1. This is an application for restoration to the register of the Royal College of Veterinary Surgeons following the applicant's removal from that register on 31st. March 2014.

2. The background to this application is that, following a 4 day hearing from 20th. to 24th. May 2013, which the applicant did not attend nor was he represented, he was found guilty of two charges in respect of two different animals. The committee hearing the matter concluded that his conduct amounted to disgraceful conduct in a professional respect and directed that his name be removed from the register.

3. In June 2013, the applicant sought to appeal the decision to the Privy Council. This appeal had the effect of suspending his removal pending the outcome. In the event, in March 2014, the appeal was withdrawn, hence the delay between the original hearing and the removal of the applicant's name from the register.

4. On 15th. April 2015, the applicant submitted an application for restoration and the matter was due to be heard on 15th. June 2015. The applicant attended on that occasion but the committee sitting that day adjourned the hearing as new evidence had been served in the few days prior to the hearing concerning allegations that the applicant had ordered prescription only drugs when unauthorised to do so and the committee decided that it was in the applicant's interests and the interests of justice generally for time to be given for the applicant to respond to those allegations.

5. Between then and now, the applicant has been interviewed by the police in respect of those matters but they have taken no action. The committee understands that a warning letter has been sent to the applicant by the Veterinary Medicines Directorate, but that has not been introduced in evidence either by the College or the applicant.
6. In determining this application, the committee has received legal advice from the committee’s legal assessor and has had regard to all of the evidence available, both oral and written. This includes the evidence of John Elliott, called by the applicant, given by way of a live link, and the disputed evidence of Margaret Walkden. Mrs. Walkden was unable to attend the hearing due to ill health. Her evidence, therefore, is unsworn and untested by cross-examination from the College. Whilst we have regard to it, it is hearsay evidence and the committee accepts the advice from the legal assessor that we cannot attach as much weight to it as if it had been given to the committee under oath or affirmation.

7. The procedure governing restoration applications is set out in paragraph 70 of the Royal College of Veterinary Surgeons Disciplinary Committee Procedure Guidance dated September 2013.

8. The committee reminds itself that the obligation is on the applicant to satisfy it that he is fit to be restored to the register.

9. In determining this issue, the committee has regard to the nine factors set out from a) to i) in paragraph 70. Each of these factors has been considered carefully both individually and cumulatively.

10. Much of the evidence heard by the committee today has revolved around the circumstances in which prescribed drugs were ordered from Centaur by use of the applicant’s account with them for delivery to his erstwhile practice address, taken over by Medivet after he sold the practice to them.

11. The applicant accepted in his evidence that his account had been used but said that he personally had not placed the orders, rather that Margaret Walkden had done so without his prior knowledge or approval.

12. Mrs. Walkden worked on a part-time basis for the applicant. She was not qualified either as a veterinary surgeon or as a veterinary nurse. The committee takes the view that the unauthorised use of a veterinary surgeon’s drugs account for which he carries the ultimate responsibility is a very serious matter and, of itself, demonstrates that the applicant has at best a cavalier attitude to his work which of itself means that he remains unfit to be on the register. This attitude is further demonstrated by the fact that even after the first orders were placed in late April and early May 2014, the applicant did not seek clarification from the college of his status following the withdrawal of his appeal against the original committee’s findings.

13. In cross-examination of the applicant, it was put on behalf of the college that he himself had ordered the drugs and was in effect still practising as a veterinary surgeon.

14. In the view of the committee, it is unnecessary to determine that particular factual issue for the reasons set out at paragraph 12 above.
15. Given the committee’s decision in respect of the ordering of the drugs, which is directly connected to the applicant’s conduct since removal (sub-paragraph f), it inevitably follows that this application must fail.

16. However, the committee has considered all of the factors set out in paragraph 70 and would make the following observations:

a) It is clear that the applicant’s acceptance of the original committee’s findings is qualified. This committee does not hold that against the applicant as such but it does reflect his continued stance of being, in his words ‘in denial’;

b) The committee is of the view that the seriousness of those findings is very grave and distinguishes the applicant’s case from the two other cases he referred to in his submissions;

c) Whilst the applicant has a cavalier attitude to practice as identified, he is inevitably failing to protect the public;

d) The comment in respect of c) above applies with equal measure to the future welfare of animals and the original matters which led to his removal in the first instance reinforces this view;

e) The applicant has now been off the register for 20 months;

f) The committee is concerned that the applicant’s efforts in respect of continuing professional development are inadequate and remain unfocussed as to the aspects of the applicant’s work that require improvement. The committee would suggest that this aspect is one that needs close and proper attention by the applicant if any future application for restoration were to stand any prospect of success;

g) The committee acknowledges the impact that removal has had on the applicant and is in no doubt that his expressions of remorse are genuine. However, this does not detract from the seriousness of the original allegations nor from the unauthorised ordering of drugs in 2014;

h) The committee recognises and has regard to the petition and large number of letters supportive of the applicant from former clients of his practice. Again, however, this does not detract from the seriousness of the failings.

17. The committee wishes to state for the avoidance of doubt that even if the drug ordering issue had not arisen, the matters set out at paragraph 16 a) to h) above would have given it some concerns and these matters taken in conjunction with the circumstances of the drug ordering means that this application must fail and it is therefore dismissed.

DISCIPLINARY COMMITTEE
20 NOVEMBER 2015