994 Committee, and did not raise this matter at the first of his applications for restoration in July 1995. In short, the Applicant, at all of his applications for restoration, has not been willing to accept the findings of the Regulator at the original hearing and, therefore, still has to acknowledge the extent of the risk that the state of his premises and the deficiencies in his records posed to the animals he was then being called upon to treat. It is clear that the Applicant wishes this Committee to go behind the Findings and Decision of the 1994 Committee – see his request that it should “bend the rules”. The Committee has accepted the advice of the Legal Assessor that this Committee has no power to reopen consideration of the original findings and must proceed on the basis that its Findings of Fact and Decision were correct.

### (b) The seriousness of those findings:

58. The Findings against the Applicant were sufficiently serious to result in him being removed from the Register. This Committee also considers that those Findings threatened to undermine the welfare of the animals he was treating and clearly put their health at risk and, accordingly, considers that the matters found against him constituted serious failings in the Applicant's standards of practice. It is a matter of concern that he does not accept the findings against him, and the Applicant's attitude towards seriousness is directly linked to his refusal to accept the original 1994 findings. Inevitably this means that he does not accept the seriousness of those practice deficiencies.

### (c) Whether the applicant veterinary surgeon has demonstrated insight into his or her past conduct:

59. The Committee considers that the Applicant has not demonstrated insight into his past conduct. He has failed to demonstrate insight as to the role and powers of the veterinary regulator, and has shown no insight into previous decisions as to what was required to enable a successful application for restoration, in spite of the fact that he has been given the clearest of advice in that regard, as set out in the decisions of those Committees which decided his previous applications for Restoration to the Register. The Committee has considered with care the Applicant's written witness statement in support of this current application, and considers that the vast majority of the material in that document fails to address satisfactorily the relevant factors which are set out in paragraph 85 of the

Disciplinary Committee Guide. The Committee is driven to the conclusion that the Applicant has displayed either an indifference to the College's rules and regulations or a lack of insight into the reasons why the College and past Committees have requested evidence that he has undertaken a structured learning and practice programme which would reskill him so that he could show that he had attained Day 1 post-graduate competency in veterinary medicine and surgery. The Applicant has shown no acceptance of the fact that the Committee is directed by its Guidance document to apply the criteria set out in paragraph 85 of the Guidance when deciding whether an applicant is fit to be restored to the Register. Instead, he has manifested a disinterest in those Rules and requirements, apparently on the grounds that they should not be applied to his application because his herbal medicines are of such vital importance to the welfare of people and animals. In his evidence he stated that he is professionally competent to spay a cat. He had done so in Calais, whilst struck off by the RCVS, and after more than 20 plus years out of the profession at that time, he was unable to see that he had done anything wrong.

60. It appears to the Committee that there is a fundamental failure on the part of the Applicant to accept or understand the basis on which a Committee can conclude that a person is fit to be restored to the Register. Persons are admitted to the Register if they are qualified and fit to practise as veterinary surgeons. That is the purpose of admission – so that they can diagnose, treat and protect the health of animals in their care. Admission to the Register for extraneous purposes is not permitted. A person is not entitled to apply for Registration in order to permit them not to practise as a veterinary surgeon. That essentially is what the Applicant has requested this Committee to allow. He has stated once more that he does not intend to practise as a veterinary surgeon. Instead, he wishes to undertake peer reviewed research and to deploy the fact that he is Registered to better enable him to persuade others, in particular drug companies, to take his researches into the efficacy of his herbal remedies seriously, which they currently have shown no inclination to do. The Committee considers this to be a misuse of the process which permits an applicant to apply for restoration to the Register following removal. As has been repeatedly pointed out to the Applicant, were he permitted to have his name restored to the Register, the Committee cannot impose any restrictions on his right to practise veterinary medicine and surgery, hence the requirement that he be re-skilled to Day 1 standard competency. If restored to the Register, the Applicant would then be free to undertake general practice in all its forms. Of clear concern to the Committee was his assertion that a lot of surgery “is just the same” even after 28 years out of practice, as well as the fact that he accepted that he had not undertaken any formal structured training and had not seen any practice since 2021.

(d) The protection of the public and the public interest;

61. The protection of the public and the public interest is of the utmost importance. In the view of the Committee, the Applicant continues to show a lack of understanding of the role and purpose of regulation of the veterinary profession. Despite current repeated contacts with the Regulator at previous hearings, he does not appear to have accepted the purpose of the Regulator in protecting public interest, upholding professional standards and promoting animal welfare. He has continued to maintain that, if his restoration application were to be granted, he would have no intention of

resuming the practice of veterinary surgery. It appears that he wishes to have the credibility which derives from being a member of the profession, without taking on the many responsibilities required by that role. The Committee considered that he did represent a danger to the public because of his unwillingness to follow the principles of evidence-based veterinary medicine. His attitude was that if the herbal medicines he wished to prescribe for animals worked on him then they would be safe for use on other persons and animals. The Committee noted that he has not produced any evidence to show that he has been publishing his research widely in Herbalist literature. The concern of the Committee is that persons who are entitled to call themselves registered veterinary surgeons are respected, trusted and accepted by members of the public as competent practitioners in veterinary medicine. Accordingly, such status could be used by the Applicant to the better persuade members of the public to accept and use his medicines, despite the fact that there is a paucity of proper studies into their efficacy and safety. The need to protect animals which he would be authorised to treat if restored to the Register is an issue which is addressed further below.

(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;

62. The future of the welfare of animals in the event of the Applicant being restored to the Register is a paramount consideration and a matter of real concern to the Committee. It considers that it is important that the Applicant should be able to satisfy it that the welfare of animals that he could be called upon to treat, were he to be permitted to return to practice, would be preserved and maintained. The Applicant, in his oral evidence, was hugely overconfident about his ability to retain the skills of a veterinary surgeon after 28 years out of the profession. In the view of the Committee, this overconfidence is totally misplaced, and indicates that it would be unsafe for the Applicant to be in a situation where he would be entitled to perform procedures or otherwise embark on the activities which are restricted to veterinary surgeons on the practising register.

63. The Applicant asserted that veterinary medicine had not changed during this 28 year period. The 3 antibiotics to which he made reference in this connection were all in circulation at the time he entered practice 55 plus years ago. There have of course been many advances in veterinary medicines in that period. In short, the Committee was far from satisfied that he possessed the necessary practice knowledge or skills to warrant a return to veterinary medicine. The concern remains that he would instead deploy his untested, unlicensed and unregulated medicines on animals brought to him for treatment, in particular those brought to him by desperate owners of very ill animals.

64. At the hearing of the Applicant's application for restoration on 1 July 2020, the Committee stated as follows:

*"He has exhibited a disregard for regulation and compliance with the law. He lacks in understanding as to why he has not been restored in the past. He has not set about addressing any of his shortcomings. He relies wholeheartedly on his research, yet he does not support that research with any real peer reviewed publications and he fails to acknowledge the consequences of being out of*

*practice for so long. He has misplaced confidence in his own abilities and does not recognise that his approach and or actions can represent a danger to animals and to the public”.*

65. The Committee is in complete agreement with these findings. He has a dogmatic and absolute belief as to the effect of his herbal remedies, which he prioritises above all other responsibilities that he would be required to undertake in the event of his being restored to the Register. Further, the concerns of the Committee derive from the factors set out in (f) and (g) of paragraph 85 of the Guidance, as to which see further below.

(f) The length of time off the Register;

66. The Applicant has now been off the Register for some 28 years. That is a very substantial period of time out of practice and the greater the length of time off the Register the more a veterinary surgeon's skills are liable to decay – and the greater the re-skilling that will be required for a successful application for restoration. It therefore behoved the Applicant to produce good evidence that that period out of practice has not adversely affected his ability to maintain the standards of the art and science of veterinary medicine that would be demanded of a veterinary surgeon in practice today. The College submits that he would need to undertake prolonged, intensive, formal retraining to ensure that he was now fit to practise and meet the “Day 1” competencies of a veterinary surgeon; that he has not done so; and that to be restored would therefore pose a significant risk to animal welfare. The Committee agrees. Aided as it is by its veterinary members, of which there are two, the Committee is of the view that the fact that he has been off the Register for such a protracted period of time means that he would need to complete retraining in basic sciences and clinical skills to attain Day 1 competencies. He would also need to provide evidence that such had been done. Veterinary medicine is an evidence-based profession, not an instinct-based profession. The Committee is of the view that a practitioner who has been out of practice for this length of time would, as a minimum, need to undertake a structured approach to re-equipping himself to practice by attaching himself to a practice that would allow him to observe a wide range of veterinary diagnostics, medicine and surgery for a considerable period of time and to attend suitably recognised refresher courses, supplemented by extensive academic learning to regain Day 1 competencies. The documentation that the Applicant submitted in support of his case did not indicate that he had adopted any such structured learning approach to reskilling himself. Instead the CPD courses that he signed up to comprised a random selection of topics which may have been of interest to the Applicant but were not topics which aided his re-skilling such that he could show that he would be a competent veterinary surgeon who was fit to be permitted to practise without restriction. The CPD documentation ended in mid-2021. He has not produced any “aims to learning” document of the kind that the Committee would have expected, particularly having regard to the guidance given to the Applicant in the past Decisions on his restoration applications. Further, there was no reflection on what learning had been carried out and so the Committee could only conclude that there was no evidence as to its usefulness or whether anything material had been learnt.



(g) The applicant veterinary surgeon's conduct since removal from the Register;

67. The Applicant has in his evidence, and on previous occasions, indicated that he has practised veterinary surgery, including the cat spay in Calais, whilst off the Register. He justified this on the basis that the jurisdiction of the RCVS did not extend into France and that he had undertaken the surgery in the presence of two French veterinary surgeons. The College submits that this conduct is indicative of someone without due regard to the importance of the relevant level of skills, experience and qualifications in order to undertake veterinary surgery. The RCVS submits that this presents a real and significant risk to animal welfare. The Committee is in agreement.
68. Of concern to the Committee was the Applicant's behaviour during the Covid epidemic. He stated in his written evidence that he had travelled to Croatia and to Gibraltar in order to catch the infection. This, it was suggested by the College, constituted reckless behaviour on his part. The Applicant resiled from his written case by saying that he had not travelled to these places in order that he might become infected but it is to be noted that he undoubtedly chose to travel through France during a period when that country was locked down. Whatever may be the true reasons for his travels, what concerns the Committee is that he remained adamant that his herbal medicines, which he prescribed for himself when he caught Covid in both countries, were the sole reason he survived both sets of infection when they were untried and untested in any scientifically accepted manner. It appeared to the Committee that the Applicant's attitude is that if he wishes to do something he will simply do it and then seek to justify his conduct afterwards if called to account.
69. Three other matters of concern to the Committee were, first, the fact that he has had ample time and opportunity to reskill himself in advance of his application for Restoration but has entirely failed to make any sustained or systematic effort to do so. The next matter of concern relates to the Applicant's request that this Committee should "bend the rules" to enable his restoration application to succeed. This he said more than once so it was not a slip of the tongue. This evinces a state of mind that if he considers the end to be desirable, then the rules that apply to other veterinary surgeons should not affect him. This does not augur well for a responsible return to practice. The remaining matter of concern relates to his description of himself as a "veterinary surgeon herbalist" which, in his oral evidence, was a description he used more than once. He should not be so describing himself because he is not a registered veterinary surgeon, and simply attaching the word "herbalist" does not remedy the false description. It remains a misleading statement.

(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).

70. It is clear to the Committee that the Applicant has, since the last restoration application, undertaken very little continuing professional development. The CPD he has undertaken shows no structure, no planned programme of study and evidences no discussions or tutelage with and by practising veterinary surgeons. He states that he has undertaken additional reading but provided the Committee with no facts, figures or texts of that additional reading. The herbalist courses that he

has attended are not accredited. It appears to the Committee that this Applicant does not know what he does not know and has not prepared himself for a return to Registration, which means practice as a veterinary surgeon.

71. It is also not without significance that the Applicant's application for Restoration was not supported by any herbalists, former clients or veterinary surgeons.
72. In the view of the Committee, the Applicant is totally unaware of current veterinary principles of being an evidence-based profession, use of clinical audits, and reflective learning. The Committee concludes that he has not shown that he could return to practice now as a veterinary surgeon with the requisite skills and knowledge set that would be demanded even of the newly qualified veterinary surgeon entering practice for the 1<sup>st</sup> time as would be expected by a right-minded member of the public who was properly concerned about animal welfare.

## Conclusions

73. In the light of the above findings, the Committee has concluded that the Applicant has not satisfied it that he is fit to be restored to the Register. The Committee is concerned about the length of time that has passed since he last practised and the paucity of the evidence he has provided to establish that, if permitted to return to practice today, he would be able to attain the professional standards required of a modern veterinary practitioner, both as regards surgical capabilities and competence as regards knowledge of currently available veterinary medicines. These factors led to a conclusion that this Committee is not satisfied that the welfare of animals which the Applicant would be called upon to treat would be sufficiently protected were he to be allowed to return to practise, especially bearing in mind that any restoration to the Register would entitle the Applicant to practise without any limitations or restrictions on the type of work that he could undertake.
74. Whilst the Committee is cognisant of the Applicant's desire to advance his prospects of achieving acceptance amongst academics and drug companies of his research work and that those prospects might be enhanced by restoration of his name to the Register, that is not a factor which is relevant to his Application for Registration. This Committee's obligations and duties are to see that the interests of animal welfare are properly protected by ensuring that those whose names are on the Register are properly trained, knowledgeable and experienced in the treatment of animals and that public confidence in the standards of the profession is maintained.
75. For the reasons set out above, the Committee considers that where some 28 years have passed since the Applicant has practised, there will inevitably be a serious risk to the welfare of animals if he is restored to the Register without the factors identified in paragraph 85 of the Guidance being satisfactorily addressed. The risks attendant on a restoration of this Applicant to the Register are, in the judgement of this Committee, plain and obvious. In addition, the Committee is firmly of the opinion that it would not be in the public interest for the Application for Restoration to the RCVS Register to be granted in this case.

76. Accordingly, this Application for Registration is refused.

77. The Committee would strongly advise the Applicant to reflect carefully on what is required before a restoration application can succeed where the applicant has not practised for 28 years. What is required has been spelt out to him in the clearest of terms on no less than 10 occasions now. The reasons for this Applicant's desire to have his name restored to the Register do not satisfy the requirements of the Guidance Document which govern the Restoration process. What is required is evidence of a Day 1 competencies to return to unrestricted practice as a veterinary surgeon. In the absence of such evidence, Applications for Restoration are doomed to failure because the Committee is bound to apply the criteria which govern this process. The purpose of restoration to the Register is to enable a person to recommence practise as a veterinary surgeon and the duty of Disciplinary Committee is to ensure that those who apply for restoration are properly equipped to practise so that the welfare of the animals they treat is protected and the public interest in the maintenance of properly skilled veterinary standards is preserved, before such applications can succeed.

#### **DISCIPLINARY COMMITTEE**

**10 June 2022**