

ROYAL COLLEGE OF VETERINARY SURGEONS

INQUIRY RE:

MR W J SEYMOUR-HAMILTON

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

1. The Applicant 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 eleventh such application, his ten previous applications (in 1995, 2010, 2015, 2016, 2017, 2018, 2019, 2020, 2021 and 2022) having been refused.
2. The College 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 if restored.

The submissions of the College

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, on the balance of probabilities, that they are fit to be restored to the Register (paras 82 - 83). It notes that the Committee should consider the public interest, and should take into consideration any evidence (including character testimonials) on behalf of the Applicant, as well as any College submissions. 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).

8. The Guidance document goes on to state:

“87. The Disciplinary Committee will only restore the name of the applicant veterinary surgeon to the register where the applicant has satisfied it that he or she is fit to return to unrestricted practice as a veterinary surgeon and that restoration is in the public interest.”

The Original Charges

9. 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 to animals undergoing surgical procedures.”*

10. 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, 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.”*

11. 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.”*
12. 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.
13. There was no appeal against that decision.

Previous Applications for Restoration

14. 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

15. 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.
16. 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.
17. The Committee refused the application for restoration.

Second Application for Restoration

18. 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.
19. The Applicant accepted that in the previous fifteen years he had not undertaken any relevant Continuing Professional Development, had not visited any veterinary practices or read the College's 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*".
20. 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

21. 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.
22. 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

23. On 18 March 2016, the Applicant made a fourth application for restoration. He referred to various research and studies he had undertaken.
24. 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 a 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

25. 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

26. 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

27. 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 for Restoration

28. 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

29. In June 2021, the Applicant made another application to be restored to the register. On 1 July 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”

Tenth Application for Restoration

30. In May 2022, the Applicant made another application for restoration. On 10 June 2022, the Committee refused the 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 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.

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.

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.”

The current application

31. On 9 May 2023, 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 20 June 2023, of the factors listed at paragraph 85 of the Disciplinary Committee Guidance.
32. 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. As noted above, the College 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 if restored.
33. The Applicant has indicated that he does not accept the basis of the original findings against him in 1994, stating that his practice premises were closed at the relevant time. The College reminded the Committee that this matter cannot be re-heard; the findings have been made, the Applicant had a right to appeal against those findings but did not exercise that right. The College submits that any statements or letters purporting to go behind the original Committee findings are irrelevant and therefore inadmissible.

34. The Applicant has indicated (as he has in the past) that the purpose of his application is to assist him achieve recognition for his herbal and natural remedy discoveries. In the past he has indicated that he has no intention of going back into general practice. As noted in previous decisions refusing the application, 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.
35. The College opposes the application on the basis that he is not fit to be restored to the register. The College relies on factors (a), (c), (d) (e), (f), (g) and (h) within paragraph 85, namely:

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

(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 Submissions of the Applicant

36. The Applicant has produced to the Committee a very large bundle of documents in which he attempts to challenge the original findings which led to his removal from the register in 1994. He has also produced letters in support of his restoration from five people who also seek to challenge the original findings of the Committee in 1994 as well as providing character testimonials for the applicant.
37. The remainder of the documentation produced by the Applicant contains a detailed account of his extensive work on herbal and natural remedies. The Applicant details matters relating to his health, which are private and confidential. The Applicant also lists various talks and seminars that he has attended, and reading he has done relating to veterinary matters, most of which was not verified. In summary, the Applicant's case is that he does not want to be restored to the register in order to practise veterinary surgery, but so that he could more easily achieve recognition from academics and drug companies, of his work as referred to above, and which he believes merit widespread attention.

38. The Applicant has given oral evidence in which he expanded on the various matters to which his documentation referred. During the course of the hearing the Applicant continued to try to raise matters in relation to the original hearing in 1994 despite the Legal Assessor's repeated advice that this was not admissible.
39. The Committee heard from three witnesses for the Applicant, each of whom had submitted a written statement. The Legal Assessor reminded each witness that they could not make oral statements about the original findings against the Applicant and should confine their evidence to matters relating to his character.

The Decision of the Committee

40. The Committee has read and considered the large volume of documents in the College's bundle and in the bundle produced by the Applicant. The Committee considers that almost all of the documents produced by the Applicant in support of his restoration application are not applicable to the factors that the Committee is obliged to consider as set out in paragraph 35 above.
41. The Committee accepts the advice of the Legal Assessor that the legislative framework and guidance documents have been correctly set out by counsel for the College. The Committee also accepts the submissions of the College and the Legal Assessor that this Committee has no power to re-open consideration of the original findings against the Applicant in 1994. Therefore, any evidence given by the Applicant and his supporting witnesses in relation to the original findings is inadmissible. The Legal Assessor advised the Committee that, to the extent that any evidence given by the 5 witnesses amounts to simply testimonial evidence, the Committee may consider it. The Committee accepts this advice.
42. The College invited the Committee to consider the following concerns with regards to the factors set out in paragraph 35 above.
43. The Applicant still does not accept the original findings which led to his removal from the register and, over the course of his various 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)). The Committee agrees.
44. The Applicant has now been off the register for some 29 years. The College submitted that he 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 were he to be restored, would therefore pose a significant risk to animal welfare (factors (e), (f) and (h)). The Committee agrees. It took into account the information provided by the Applicant as to the steps he had taken to maintain his knowledge of veterinary matters and the difficulties he had faced in doing so. However, the Committee did not consider that the steps taken were sufficiently detailed or structured to ensure that the Applicant had the knowledge and skills required to be considered clinically competent.
45. The Applicant indicated that he has practised veterinary surgery – including two spey procedures in Calais – whilst off the register. His view was that this was lawful as it was outside the RCVS jurisdiction. He has also admitted using his own animals in order to try out new, untested 'herbal remedies'. He argued that his qualification as a herbalist

made this lawful. The College submitted that this conduct is indicative of someone without due regard to the importance of the current level of skills, experience and qualifications required in order to undertake veterinary surgery competently. Again, the College submitted that this presents a real and significant risk to animal welfare (factors (e) and (g)). The Committee agrees.

46. The College also 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)). The Committee agrees.
47. The College invited the Committee to consider that where, as here, some 29 years have passed since this veterinary surgeon has practised, 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 inevitably be a serious risk to the welfare of animals and the wider public interest if the Applicant is restored to the register. The Committee agrees, and considers that the Applicant has not shown the required insight as to the steps he needs to take to return to safe veterinary practice.
48. The Applicant in his oral and written evidence says that he does not want to return to the register to practice veterinary surgery, but to give him greater credibility in promoting his therapies. The Committee has some concerns about the Applicant's understanding of the requirements for licencing of therapeutic agents where scientific credibility is not dependant on professional registration. Removal from the register does not remove the Applicant's academic qualifications so in the opinion of the Committee this is an immaterial consideration in the determination of the suitability of the Applicant in being readmitted to the register.
49. The Committee considered that the witnesses gave evidence as to his good character to the best of their knowledge. One of the witnesses in particular had known the Applicant for over 30 years, both while in practice and since. The Committee found his evidence helpful.
50. For the reasons set out above, the Committee is firmly of the opinion that it would not be in the public interest for this application for restoration to the RCVS Register to be granted in this case.

DISCIPLINARY COMMITTEE
30 June 2023