

ROYAL COLLEGE OF VETERINARY SURGEONS

INQUIRY RE:

DR EDMUND HAROLD SHILLABEER, MRCVS

**DECISION OF THE DISCIPLINARY COMMITTEE IN RESPECT OF THE RESPONDENT'S
APPLICATION TO DISPOSE OF THE CASE BY ADJOURNMENT OF THE INQUIRY AND
UNDERTAKINGS**

1. The Respondent faces the following charges:

That, being registered in the Register of Veterinary Surgeons and whilst in practice at Harwell Veterinary Centre, Plymouth, you:

1. Between 26 July 2021 and 4 August 2021, failed to provide appropriate and/or adequate veterinary care to a cat named Ralph, more particularly in that you prescribed and/or administered Depo-Medrone V (a long-acting corticosteroid) on 26 July 2021, Loxicom (a non-steroidal anti-inflammatory agent "NSAID") on 3 August 2021 and dexamethasone (a corticosteroid) on 4 August 2021, when:

(a) corticosteroids were contra-indicated in cats with renal disease, and there was a risk that Ralph had, or would develop, renal disease;

(b) NSAIDs were contra-indicated in cats with renal disease, and there was a risk that Ralph had, or would develop, renal disease;

(c) concurrent corticosteroid and NSAID therapy was contra-indicated in cats;

2. On or around 18 August 2021, failed to provide appropriate and/or adequate veterinary care to a cat named Alfredo, more particularly in that you prescribed and/or administered a NSAID (Metacam) and a corticosteroid (dexamethasone),

when such concurrent prescription and/or administration was contra-indicated;

3. On or around 23 November 2021, failed to provide appropriate and/or adequate veterinary care to a pregnant bulldog named Mabel, more particularly in that you prescribed and/or administered frusemide to Mabel, when the manufacturers' advice for the use of frusemide in canine pregnancy was to do so only following a careful analysis of risks and benefits, and there were no identifiable benefits of its use with Mabel;

4. On or around 2 December 2021, failed to provide appropriate and/or adequate veterinary care to a cat named Ginge, more particularly in that you prescribed and/or administered a NSAID (Metacam) and a corticosteroid (dexadreson) to Ginge when:

a) corticosteroids were contra-indicated in cats with renal disease, and there was a risk that Ginge had, or would develop, renal disease;

b) NSAIDs were contra-indicated in cats with renal disease, and there was a risk that Ginge had, or would develop, renal disease;

c) concurrent corticosteroid and NSAID therapy was contra-indicated in cats;

d) the amount of corticosteroid prescribed and/or administered constituted an overdose;

5. Between around 20 and 22 December 2021, failed to provide appropriate and/or adequate veterinary care to a cat named Aurora, more particularly in that:

(i) you performed spay surgery to Aurora which was inadequate; and/or

(ii) you prescribed and/or administered a NSAID (Metacam) and a corticosteroid (dexamethasone) concurrently, when such concurrent prescription and/or administration was contra-indicated;

AND THAT in relation to the above matters, whether individually or in any combination, you are guilty of disgraceful conduct in a professional respect.

1. No admissions are made by the Respondent as to the charges, however he has fully engaged with the College and has responded to all requests for information. Further he was present today in person at the hearing.
2. The Respondent made an application to the Committee to dispose of this matter by way of adjournment of the Inquiry into the heads of charge against him *sine die* (generally, without any date fixed for the future), subject to the Committee accepting the Respondent's written undertakings. The Registrant's application was signed by him on 3 July 2024. The Respondent's undertakings, also signed by him on 3 July 2024 are as follows:

"I, Dr Edmund Shillabeer MRCVS...understand that in the event that, contrary to my undertakings, I apply to be restored to the Register, the charges against me as set out in the Notice of Inquiry dated 17 June 2024 and additionally the breach of my undertakings will be considered by the Disciplinary Committee on the dates to be listed as soon as practical thereafter.

I undertake as follows:-

- 1. To request the Registrar to remove my name from the Register of Veterinary Surgeons ("the Register") with immediate effect;***
- 2. Never to apply to be restored to the Register."***

3. Mr Colin, on behalf of the Respondent, elaborated orally on the application. Mr Colin referred the Committee to a supplemental witness statement submitted by the Respondent, dated 22 July 2024, which set out that attempts to sell his practice had not been successful and that he had now closed it. Mr Colin asked the Committee to consider a number of factors, including the following, which are summarised below:

- (i) The Complainant, Dr William McMullan MRCVS has been consulted and has confirmed he would support disposal in the manner sought.
- (ii) The RCVS does not intend to oppose disposal in the manner sought.

(iii) The Respondent was born on 2 August 1939. He is almost 85 years old and has had a long and unblemished career of 60 years, having devoted his entire working life to veterinary practice since he qualified on 1 July 1964. On 1 March 1970, the Respondent opened his own practice. He has worked primarily as a sole small animal practitioner and has a very loyal client base of over 1000 clients. He has been supported by Mary Minards, a Registered Veterinary Nurse, who has worked with him for over 45 years.

(iv) There are no previous disciplinary findings against the Respondent.

(v) The Respondent has dedicated his life to his profession and has sought to serve his community. This is reflected by a number of thank you cards and appreciative messages that he has received.

(vi) The Respondent has recognised more recently that whilst he has continued to enjoy his work as a veterinary surgeon, veterinary practice continues to move forward. Whilst he undertakes CPD in an effort to keep up to date, and he remains physically active, this is increasingly challenging. He is nearly 85 years old. He would like to retire. With this in mind, he placed his practice on the market for sale in Spring 2023. It was not possible to secure a sale, and the practice is now closed. The Respondent has made efforts to guide his previous clients to ensure continuity of care elsewhere.

(vii) This case has had a significant impact on the Respondent. He has reflected on his practice. Having devoted all his professional life to his clients, and their pets, the thought that he was not offering them the best possible service has deeply affected him. The high regard in which he has been held by the veterinary profession and his clients has meant a lot to him.

(viii) The Respondent deeply regrets anything which he has done, or not done, which has failed to protect the welfare of animals, or has caused concern, or upset, to his clients and fellow members of the profession.

(ix) The charges within the Notice of Inquiry do not involve any element of dishonesty, or fraud.

(x) The Undertakings offered by the Respondent have the effect of protecting the welfare of animals and uphold the reputation of the profession because the Respondent is no longer in practice.

(xi) It would not be proportionate, or in the public interest, for there to be a lengthy contested hearing resulting in substantial costs for both the RCVS and/or for the Respondent. In this case, the likely estimated Hearing length is 10 days.

4. Ms Stevens, on behalf of the College, did not oppose the application, stating that the College took a neutral stance. Ms Stevens made clear that while the College did consider that there was a realistic prospect of proving the charges, it did not seek an adjudication. Ms Stevens relied on written submissions dated 5 July 2024. Ms Stevens highlighted a number of factors which may be of assistance to the Committee, including:

(i) The Respondent's removal from the register, together with his undertaking never to apply for restoration, would go beyond anything the Committee could direct by way of sanction after a full Inquiry. The Committee may consider that the public interest, and in particular any concerns about animal welfare arising from the charges, would therefore be adequately addressed.

(ii) The Respondent will be 85 years of age in less than one month's time, he retired from practice on 13 July 2024 and does not intend to return to practice in the future.

(iii) A full Inquiry would involve a considerable amount of time, expense and inconvenience to witnesses. The College has 8 witnesses in support of the allegations. The parties agree that if the matter is to proceed to a full hearing, the time estimate would be 10 days.

(iv) The College has contacted Dr McMullan who made the complaint to the College about these matters. He has confirmed that he supports this case being dealt with as proposed by the Respondent.

(v) There are no previous Disciplinary Committee findings against the Respondent.

(vi) The College reserves the right, should the Respondent breach the undertakings, to continue with the proceedings relating to the allegations as set out in the Notice of Inquiry, together with proceedings for breach of undertakings.

5. The Committee had before it the Inquiry bundle, which included witness statements and documentary evidence relied on by the College, as well as the Respondent's bundle which included a number of character testimonials, his supplemental witness statement dated 22 July 2024, as well as a series of previous decisions of the Disciplinary Committee which dealt with the same type of application to that made by the Respondent today.
6. In coming to its decision, the Committee took into account the submissions of both parties, and the bundles of both parties.
7. The Committee also took into account the advice of the Legal Assessor who advised that there was a discretion pursuant to Rules 22.1 and 28.2 of the Veterinary Surgeons and Veterinary Practitioners (Disciplinary Committee) (Procedure and Evidence) Rules 2004 ('the 2004 Rules') to grant a postponement or adjournment of the Inquiry. The Committee was obliged, pursuant to Rule 22.4 of the 2004 Rules to have regard to all of the circumstances of the case and to the interests of justice. The Legal Assessor also advised that the Committee should have at the forefront of its thinking the need to uphold the public interest, including the need to maintain proper standards, as well as the need to protect animals and their welfare.
8. The Committee had in mind the full circumstances of the case, including the personal circumstances of the Respondent, the interests of justice, the public interest in maintaining confidence in the profession and upholding proper standards of conduct and performance, as well as the need to ensure the protection of animals and their welfare. The Committee also took into account the Registrant's interests, fairness to both parties, and the principle of proportionality.
9. The Committee considered the previous decisions of the Disciplinary Committee regarding an application to adjourn *sine die* on the basis of undertakings made by Respondents in those cases. The cases which the Committee has taken into account are *RCVS v Crawford (2021)*, *RCVS v Chalkley (2020)*, *RCVS v Wilson(2020)*, *RCVS v Staton (2018)*, *RCVS v Westwood (2017)*, *RCVS v Denny (2017)*, *RCVS v*

Rodale (2015), *RCVS v Lindridge* (2013), *RCVS v Oliver* (2013) and *RCVS v Cartmell* (2012). The Committee took the view that these cases provide useful guidance, but that they are not binding in any way. The Committee must consider the individual circumstances of the case before it, and that there will be cases where the granting of such an application would not be appropriate.

10. The Committee considered the case carefully. The charges surround allegations of substandard practice, said to have constituted disgraceful conduct in a professional respect. The Committee also took into account that by adjourning proceedings the charges would remain untested and there would be no finding of disgraceful conduct in a professional respect. This was relevant to the demands of the public interest.
11. The Committee was aware of the sanctions or actions available to it if disgraceful conduct were to be found at a full hearing, namely, in increasing order of severity:
 - i. take no further action;
 - ii. postponement;
 - iii. reprimand/ warning;
 - iv. suspension;
 - v. removal from the register.

The Committee was mindful that the most severe sanction which the Committee could impose, after a full and final hearing, would be removal from the register. If removed, the Respondent would have the right to re-apply for registration after 10 months following removal, an application which may or may not be successful. The Committee took into account that the undertakings offered meant that the Respondent will not apply for re-registration in the future at all, and as such go beyond any sanction that can be imposed by the Committee. If the undertakings are not adhered to, the College can reinstate proceedings.

12. The Committee has taken into account that the College does not oppose the application. The Committee took into account the personal circumstances of the Respondent, who at 84 years has fully retired and closed his practice. The Respondent has had a career of some 60 years with no disciplinary findings against him. The Committee noted the positive character testimonials.

13. The Committee considered the evidence in the Respondent's supplemental witness statement that he had closed his practice entirely. The Committee also noted the statement in the same witness statement, that while the Respondent had previously expressed an intention to work with his daughter who is an equine dental technician, this was no longer his intention, and that he had no intention of undertaking any veterinary work "whatsoever going forward". This suggests the seriousness with which the Respondent has responded to these proceedings.
14. The complainant vet in this case, a fellow professional and member of the RCVS has been consulted and does not object to the disposal of this case as sought by the Respondent.
15. The Committee was mindful that the undertakings offered go beyond any sanction which the Committee could impose at the conclusion of a full substantive hearing.
16. Taking into account the undertaking never to practice again, in conjunction with all of the circumstances and context set out above, the Committee considered that by allowing the application, such an outcome would be sufficient to uphold the public interest, confidence in the profession and the RCVS as regulator, and protect the welfare of animals.
17. As a result of all the factors set out above, the Committee decided that this is not a case in which the public interest or the welfare of animals demands that there be a full hearing.
18. Taking into account proportionality, and weighing in the balance all the circumstances of the case, the interests of justice, the public interest, the need to uphold proper standards of conduct and performance, and the need to protect the welfare of animals, the Committee decided to grant the Respondent's application.
19. A copy of the undertakings is attached to this decision.

Disciplinary Committee
22 July 2024

IN THE MATTER OF A REGULATORY INQUIRY

BETWEEN

THE ROYAL COLLEGE OF VETERINARY SURGEONS

AND

DR EDMUND SHILLABEER MRCVS

UNDERTAKINGS

I, **Dr Edmund Shillabeer MRCVS** of Harwell Veterinary Centre, 10 Peverell Park Road, Peverell, Plymouth, PL3 4NA, understand that in the event that, contrary to my undertakings, I apply to be restored to the Register, the charges against me as set out in the Notice of Inquiry dated 17 June 2024 and additionally the breach of my undertakings will be considered by the Disciplinary Committee on the dates to be listed as soon as practical thereafter.

I undertake as follows:-

1. To request the Registrar to remove my name from the Register of Veterinary Surgeons ("the Register") with immediate effect;
2. Never to apply to be restored to the Register.

Signed

Dr Edmund Shillabeer MRCVS

Dated *3/7/2024*