

# Farriers Registration Council



Established under the  
Farriers (Registration) Act 1975

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## MAKING A COMPLAINT

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**Issue Date: January 2018**

## BACKGROUND INFORMATION

### Introduction

1. This booklet explains what to do if you wish to make a complaint against a Registered Farrier.
2. All such complaints are dealt with by the Farriers Registration Council, which was established in 1975 under legislation intended to prevent and avoid suffering by and cruelty to horses arising from shoeing by unskilled people.<sup>1</sup> This legislation gives the Council power to decide what training should be provided for farriers, who should provide it, and what qualifications should determine whether someone may be registered to practise as a farrier. It is illegal for anyone who is not registered by the Council to practise as a farrier in England, Wales and Scotland unless that person is a veterinary surgeon, or undergoing a Council approved apprenticeship or course of training in farriery.
3. The Farriers (Registration) Act, as amended, imposes a duty on the Farriers Registration Council to ensure the maintenance of proper levels of conduct. The Council will consider all complaints made to it about the conduct of a farrier which might be considered to be serious misconduct in a professional respect. However it is usually essential that written confirmation of any complaint should be provided before a full investigation can be made, as set out below.

### Before making a complaint

4. It is hoped that it will rarely be necessary for anyone to make a complaint to the Council about the conduct of a Registered Farrier, but you should not hesitate to do so if you think this is justified.
5. Dissatisfaction between a farrier and a client can arise because of misunderstandings or breakdowns in communication. These can often be resolved by direct discussion with the farrier concerned. It is always best to try to resolve a problem in this way before making a formal complaint. If you are considering making such a complaint, it is good practice to write to the farrier concerned setting out the problem and asking for an appointment to talk to him/her at a mutually convenient time in an effort to resolve the situation.
6. Similarly, dissatisfaction between farriers can arise because of misunderstandings or breakdowns in communication. Farriers are reminded that: "In the interests of the whole profession, farriers are advised to make every effort to resolve their disputes by dialogue and direct communication. This may involve an informal procedure such as mediation or conciliation where an independent person is chosen by the parties to assist them in reaching a mutually acceptable solution. Neither a mediator nor a conciliator has any power to impose a solution" (*paragraph 40 of 'Farrier & Apprentice Code of Professional Conduct'*).
7. If you are dissatisfied with any farrier's work and intend to seek the advice of a second farrier or a veterinary surgeon, you should inform the first farrier of your intention and give him/her the opportunity to be present when the second opinion is given. This minimises the possibility, in any subsequent proceedings, of dispute about whether the damage alleged was the fault of the original work. It also encourages proper professional consultation.

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<sup>1</sup> Farriers (Registration Act ) 1975, as amended

## **Deciding whether to make a complaint**

8. If your own efforts to resolve a grievance directly with your farrier have failed, or for some other reason resolution in this way is not feasible<sup>2</sup>, you should then contact the Farriers Registration Council to pursue a formal complaint. Where apprentice farriers are concerned, depending on the nature of the complaint, their Approved Training Farrier may be held responsible for answering to the complaint (either as well as or instead of the apprentice).
9. The Council has no authority to order payment of a fine or compensation of any kind. If a complainant seeks compensation or refund of monies the complainant may wish to pursue this through the courts.
10. The Council will not normally consider any complaint where criminal action is intended until the outcome of the criminal proceedings is known. The Council has discretion to delay consideration of a complaint until any criminal or civil action is resolved, but may consider it simultaneously if there are compelling reasons for doing so. In this context, civil action includes unresolved insurance claims.
11. Council staff may give advice on whether your complaint falls within the remit of the Council. They will not, however, give any advice or opinion on the merits of any individual case, beyond whether or not it is a matter which the Council is able to consider as part of its processes.
12. In some instances the grievance may be entirely unrelated to farriery, or there may be associated concerns which need to be addressed by another authority; and it may be more appropriate for the RSPCA, SSPCA or the police to be contacted, or for you to take legal advice from a solicitor.

## **Possible outcomes of complaints**

13. Formal complaints will be referred to the Investigating Committee of the Council to decide if any action is necessary and, if so, what it should be. The Investigating Committee may decide to refer a complaint to the Disciplinary Committee for a full disciplinary hearing.
14. The functions and membership of the Investigating and Disciplinary Committees are determined by the Farriers (Registration) Act 1975, as amended.

## **Investigating Committee**

15. The Investigating Committee is made up of the Chairman and up to five other members, at least one of whom must be a practising farrier, and one of whom is usually a veterinary surgeon. The Committee usually meets three times a year, so the speed with which your complaint is dealt with will depend on when the next Committee meeting is scheduled.
16. This Committee meets in private and works solely on the basis of written information. It decides whether there is a real prospect of a finding of serious professional misconduct against the farrier, and whether any action is needed.

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<sup>2</sup> There may be occasions when trying to resolve an issue with the farrier directly will not be possible – for example, if the case is too serious, or the allegation is that the farrier has been aggressive/abusive.

17. The Investigating Committee may decide that there is no real prospect of the allegations being found proved by a Disciplinary Committee, or of the facts amounting to serious professional misconduct. In such cases, the matter will be closed and the complaint will go no further. Occasionally, the Investigating Committee will give advice to the farrier in question.
18. If the Investigating Committee decides, that there is a real prospect of the matter being found proved and amounting to serious professional misconduct, it may refer the case to the Disciplinary Committee.
19. Whatever the Investigating Committee decides, you will be told the outcome of their decision but not given details of the views of individual members or of the discussion which led to the decision.

### **Disciplinary Committee**

20. The Disciplinary Committee is made of a Chairman and up to eight other members, at least one of whom must be a practising farrier. No member of the Disciplinary Committee can sit as a member of the Investigating Committee for the same complaint.
21. The procedures used by the Disciplinary Committee are similar to those of a court of law. Proceedings are open to the public and witnesses are called and may be cross-examined on oath. The complaint is presented by the Council's solicitor or barrister. The respondent farrier may also be legally represented and is well advised to be so. The complainant may be called as a witness and this will usually be essential in contested cases.
22. The Disciplinary Committee has power to take action where it finds that the farrier:
  - has been guilty of serious misconduct in a professional respect; or
  - was not qualified for registration at the time he/she was registered; or
  - has been convicted of an offence involving cruelty to animals; or
  - ceases to be entitled to provide services as a farrier on a temporary or occasional basis under European Union Recognition of Professional Qualifications Regulations.
23. The sanctions which are open to the Disciplinary Committee include removal or suspension of the farrier from the Register of Farriers, thus preventing him/her from continuing to practise farriery, a reprimand for the conduct concerned, or the Committee may decide to postpone judgment for a period of time. For sanctions to be considered and imposed, the Committee must have found that the facts against the farrier were proved beyond any reasonable doubt (i.e. the same standard of proof as in criminal cases) and also that the farrier has been guilty of serious misconduct in a professional respect.
24. There is no statutory definition of serious misconduct in a professional respect. The courts have found serious professional misconduct if the conduct of the practitioner concerned has fallen short, by omission or commission, of the standard of conduct expected of a member of that profession, and that falling short is considered to be serious.
25. If the Disciplinary Committee finds against the farrier concerned and removes him/her from the Register of Farriers (either by striking them off or suspending their registration for a period of time), the farrier has a right of appeal to the High Court or, in Scotland, to the Court of Session. This must be exercised within twenty-eight days of notice being given of

the Committee's finding. If an appeal is lodged, the farrier may continue practising until it has been determined. The farrier also has a right to apply for re-instatement to the Register in due course.

## **MAKING A COMPLAINT**

26. The complaint form must be completed if, in the light of the information given above, you wish the Farriers Registration Council to pursue your complaint. The form is intended primarily to help people who wish to complain about a farrier's workmanship or conduct in relation to the provision of a farriery service. If you think it is not relevant to the circumstances of your complaint, please speak to a member of the Council's staff (01733 319911). Whatever the circumstances, a complaint cannot usually be considered unless it is made in writing. The form should be completed as fully as possible, giving relevant dates, times and places.

### **Supporting evidence**

27. It may be very difficult (although not impossible) to further a complaint where the only evidence available is simply the word of one person against another. It is therefore important that complainants provide as much material as possible in support of their allegation.

28. The Investigating Committee (and the Disciplinary Committee) would be in difficulty attempting to make judgements on assertions such as "my vet said so-and-so". The Committee would be much better assisted by the vet's own confirmation that this was the case. Similarly, for example, less weight would be attached to a farrier's assertion that "this person is known as a difficult or unreasonable customer" than if there were direct evidence of this assertion from other sources. The kind of evidence which is generally helpful is as follows:

- statements from eye witnesses
- reports from other attending farriers or veterinary surgeons
- clearly identified photographs
- video or x-ray evidence

29. All statements must be clearly signed and dated by the person making them, who should also give their address, telephone number and, where it is appropriate, professional qualifications and a professional opinion on the cause of and prognosis for any relevant condition. In the case of video or photographic evidence, two copies of each item must be provided, each certified as to the date on which they were made/taken and that they relate to the particular instance complained of. It would also be preferable to have two copies of any radiographs. It is recognised that it is not usually practicable to obtain two copies but any supplied must be properly identified and dated, preferably on the film. The Council's staff can give guidance as to the form of any statements but they will not advise or comment on the actual words to be used, which must be those of the person making the statement.

### **Action by the Council**

30. An acknowledgement will be sent in response to receipt of the complaint and its supporting evidence. A copy of all the material received will then be sent to the farrier concerned with a formal request for his/her written comments within a given period of time. When these have been received, any further enquiries necessary for clarification will

be made by Council staff. The farrier concerned will be asked if his/her response may be copied to you but this will not usually be done without his/her consent.

31. Once all the relevant material has been gathered, the documentation will be passed to the Investigating Committee for consideration at their next scheduled meeting. If the Committee decides not to refer the complaint any further, you and the farrier concerned will be told the outcome after the meeting. Most complaints which are referred to the Investigating Committee are considered by it within four months from receipt of all the relevant information.
32. If the Investigating Committee decides to refer the complaint to the Disciplinary Committee, you will be informed and all further correspondence with both you and the farrier concerned will be conducted through the Council's solicitor at the Council's expense. It is the solicitor's responsibility to try to ensure that the disciplinary processes are fully understood by all concerned and that all necessary arrangements are made for a fair hearing.
33. Disciplinary proceedings can take a considerable length of time. It is not unusual for a case to take more than a year from the initial complaint to carry to completion, taking account of the time available for appeal.

## **SUMMARY**

- **Most complaints can be resolved by good communication between farriers and clients.**
- **The Farriers Registration Council is willing to consider any complaint relating to a farrier's workmanship or conduct.**
- **The Council requires sufficient evidence in support of a complaint before it can take any action.**
- **Most complaints are dealt with by the Council's Investigating Committee, which can advise a farrier on workmanship or conduct if considered appropriate.**
- **The most serious cases can be referred to the Council's Disciplinary Committee, which can remove or suspend a farrier from the Register, thus removing his/her legal right to practise farriery.**