

Farriers Registration Council



Established under the
Farriers (Registration) Act 1975

Publication Policy
for
Statutory Functions delivered by the
independently-operated
Investigating and Disciplinary Committees

Approved: 21 April 2021

Introduction

The FRC was established by the Farriers (Registration) Act 1975, as amended in 1977 and 2017, to regulate the profession of farriery. This policy relates to the FRC's regulatory functions, and in particular its statutory procedures delivered by the Investigating Committee (IC) and the Disciplinary Committee (DC).

The FRC is a regulatory body with specific duties under statute, it is required to be transparent in its regulatory proceedings and to comply both with its own legislation and other relevant legislation. The purpose of this policy is to ensure that the FRC meets its obligation to publish regulatory information and decisions.

The Requirement to Publish

The FRC operates open disciplinary procedures – disciplinary hearings are open to the public – and the Council is expected to publish information about the outcomes of disciplinary hearings and how they may affect the registration of a registrant. As a national regulator the FRC adheres to the requirements of Human Rights legislation, which, amongst other things, ensures that registrants receive a fair hearing and that hearings are held in public.

The FRC Disciplinary Committee (Procedure) Rules 1976 (SI 1976/700) provide that the DC's decisions *must* be made in public; there can be no restriction on the public announcement of its decisions. Rule 11(1) provides that the hearing before the Disciplinary Committee “*shall be held in public except as otherwise provided by this Rule*”. Rule 11(3) provides that the Committee may direct that the public may be excluded from any part of the proceedings where it appears to the Committee to be in the interests of justice to do so, but that this “*shall not apply to the announcement...of a determination of the Committee.*”

Publication of the intention to hold hearings, and publication of the outcomes, enables the public to be reassured that the FRC is carrying out its statutory duties as Parliament intended. In addition, registrants may be reassured that the regulator is safeguarding the reputation of their profession, and may be reminded of the standards of professional conduct that are required to retain registration.

Methods of Publication

Disciplinary determinations and decisions may be published in four ways:

- On the FRC website at <https://www.farrier-reg.gov.uk/home> – this provides easily accessible and up to date information.
- In the FRC publication the Bulletin, which is published in hard copy and online at <https://www.farrier-reg.gov.uk/news?category=bulletins>
- By way of a Press Release.
- In the FRC Annual Report, which is published online at <https://www.farrier-reg.gov.uk/news?category=annual-reports> by way of anonymised statistical data.

Information to be Published, Content and Timescales

Investigating Committee (IC)

The IC considers complaints in private and will make a decision as to whether or not there is a case for the registrant to answer; decisions of the IC are made in private and will not be published. In the event that the IC issue a non-statutory warning or letter of advice such warnings and letters of advice shall not be published, but where a registrant is referred to the DC on another matter the issue of a non-statutory warning or letter of advice may be disclosed to the DC and may be referred to in the DC's determination and decision.

Disciplinary Committee (DC)

Hearings before the DC are held in accordance with the following legislation, rules and guidance:

- Farriers (Registration) Act 1975, 1977 & 2017, Schedule 3, Part 2
- Farriers (Registration) Council Disciplinary Committee (Procedure) Rules Approval Instrument (SI 1976/700)
- Farriers (Registration) Council (Disciplinary Proceedings) Legal Assessor Rules 1976 (SI 1976/701)
- The Disciplinary Committee Manual, dated December 2017

Prior to a Hearing

A copy of the Notice of Inquiry shall be published on the FRC website 14 days prior to the listed date for the hearing. The notice shall be removed on conclusion of the hearing.

During a Hearing

Press and other media outlets may attend any FRC public hearing and may report on those proceedings. They cannot be party to any proceedings that have been directed to be held in private and cannot therefore report on those parts of the hearing.

Following a Hearing

The determination and decision of the DC shall be published on the FRC website following the conclusion of the hearing. Elements of the determination and decision may be removed from the published form where it includes information about minors, the registrant's health or any other sensitive information, but generally such issues will have been heard in private and will not form part of the public determination or public decision. In cases not involving removal or suspension, the determination and decision will remain on the FRC website for the relevant period (set out below) from the date of the DC's determination and decision.

Where a case involves removal or suspension from the Register, the determination and decision will be posted on the website with the caveat "pending appeal". Following the outcome of an appeal or the expiry of the appeal window, whichever is the earlier, the words "pending appeal" will be removed and the determination and decision will remain on the FRC website for the relevant period (set out below).

Length of Publication

Determination and decisions of the DC shall be published in accordance with the sanction applied as follows:

- **Make no direction or no sanction.** Where there is a finding of facts only (at Stage 1) publication shall be for a period of 3 months. Where there is a finding of facts and a finding of serious professional misconduct (at Stage 2) publication shall be for a period of 6 months.
- **Postpone Judgement.** Publication of the postponement of judgement shall be for the period between the DC's announcement of a postponement until resumption of the hearing, after which the DC will either award no sanction or a sanction, and the period of publication thereafter will reflect that new decision.
- **Reprimand or Warning as to Future Conduct.** Publication for a period of seven months.
- **Suspension from the Register.** Publication for the length of the suspension plus seven months.
- **Removal from the Register.** Publication for the length of removal plus 2 years.

FRC Website

The Council shall publish the determination and decision on its website following each hearing of the DC.

FRC Bulletin

The Council shall publish the determination and decision in the next Bulletin publication following each hearing of the DC.

Press Releases

The Council shall issue a press release following each hearing at which a sanction of suspension or removal is directed by the DC.

FRC Annual Report

The FRC Annual Report shall set out anonymised data in respect of the work of both statutory committees, the purpose of so doing is to provide a record of the business of both committees.

Summary Table

Where a Registrant is referred to the DC publication will follow the procedure as described in the "Disciplinary Committee Findings" table below.

Summary of FRC Publication Policy		
Disciplinary Committee Findings		
Outcome	Publication Timescale	Publication Location
Make no direction or no sanction	Finding of Facts only – 3 months Finding of facts and finding of serious misconduct in a professional respect – 6 months	FRC Website FRC Bulletin FRC Annual Report (Anon)
Postpone Judgement, after which the DC will either award no sanction or a sanction	Duration of postponement	FRC Website FRC Bulletin FRC Annual Report (Anon)
Reprimand or Warning as to Future Conduct	7 months	FRC Website FRC Bulletin FRC Annual Report (Anon)
Suspension from the Register	Length of suspension plus 7 months	FRC Website FRC Bulletin FRC Annual Report (Anon) Press Release
Removal from the Register	Length of removal plus 2 years	FRC Website FRC Bulletin FRC Annual Report (Anon) Press Release
<p>Note:</p> <p>Where a Registrant has received a prior non-statutory warning or letter of advice from the IC, and is then referred to the DC on another matter, the issue of the non-statutory warning or letter of advice shall be disclosed to the DC and may be referred to in the DC's determination and decision.</p>		