

Farriers Registration Council



Established under the
Farriers (Registration) Act 1975

The Farriers Registration Council (FRC) Whistleblowing Policy

2015

Introduction

1. The purpose of the FRC is to safeguard the welfare of the equine; in addition the FRC also safeguard the interests of the equine owner and the public. In carrying out its duties the FRC is committed to the highest standards of openness, integrity and accountability. To be genuinely accountable and transparent the FRC must have effective arrangements for both members of the profession and the public to report dangerous or illegal activity and malpractice, without fear of reprisal. This whistleblowing policy articulates FRC policy, practices and procedures whereby members of the profession and the public may report dangerous or illegal activity and malpractice. This policy is central to the FRC's approach to risk management, and may assist in determining whether the reported activity is a breach of the criminal law, regulatory provision or otherwise amounts to professional misconduct.

This policy is separate from the FRC's provisions regarding whistleblowing by a member of FRC staff about an issue within the FRC itself, to which the provisions of the FRC's whistleblowing policy within the staff handbook apply. This policy is not intended to apply to employees of the FRC with regards to concerns about the FRC itself.

2. Anyone who may be concerned as to the conduct of a member of the profession is encouraged by the FRC to make a report to the Council office without delay. Any potential whistleblower does not have to be directly or personally affected by the reported dangerous or illegal activity or malpractice.

Scope

3. The scope of this policy is to articulate how and under what circumstances any person may report suspected dangerous or illegal activity or malpractice to the FRC. Members of the profession or the public may report activity or malpractice that they believe to be occurring, has already occurred or may occur.

4. The policy covers any matter of concern which may be considered to be in the public interest, and dependent upon the nature of the matter reported may in turn trigger criminal proceedings, the FRC disciplinary procedure or other regulatory action.

Matters Subject to Whistleblowing

5. It is not possible to produce a comprehensive list of matters that should be subject to whistleblowing. However, as a guide, the following matters should always be reported:

- a. Financial malpractice, impropriety or fraud.
- b. Failure to comply with any legal statute or obligation.
- c. Dangers to health and safety, and the environment.
- d. Violence.
- e. Criminal activity.
- f. Animal cruelty and danger or risks to animal welfare.
- g. Improper conduct or unethical behaviour.
- h. Attempts to conceal or misrepresent the circumstances in respect of any of the above.

6. The whistleblower is not obliged to wait to the point where any dangerous or illegal activity or malpractice has taken place, nor should they concern themselves with matters of evidential sufficiency. The whistleblower should have adequate cause to make a report, and be prepared to justify their reasons for doing so. Inevitably this places matters of judgment in the hands of the potential whistleblower; as with the range of matters that should be reported it is not possible to prescribe for every circumstance, but as a general rule where the potential whistleblower is in doubt it is better to report than not.

Safeguards – Protection

7. This FRC whistleblowing policy is designed to offer as much protection as possible to those individuals who disclose concerns on the basis that the disclosure is made in good faith. An allegation made in good faith, which is not substantiated by subsequent investigation will not (save in exceptional circumstances) result in action being taken against the complainant by the FRC. In making disclosures, whistleblowers should exercise care to ensure the accuracy of the matters reported. In the event that a whistleblower makes malicious or vexatious allegations then action may be taken against that individual; persistent malicious or vexatious allegations may be viewed as an aggravated offence.

8. Reports may be made by anyone including farriers and those that are complicit in the suspected wrongdoing. The FRC wishes to foster an open environment where wrongdoing may be reported, so, for example, if a farrier makes a report about wrongdoing to which he has been party, then that farrier may be liable for disciplinary action noting that the prior submission of a report to the FRC may be used as mitigation of sanction on that farrier's behalf.

Safeguards – Confidentiality

9. The FRC will treat disclosures by whistleblowers as confidential (in so far as this is possible, having regards to the FRC's statutory duties), and both the whistleblower and the material reported will be dealt with in a sensitive manner. The identity of the person making the allegation may be kept confidential provided that does not hinder or frustrate any investigation. However, the investigation process may reveal the source of the information and the individual making the disclosure may need to provide a statement as part of the gathering of evidence (and, in certain circumstances, may be asked to give evidence).

10. Whistleblowers should inform the FRC if they wish their report to remain confidential (and the FRC will endeavor to keep it confidential in so far as this is possible, having regards to its statutory duties). If the whistleblower does not so inform the FRC, the FRC may assume that the information may be disclosed as part of regulatory action in relation to the matter reported. It should be noted that, in the interests of the public, a wider disclosure to the police or media may be made, for example if there is suspected criminal activity.

Safeguards - Anonymous Allegations

11. The FRC encourages individuals to put their name to any disclosure. Anonymous reports by their nature are viewed, until and unless substantiated, as less credible, but they may nonetheless be considered by the FRC, depending upon the nature of the matter reported. In exercising this discretion the factors to be taken into account will include:

- a. The seriousness of the issue reported.
- b. The credibility of the report.
- c. The likelihood of confirming the allegation from attributable sources.

How to make a Whistleblowing Report and how the FRC will deal with it

12. A whistleblowing report will be initially reviewed by a senior member of the FRC staff, usually the Registrar or Deputy Registrar, and a written acknowledgement will be sent within 10 working days. A case file will be opened and the matter will be appointed to a senior member of staff. The matter will be handled in strict confidence and all sensitive data will be recorded and handled appropriately.

13. The whistle-blower may subsequently be contacted for further information and may be invited to discuss the matter privately with the Registrar and/or another senior member of staff. The FRC may make use of its professional investigative staff in gathering evidence to support investigation of the matter reported. Where necessary wider disclosures (e.g. to the constabulary or to the media) will be effected by the FRC; similarly, where other procedures need to be initiated, such as set out in 'Complaints against Farriers', the FRC will take the necessary action.

14. Authority to escalate a whistleblowing report is vested in the Registrar who will decide whether the FRC should escalate to another appropriate authority. It is not possible to prescribe for every circumstance but some indicative scenarios are set out below:

- a. Example 1: Information related to the bullying of an apprentice may necessitate engagement with relevant College authorities, next-of-kin and/or the constabulary. It may also, depending on the circumstances, be referred to the Investigating Committee who, in turn, would decide if the matter ought to be referred to the Disciplinary Committee
- b. Example 2: Information related to criminal activity such as fraud, bribery or extortion may necessitate engagement with the Constabulary, Serious Fraud Office or HM Revenue & Customs.
- c. Example 3: Information related to a farrier's workmanship or professional conduct may be referred to the Investigating Committee who, in turn, will decide if the matter ought to be referred to the Disciplinary Committee.

15. The appointed senior member of staff will update the whistle-blower as matters progress, including details of any action proposed, progress of the investigations and when the matter is likely to be concluded. The FRC will ensure that it adheres to its duty as a regulator to protect the whistleblower.

16. A whistleblower who may not be satisfied with the way their whistleblowing report has been handled may make a complaint in writing as set out in the guidance for complaints against Policy, Procedures, Council Members and Staff. Details are available on the FRC website.

17. The timescale for dealing with a whistleblowing report will vary depending upon the nature of the report. The FRC will ensure that whistle-blowers are kept up to date with the progress of their report. The procedure is depicted in a flowchart at Annex A.

18. Any suspected wrongdoing, summarised as dangerous or illegal activity, or malpractice, should be reported to the FRC without delay. Reports should be submitted in writing, be marked 'Private and Confidential', and addressed to:

The Registrar, Farriers Registration Council, 14 Swan Court, Forder Way, Peterborough, PE7 8GX

or by e-mail to: frc@farrier-reg.gov.uk

When writing to the FRC the following information should be included:

- Your contact details;
- Details of the suspected dangerous or illegal activity, or misconduct;
- Name(s) of people showing bad conduct;
- A timeline of events including dates and locations;
- Details of any witnesses;
- Any supporting evidence.

FRC Whistleblowing: Handling of Reports Flowchart

