

ROYAL COLLEGE OF VETERINARY SURGEONS

INQUIRY RE:

MR W J SEYMOUR-HAMILTON

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

1. The Applicant, Warwick John Seymour-Hamilton, applies for restoration to the College's register, having been removed following a direction of the Disciplinary Committee on 13 June 1994. This is the Applicant's ninth such application, his eight previous applications (in 1995, 2010, 2015, 2016, 2017, 2018, 2019 and 2020) having been refused.
2. The College opposes 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 if restored.

Legislative Framework and Guidance Document

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)).
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 in exercising its judgment as to whether to restore a veterinary surgeon (para 85), 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 infection¹ 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 visit², 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 Committee's 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."

The Current Application

28. The Applicant notified the College that he wished to make a further application for restoration. He was reminded, by letters both from the RCVS and its solicitors, of the factors listed at paragraph 85 of the Disciplinary Committee Guidance.
29. The Committee has been advised by the Legal Assessor that it is a matter for the Committee's judgment 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.
30. The Committee heard the Application remotely on 25 June 2021. 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.
31. 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.
32. The Committee received and accepted the advice of the Legal Assessor, which re-iterated the RCVS submissions as to the legal framework relating to restoration applications, and the various factors that the Committee had to take into account.
33. The Committee considered the factors set out in paragraph 85 of the Disciplinary Committee Guidance 2020 in turn, summarising the material evidence and its findings in relation to each factor.

The Decision of the Committee

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

34. The Applicant told the Committee that he accepted the facts set out in the charges against him following an RCVS inspection of his professional premises in Orpington in August 1993, although he did not accept the conclusions that the two inspectors had reached following their inspection. The Disciplinary Committee at the original hearing found him to be guilty of disgraceful conduct in a professional respect. The Applicant does not accept that finding, and considers that he had been falsely accused, because he says that the premises had been closed three weeks prior to the inspection, and were not in use as a veterinary surgery as the inspectors had found. The Committee notes that he did not appeal the decision of the original 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. The Committee has accepted the advice of the Legal Assessor that this Committee has no power to reopen consideration of the original findings.

(b) The seriousness of those findings:

35. The findings against the Applicant were sufficiently serious to result in him being removed from the register, and the Applicant accepts that the original findings would have been serious if the premises had been in use as a veterinary surgery at the time of the inspection. However, he continues to believe that the premises were closed at the relevant time. The Committee considers that it is 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 their original findings.

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

36. 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 being given advice in that regard. The Committee has considered with care the Applicant's written witness statement in support of this application, and considers that the vast majority of the material in that document fails to address any of 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 total disregard for rules and regulations. 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 25 years out of the profession. He was unable to see that he did anything wrong.

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

37. 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 always maintained that, if his restoration application were to be granted, he would have no intention of resuming the practice of veterinary surgery. It seems that he wishes to have credibility by being a member of the profession, without taking on the many responsibilities required by that role.

(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:

38. The future of the welfare of animals in the event of the Applicant being restored to the register is a paramount consideration. The applicant in his oral evidence, was supremely overconfident about his ability to retain the skills of a veterinary surgeon after 27 years out of the profession. He said that he was confident that he could do anything. He presented no evidence to support this assertion. 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.

39. 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".

40. The Committee is in complete agreement with these findings. He has an obsessive 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.

(f) The length of time off the register;

41. The Applicant has now been off the register for some 27 years. The College submits that he would need to undertake prolonged, intensive, formal retraining to ensure that he was now fit to practice 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. The Committee agrees.

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

42. In his evidence to the Committee the Applicant did not demonstrate sufficient relevant conduct in relation to his fitness to be on the Register. Although he asserted that he did not drink, smoke, take drugs and had not been arrested. When questioned as to whether he had gone on formal veterinary courses, he said that he did not have time to do that. He has appeared dismissive of all other vets, particularly those in Orpington, who he described as 'useless', because they did not have his skills and abilities in relation to herbal medicines which are not being used in professional veterinary practice.

43. The Applicant has on previous occasions indicated that he has practised veterinary surgery, including the cat spay in Calais, whilst off the Register. He has admitted using his own animals in order to experimentally administer new, untested remedies. The RCVS 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.

(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).

44. It is clear to the Committee that the Applicant has, since the last restoration application, undertaken very little continuing professional development. He maintains that he is so busy doing his very important work in relation to herbal remedies that he has had no time to attend formal veterinary courses, or other methods of training. He claims that he does not find it difficult to keep up to date, because he is able to perform online searches if he is in need of information. He thinks that he is competent to operate even after 27 years out of the profession, and maintains that he could operate now. In the view of the Committee, the Applicant is totally unaware of current veterinary principles of being an evidence-based profession, use of clinical audit, and reflective learning.
44. For the reasons set out above, 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.

DISCIPLINARY COMMITTEE

25 June 2021