

ROYAL COLLEGE OF VETERINARY SURGEONS

INQUIRY RE:

**JAMIE FRANCIS RUSHTON, MRCVS**

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**ANNEX 1**

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1. Ms Curtis provided the Committee with detailed written submissions which set out the history of correspondence between the Royal College of Veterinary Surgeons (“the College”) and the Respondent and his father.
2. In relation to service of the Notice of Inquiry, she referred the Committee to the screenshot within the bundle of papers showing the Respondent’s registered postal address and the Notice sent to that address on 26 April 2024. The notice was sent by first class post and also to the email address shown on the screenshot from the College’s record. Ms Curtis submitted that effective service within the terms of rule 5 of the *Veterinary Surgeons and Veterinary Practitioners (Disciplinary Committee) Procedure and Evidence Rules 2004* (“the Rules”) had taken place.
3. In relation to proceeding in the absence of the Respondent, Ms Curtis took the Committee through the history of correspondence between the College, the Respondent and the Respondent’s father. She noted that on 27 January 2024 the Respondent’s father, following earlier correspondence, had forwarded to the College a letter of consent from the Respondent authorising his father to act on his behalf while the Respondent remained in prison.
4. On 7 February 2024 the Respondent’s father had written to the College concerning his son’s request for voluntary removal from the Register and stating that his son had asked him to pass on “*his sincere apology for his actions and any impact they may have had upon the reputation of the RCVS and his fellow colleagues*”.
5. On 18 February 2024 the Respondent’s father wrote again, by email, informing the College that the Respondent expected to be released from prison at the end of

February 2024 and that the exact time and date would be known at the end of the following week. This was the last communication that the College has received from or on behalf of the Respondent.

6. On 14 March 2024 the College wrote to the Respondent both at his prison address and at his registered address inviting a written response to the charge. The College also wrote to the Respondent's father by email in the same terms. Confirmation of delivery at the registered/ home address was received by the College. The letter was signed for in the name of "Rushton". No response was received. The letter to the prison address was delivered but then returned to the College.
7. On 19 April 2024 the Clerk to the Disciplinary Committee wrote to the Respondent at his registered address by first class post and also by email notifying him of the dates set for this hearing and inquiring as to whether he had any objections to these dates. No response was received.
8. On 26 April 2024 the Notice of Inquiry was sent by first class post and email to the postal and email addresses shown on the College's records. There has been no reply.
9. On 15 May 2024 bundles of documents and a further copy of the Notice of Inquiry was sent by the College's solicitors, again by registered first class post to the Respondent's registered address and by email. No reply has been received.
10. A Case Management Conference, to which the Respondent had been invited, was held by video-link on 24 May 2024. The Respondent did not attend and was not represented.
11. On 30 May 2024 the College's solicitors wrote again, inquiring about attendance and reminding the Respondent that the Committee had the power to proceed in his absence. The letter was sent by first class post and email. The letter was delivered on 31 May 2024 and signed for in the name of "Ruzhdon", with the initials "KR". No reply has been received, and there has been no further communication from the Respondent's father. The Respondent has never communicated directly with the College in relation to these proceedings, save to authorise his father to act on his behalf whilst he was in prison.
12. Ms Curtis referred the Committee to the principles set out in the leading case of *Adeogba v General Medical Council* [2016] EWCA Civ. 162. She reminded the Committee that, when deciding whether or not to proceed in a Respondent's absence, fairness to the practitioner was a prime consideration but fairness to the

regulator and to the public also had to be taken into account. She submitted that the Respondent was aware of this hearing but had made no effort to engage with the College. He had not sought an adjournment and had not indicated that he objected to the matter proceeding in his absence. Ms Curtis submitted that no purpose would be served by adjourning the matter and there was a strong public interest in resolving the present case as soon as was reasonably possible.

13. The Committee accepted the advice of the Legal Assessor. He reminded the Committee that the College was obliged to serve a Notice of Inquiry containing the information prescribed in the Rules not less than 28 days before the date fixed for the hearing. It appeared from the available documents that effective service had taken place. In deciding whether to proceed in the absence of the Respondent, the Committee would need to balance fairness to the Respondent with the public interest in resolving the allegation made against the Respondent. It would be important to consider, from all the information available, whether an adjournment would be likely to secure the attendance of the Respondent on a future occasion.
14. The Committee noticed that at an early stage of the present proceedings a number of different addresses had been used for correspondence as the Respondent was imprisoned and his father was acting on his behalf. However it was evident from the bundle of documents that the College had sent the Notice of Inquiry dated 26 April 2024 by post and email to the Respondent's registered address. The Committee was satisfied that service had been effected in accordance with rule 5 of the Rules.
15. The Committee went on to consider, in accordance with rule 10.4 of the Rules, whether it was in the interests of justice to proceed in the absence of the Respondent.
16. The Committee reviewed the correspondence. It was satisfied that the Respondent was aware that this hearing was scheduled to begin on 10 June 2024. It noted that letters sent by "signed for" post to the Respondent's registered address and dated 14 March 2024 and 30 May 2024 had been delivered and signed for, albeit the letters had not produced any response.
17. It also noted that postal correspondence to this address had also been duplicated by email to the Respondent's email address held by the College, and that no email had been stated to be undeliverable.

18. The Committee concluded that the Respondent had voluntarily decided not to participate in these proceedings. There was nothing to suggest that an adjournment of the proceedings would secure his participation in future.
19. There was a strong public interest in resolving a Charge which related to a criminal Conviction following a plea of Guilty in December 2022, and for which a sentence including a significant period of imprisonment and a ten year Sexual Harm Prevention Order had been imposed in May 2023. The conduct which led to the criminal Conviction had occurred in 2017.
20. The Committee decided that it was in the interests of justice to proceed in the absence of the Respondent.

**Disciplinary Committee**  
**11 June 2024**