

ROYAL COLLEGE OF VETERINARY SURGEONS

INQUIRY RE:

RAHUL CHANDULAL SHAH MRCVS

**DECISION OF THE COMMITTEE ON THE RESPONDENT'S
APPLICATION THAT HE HAS NO CASE TO ANSWER
IN RELATION TO CERTAIN CHARGES**

1. At the conclusion of the College's case, the Respondent made an application that the College has not adduced sufficient evidence upon which the committee could find the facts in charges 1(c), 1(d)(i), (ii), (iii), (v) proved.
2. As to 1(c), the Respondent submits that the evidence shows that he did devise a plan for the completion of the castration, and that this plan was adequate. He relies upon the incident which occurred when the owner of Paz, JP, was sitting in the public waiting room and collecting her kittens during discharge by E-M F. This incident was unplanned and circumstantial. The Respondent happened to be walking through the waiting room following the end of his shift, when he saw JP collecting her kittens. According to JP, he walked past her and out of the building, but then returned and spoke to JP. The Respondent did not introduce himself but asked JP: "*are these your kittens?*" or words to that effect. He interrupted the discharge process. E-M F had told JP that all seven kittens had been operated on and that surgery had been a success. JP did not know who this man was. The Respondent told her that in fact one of the kittens had only one testicle. He said he tried to locate and extract the other testicle, saying "*I could feel it, it was just there but I couldn't reach it to get it out*". At this stage, JP realised that the man who was talking to her was the veterinary surgeon who had operated on her kittens. JP gave evidence that the Respondent "*rambled on*" whilst she remained quite silent. She was shocked by what she had just been told. This incident lasted a very short amount of time, fewer than five minutes. The Respondent relayed to JP that Paz could be brought back to the practice for further surgery in a few months' time. JP told him that she would certainly not be bringing him back to this practice.
3. Ms Burrow, the College's expert witness, criticised the fact that this chance meeting took place in a public waiting area whereas it should have been a planned meeting

taking place in a consultation room. She criticised the Respondent for not contacting JP in advance of the discharge and for not forewarning her of the complication that had occurred.

4. The Committee considers that the evidence it has heard so far was that the information conveyed to JP was brief in the extreme, and was conveyed in a chance meeting for which JP was unprepared. The Committee considers that the complication which had arisen during the surgery demanded a careful and considered explanation in a location where the owner of Paz would be able to consider and digest what had been explained to her. This would have enabled JP to raise any considered queries she may have had in the light of this explanation. The Committee is not persuaded at this stage that this chance meeting constituted an adequate plan for the completion of the castration following the known complication that had arisen in the course of the surgery.
5. Therefore the Committee rejects the Respondent's application in relation to charge 1(c).
6. The submission made by the Respondent on charges 1(d)(i), (ii) and (iii) can be grouped together. The Respondent submitted that the evidence shows that he had taken adequate steps to ensure that JP was fully informed post-operatively of the details of the surgery. He submits that he explained to JP the results of the surgery, albeit in an abrupt manner. The Respondent claimed that neither E-M F or JP considered that insufficient time was afforded to JP to consider the results of the surgery, and that there was adequate time to discuss with JP a plan for Paz's future treatment. The Respondent's submission in relation to these charges relies upon his conduct during the brief encounter, outlined in relation to charge 1(c) above.
7. The Committee does not consider that the evidence to date enables the Respondent properly to argue that he had taken adequate steps to ensure that JP was fully informed post-operatively of the details of the surgery in a manner described in 1(d)(i), (ii) and (iii). The Committee repeats its reasons set out in relation charge 1(c) above.
8. Therefore, the Committee does not accept the submission of the Respondent in relation to charges 1(d)(i), (ii) and (iii).
9. In relation to charge 1(d)(v), the Respondent submitted that the evidence in support of this charge was inherently weak, and could not safely be relied upon by the Committee. The Committee is conscious that there is a conflict of evidence relating to this charge from JP on the one hand, and the evidence of the nursing witnesses on the other. It would be for the Committee to assess the reliability of the evidence which it has heard, but, at this stage, is unable to say that no reasonable Committee could find this charge proved on the evidence heard to date. Accordingly the Committee rejects this submission in relation to charge 1(d)(v).

DISCIPLINARY COMMITTEE
16 JANUARY 2019