

FARRIERS REGISTRATION COUNCIL

Bulletin

REGULATING THE PROFESSION OF FARRIERY



*Approval of new End Point Assessment
Organisation for Farriery Apprenticeship*



Foreword

The work of the Council during 2023 has been focused primarily on planning and delivery of approvals while the statutory committees have dealt with a range of casework.

The Council is required by way of Section 11 of the Farriers Registration Act to approve courses of training, qualifications and training institutions. The Council conducts a rolling programme of approval visits by way of discharging this responsibility. In July 2023 the Council conducted an approval visit to Hereford, Ludlow and North Shropshire College, and subsequently the Council granted its approval that the college should continue to deliver the apprenticeship in farriery. A report in respect of this approval has been published on the Council website.

On 6 October 2023 the Council withdrew its approval previously granted to the WCF for delivery of farriery qualifications. The reasons for withdrawal of approval were:

- The IT system used by the WCF for planning and delivery of its qualifications, examinations and assessments is not supported and its functionality cannot be guaranteed.
- This places at risk candidates being able to access the End Point Assessment on an assured basis, complete their apprenticeship and seek registration; it also affects potential Approved Training Farriers (ATF's) being able to access the AWCF examination.
- The Council understands that the WCF failed to give proper notice to the regulator for qualifications (OFQUAL) and to the Institute for Apprenticeships and Technical Education (IfATE) in respect of the matters set out above.
- The WCF has not fully resolved matters outstanding from its last approval visit in November 2021 relating to: Health and Safety responsibilities at WCF examinations and assessments; reasonable adjustments for those with special educational needs at examinations and assessments, and access to information for candidates.
- In aggregate, the Council took the view that it had lost confidence in the WCF's ability to deliver the EPA with the appropriate level of assurance. Withdrawal of approval from the WCF was necessary to safeguard the interests of learners and training providers, and to maintain public confidence. Any qualification awarded outwith the approval of the FRC may not be accepted by the Council for the purpose of securing entry to the register of farriers or becoming an ATF.

The Council has remained in contact with relevant stakeholders, notably the national regulator for qualifications (OFQUAL) and the Institute for Apprenticeship and Technical Education (IfATE), in seeking the best possible outcomes for learners who may be affected.

On 11 December this year the Council approved VetSkill (company registration number 03127119), to be an End Point Assessment Organisation for the farriery standard (ST0172). A report in respect of this approval has been published on the Council website.

The profession will complete the first year of Continuing Professional Development (CPD) for all registrants on 31 December 2023 and a sample audit shall take place during 2024.

Separately, registrants will know that the retention fee for 2024 is £448.

Otherwise, please note the following dates for 2024: Farrier Focus, 28 & 29 September at Stoneleigh, and Your Horse Live, 8, 9 & 10 November at Stoneleigh.

David Greenwood, Registrar

Contents

Council Meeting Minutes

Minutes of the Council Meeting held on 17 October 2023	5
--	---

Featured Article

"Illegal farriery – it's not fair on the horses or farriers, but what can be done about it...."	4
---	---

Guidance

Continuous Professional Development (CPD) Q&A	10
Making use of the FRC website	12

Hearing Updates

Disciplinary Committee Hearings	13
---------------------------------	----

News

Approval of End Point Assessment Organisation (EPAO) - Farrier Standard (ST0172)	3
FRC Regulatory Guidance on Couping	3
Criminal Conviction for Unlawful Practise – Mr P G Popplewell	39
Farriers Registration Council at Your Horse Live 2023	40

Notices

Council Meeting Dates for 2024	7
Election Notice: FRC Election 2024	8
Policy Statement on Abuse, Bullying, Harassment and Intimidation	12
Diary Dates for 2024	40
New Registrations	41
Overseas Applications	41
Higher Qualifications Achieved	41
Change of Surname	41
ATF Approvals	41
Restoration to the Register	41
Temporary Licence Applications	42

Approval of End Point Assessment Organisation (EPAO) – Farrier Standard (ST0172)

The Farriers Registration Council, the national regulator for farriery, on 11 December 2023 approved VetSkill (company registration number 03127119), to be an EPAO for the farriery standard (ST0172).

A report in respect of this approval has been published on the FRC website and may be viewed at

www.farrier-reg.gov.uk/news/approval-of-end-point-assessment-organisation-epao-farrier-standard-st0172

FRC Regulatory Guidance on Couping

The Farriers Registration Council (FRC) has issued regulatory guidance in respect of the shoeing style known as coupling. The Council has requested that the guidance be brought to the attention of any person who may be responsible for the planning and delivery of heavy horse shows, competitions and such like, and to those, in particular, who may be judges or stewards at these events. Details of the policy guidance are as follows:

Regulatory Policy Guidance – Couping

The FRC issues this regulatory guidance with the purpose of achieving the best possible welfare for horses that may be shod in the style of coupling. The FRC notes that such practise may cause changes to the gait of a horse, may make the load on a horse's hindlimbs asymmetric and may make a horse pre-disposed to arthritis.

The shoeing practise known as coupling is not approved by the FRC as such style of shoeing may result in injury or animal welfare issues in the short or long term. Registered Farriers are strongly discouraged from this practise and the Council notes that the practising of coupling is at variance with farriery best practice taught during training. Registered Farriers should be aware that injury or other welfare matters caused to a horse by use of the coupling style of shoeing may, upon receipt of a complaint, result in statutory proceedings.

This advice is for Registered Farriers and those responsible for planning and delivery of competitions, shows and similar events for heavy horses, and those responsible for judging or stewarding at such events.



Featured Article >>>

“Illegal farriery - It's not fair on the horses or the farriers, but what can be done about it”

by Paul Stilgoe, FRC Investigator

We know that illegal farriery is a serious risk to any horse that gets worked on by an illegal/unlawful practitioner, most especially where the person carrying out unlawful farriery is 'self-taught'. Most often the illegal farrier, regardless of who taught them (if anyone did) does not work to the same standards as a Registered Farrier, is not professionally up to date, will not carry insurance and will have a business model based on undercutting local markets and a reliance on high volumes of work carried out at speed.

Over the past year I have had the privilege of working as a contracted Investigator for the Farriers Registration Council (FRC). I have spoken to many helpful Registered Farriers who are willing to use their local knowledge and experience to help address illegal/unlawful farriery. However, it is surprising that some Registered Farriers are aware of those working illegally/unlawfully in their area but are not prepared to do anything about it or appear not to care.

In a couple of cases that I recently investigated, members of the horse owning public have been willing to report unlawful farriers working at the yards where their horses are kept. These members of the public have been prepared to stand up and be counted and provide witness statements. Only with witness statements is there any prospect of securing a conviction for unlawful practice.

My role is to investigate a report of illegal/unregistered farriery and obtain suitable evidence; I take as many witness statements as I can from yard owners, managers, grooms and horse owners, all of whom are keen to keep illegal farriers away from their yards. Statements from Registered Farriers would be equally as valuable as those from the public and will add to the weight of evidence. Usually, when a case goes to Court, if the weight of evidence against someone is considerable then they are normally advised to enter a guilty plea. If a guilty plea is entered those who provided a witness statement will not usually be required to attend Court.

The best evidence is for me to witness someone preparing the hoof to receive a shoe and/or fitting a shoe. Having worked in animal welfare law enforcement for over 35 years I am always prepared to attend court and describe what I have seen. I would encourage Registered Farriers who see someone practicing illegal farriery at a yard to get in touch with the FRC to discuss the situation. I can make arrangements to attend at particular times, watch and observe and address the matter with the yard owner.

On occasion I have spoken to Registered Farriers who have raised concerns about an individual working unlawfully/illegally but who can only provide a name and a general area in which they practice. This is of limited value and more precise information will help to deliver a better outcome.

We have a shared interest in protecting horses and protecting the reputation of Registered Farriers. The most effective way that illegal/unlawful farriery can be addressed is by all those in farriery working together. If you have any concerns to raise about illegal/unlawful practice please contact the FRC to discuss the matter, and the FRC will in turn be able to arrange for me to talk to you directly. The FRC are sensitive to those working alone and endeavor to avoid putting those providing information in a difficult position.

My final observation is that a recent prosecution for unlawful farriery succeeded only because two Registered Farriers were prepared to provide witness statements and appear in Court to give evidence; it so happened that they were not needed to give evidence, the quality of their witness statements was sufficient. So, thank you to those who have been a help so far, together we can make a difference.

Council Meeting Minutes >>>

Minutes of the Council Meeting Held on 17 October 2023



1. Welcome and Apologies for Absence

Apologies were received from Mr Potter.

The Chair thanked Council Members for their continued attendance and for maintaining the confidentiality of meeting papers issued on the Intranet ahead of the meeting. Council Members were reminded that the Chair of the Investigating and Disciplinary Committees would be joining the meeting to provide their annual reports, and that any discussion relating to specific statutory proceedings should be avoided. Those in attendance virtually were reminded of the video call etiquette circulated ahead of the meeting.

2. Declarations of Interest

Council Members declared possible conflicts of interest as follows:

Mr T Smith – member of the BFBA and WCF Freeman

Mr A Charlwood – appointed by the WCF, Honorary Assistant for WCF, Liveryman and Court Member

Mr T Daniels – member of the BFBA

Mr I Davidson – appointed by Scottish Enterprise

Mr G Elliott – Contractor for British Equestrian Federation

Mr D Harman – WCF Liveryman, appointed by BFBA and member of the BFBA

Mr R May – appointed by the WCF, WCF Liveryman and Court Member and member of the BFBA

Mr S Moore – appointed by the BFBA, WCF Freeman and member of the WCF Examination Board and Examination Executive Group

Mr M Peaty – appointed by the RCVS and horse owner

Dr M Smith – appointed by the RCVS, Independent Veterinary Consultant for World Horse Welfare and BEVA Council Member

Dr J Sutton – appointed by the WCF, WCF Liveryman and Member of WCF Examinations Board.

Operations Superintendent K Colman – RSPCA and horse owner

Mr D Gardner – member of the BFBA

Mr Y Breisner – BHA representative, recipient of farriery services from Mr Elliott

Mr M Weston – employed by BHS, appointed by BEF

3. Notification of any items to be raised under 'Any Other Business' (AOB)

There were two items agreed to be considered under AOB. An update from Mr Breisner on changes to the rules within the racing industry for farriers, and a proposal by Mr Moore concerning the scheduling and remuneration of Council Members attending Council Meetings.

4. Approval of Minutes

The minutes of the AGM and Council Meeting held on 26 April 2023 and the Extraordinary Meetings of the Council held on 7 June, 5 September and 27 September 2023 were noted for reference purposes only; the minutes had previously been approved by Council members out of committee.

5. Matters Arising which are not Agenda Items

There were no matters arising to be considered.

6. To Receive and Consider the following Reports, Council Committee Minutes and Associated Papers:

6.1 Minutes of the Registration Committee (RC) Meeting of 13 September 2023

The Council noted the minutes of the RC held on 13 September 2023. Mr Breisner, Chair of the RC, reported that a positive response had been received from 1st4Sport and IfATE following the Council's submissions about the practices and methods used by equine grooms being trained to remove shoes as part of their training.

The RC had considered concerns raised about the practice of 'couping', a method of shoeing used on Shires and Clydesdales that may be exhibited at shows; the issue was that the methods used had wider implications for the horse's medio-lateral balance and on-going welfare. It was considered that such practice went directly against best practise taught in training and expected of apprentice farriers and Registered Farriers. Council members were supportive of the Council issuing an updated policy statement to set out its concerns about 'couping', but wished to sharpen the language of the draft statement proposed to ensure it was clear to Registered Farriers that injury or welfare concerns caused by farriers continuing to use the method may result in statutory proceedings against them. It was noted that collaboration with the WCF Craft Committee who have been considering this

Council Meeting Minutes >>>

matter may be beneficial. **It was agreed that a revised statement would be drafted and circulated to Council Members for approval out of Committee to ensure it could be issued ahead of the commencement of the next show season.** It was suggested that the images seen by the RC be circulated to Council members as a means of illustrating coupling.

Council members considered a leaflet produced for the particular benefit of the lay members of the statutory committees concerning the positions of a farrier when shoeing a front and hind foot. It was noted that this was to remain an internal document. **Council endorsed the leaflet subject to correction of a typo on page 4.**

[Operations Superintendent K Colman left the meeting at 11.15am]

[Mr P Grant, Chair of the IC joined the meeting at 11.15am]

6.2 Annual Report of the Independently-Operated Investigating Committee (IC)

Mr P Grant, Chair of the IC joined the meeting virtually to report the business conducted by the IC in the last 12 months. Mr Grant reported that the IC had met on three occasions during 2023 and had considered a total of 31 cases submitted as formal complaints. The Council noted that of the 31 cases considered, 18 had been referred to the DC as possible cases of serious misconduct in a professional respect.

The IC had continued to use the range of disposals available to it and had issued 4 Non-Statutory Warnings and 3 Letters of Advice to Registered Farriers; 6 cases had not been upheld and were closed. The IC's areas for consideration going forward included an increase in the number of complaints received with a bias towards the conduct and behaviour of farriers, the engagement of farriers with the statutory process and the effective use by the IC of warnings and letters of advice. Mr Grant thanked the Council for the Standard of Proof training delivered in June 2023 which had been considered very helpful and for the continued support of the Secretariat to the IC to facilitate their meetings.

The Chair thanked Mr Grant for his attendance and comprehensive report and the IC for their continued diligence in acting on behalf of the Council. In discussion

the Council concluded that it was important that the key messages on conduct and the integrity expected within the profession was shared at every opportunity and that sharing the Council's concerns about 'behaviours' with the Farriery Apprenticeship Steering Group (FASG) may be beneficial as part of the wider development of the Farriery Standard.

[Mr Grant left the meeting at 11.31am]

[Mr J Anderson joined the meeting at 12.00pm]

6.3 Annual Report of the Independently-Operated Disciplinary Committee (DC)

Mr J Anderson, Chair of the DC joined the meeting virtually to provide his report on the activities of the DC over the last 12 months. The DC had considered 9 cases and it was noted that a further 8 cases had been listed for hearing before the year end.

Of the 9 cases, 4 registrants had been removed from the Register, 3 registrants had been suspended from the Register and 2 registrants had been reprimanded and/or warned as to their future conduct.

Mr Anderson recorded the concerns of DC about the continued approach taken by some registrants to DC Hearings, which had included abusive behaviour towards the DC, Legal Assessor and Advocates. The DC had greatly appreciated the Standard of Proof training completed in conjunction with the IC and acknowledged that introduction of the FRC guide titled 'Your Disciplinary Hearing' had appeared to be helpful to respondents.

The Chair thanked Mr Anderson for his attendance and the continued diligence of the full DC for their work acting on behalf of the Council. Mr Anderson recorded his thanks on behalf of the DC for the support provided by the Secretariat to the DC that ensured hearings operated as smoothly as possible.

[Mr Anderson left the meeting at 12.10pm]

[The Chair concluded the open session of the Council Meeting]

7. THE FOLLOWING AGENDA ITEMS 7.1, 7.2, 7.3, 7.4, 7.5, 7.6, 7.7 and 7.8 WERE CONDUCTED IN CLOSED SESSION OF THE COUNCIL TO CONSIDER MATTERS OF POLICY

Council Meeting Minutes/Notices >>>

DEVELOPMENT AND COMMERCIAL SENSITIVITY

7.1a Report of the Approvals Committee (AC)

7.2 Approvals Policies

7.3 Farrier, Approved Training Farrier and Apprentice Code of Professional Conduct

7.4 Operational Plan 2024

7.5 College Data Sharing Agreement

7.6 Personal Protective Equipment (PPE) Policy

7.7 Death in Service Policy

7.8 Minutes of the Finance Committee (FC) Meeting of 27 September 2023

8. Any Other Business:

8.1 2024 Meeting Dates

Council Members noted the 2024 Council and Committee Meeting Dates.

8.2 Changes to rules within the Racing Industry

Mr Breisner reported that he had been invited to attend a meeting on behalf of the BHA concerning the rules around shoeing at race meetings and the conduct of farriers within the racing industry. Mr Breisner was unaware what changes had been proposed but undertook to report back to the Council any changes that may affect Registered Farriers.

8.3 Scheduling of Council Meetings and Remuneration

Mr Moore raised the issue of scheduling and remuneration for Council Members attending Council Meetings. An example of the recent extraordinary meeting was given whereby he had booked a full afternoon off work but had only been entitled to claim for 2 hours attendance from the Council. Alternatively, it was suggested that meetings should be scheduled for the evenings where it had less impact on the working day. **Given the budget implications for any change to the policy for payment**

of Attendance Allowances it was agreed that this matter would be considered by the Finance Committee.

The meeting concluded at 13.36pm

Date of Next Meeting 24 April 2024

Annex A: FRC Policy and Guides APPROVED during this meeting

- Positions Adopted when Shoeing the Equine Leaflet
- AC Report on visit to Herefordshire, Ludlow and Shropshire College
- Policy for Approvals
- Procedures for Approvals
- Guide to Applications for Approval by the FRC for delivery of Farriery Training in GB as a prescribed course of training, and/or a Farriery Qualification/Assessment
- Guide to Application for Approval by the FRC of a Farriery Qualification delivered outside of GB
- Farrier, Approved Training Farrier and Apprentice Code of Professional Conduct
- Operational Plan 2024
- College Data Sharing Agreement
- Personal Protective Equipment (PPE) Policy
- Death in Service Policy
- Budget 2024
- Schedule of Charges 2024

In addition to the scheduled meeting reported above, the Council held four closed session extraordinary meetings on 7 June 2023, 5 September 2023, 27 September 2023 and 11 December 2023 to solely consider continued approval of the WCF, subsequent removal of WCF approval and most recently the approval of a new End Point Assessment Organisation (EPAO).

Council Meeting Dates for 2024

The Farriers Registration Council (FRC) meets twice a year. The FRC Council Meetings for 2024 are Wednesday 24 April 2024 and Wednesday 16 October 2024.

Agendas will be posted on the FRC website at www.farrier-reg.gov.uk



Election Notice: FRC Election 2024

When is the election?

- Notice is given to Registered Farriers that the election of four (4) Registered Farriers to be appointed as members of the Farriers Registration Council (FRC) will take place on Friday 27 September 2024.
 - Four farriers are to be elected during 2024 to be appointed as FRC members for a four-year term, from 1 January 2025 – 31 December 2028.
 - A copy of the election scheme is available to view on the Council's website www.farrier-reg.gov.uk or can be posted or e-mailed to any Registered Farrier upon request.

Who can stand for election and who can vote?

- To stand for the position of Elected Member of the Council a person must:
- Be currently practising and registered with the Farriers Registration Council in any of Parts 1, 2, 3 or 4 of the Register of Farriers.
- Registered Farriers are entitled to vote in the election; those listed in the Non-Practising List may not vote.

What do FRC Members do?

- FRC members make policy to regulate farriery; in making policy FRC members must balance the need to provide assurance to the public and safeguard the public interest with the wishes of the profession.
- Members of the FRC appointed by way of the election scheme use their knowledge, skills and experience gained as members of the profession to contribute to the development of policy for the benefit of the public and the profession.
- Members of the FRC appointed by way of the election scheme will work at Council and Committee level alongside directly appointed members of the FRC; the following bodies directly appoint members to the FRC:
 - The Worshipful Company of Farriers.
 - The British Farriers and Blacksmiths Association.
 - The Royal College of Veterinary Surgeons.
 - The Royal Society for the Prevention of Cruelty to Animals.
 - The British Horseracing Authority.
 - The British Equestrian Federation.
 - The National Training Organisation for the Land Based Industries (Lantra).
 - Scottish Enterprise.

How much of my time will be taken with FRC business if I am elected?

- The commitment of individual members to attend meetings will depend on the nature of their Committee membership, plus preparatory time to read meeting papers.
- Elected members receive travelling expenses and a taxable Attendance Allowance of £428 per day (2024 rate) when engaged on FRC business. FRC members are not Council employees, their status is that of an 'office holder' within HM Government's definition of that term; further details may be found at www.gov.uk
- Further information concerning the FRC's Committees and their duties may be found in the Council's Annual Report, and in the FRC Office Holders Code of Conduct. Both documents are available on request.

What are the four elected positions on the FRC?

- The four elected positions are open to Registered Farriers in any of Parts 1, 2, 3 and 4 of the Register of Farriers* (**subject to limited exclusions – see Election Scheme*)
- Registered Farriers are eligible to vote for up to four candidates.
- Those listed in the Non-Practising List are not eligible as candidates.

What Next?

How to stand as a candidate....

- Registered Farriers who wish to stand as a candidate should contact the FRC office for a Nomination Form; this form should be completed by the candidate standing for election and additionally signed by five proposers who must be Registered Farriers.
- Completed Nomination Forms and candidate Election Statements (800 words max) must be received by the Registrar on or before **close of business at 5pm on Wednesday 3 July 2024, the Nomination Day.**
- Successful candidates will be asked to sign a declaration agreeing to accept the Seven Principles of Public Life, first set out by Lord Nolan in 1995 and amplified by Lord Bew in the 'Striking the Balance – Upholding the Principles of Public Life in Regulation' in September 2016, and an undertaking to comply with the Rules of the FRC and the Office Holders Code of Conduct. Copies of these documents may be made available to prospective candidates on request.

If you have any questions about the election or are seeking advice as to how to stand as a candidate please contact the FRC offices.

2024 Election Timetable

Wednesday 3 July 2024: Nomination Day

Nominations from candidates in writing, signed by five proposers, including the candidate Election Statement must be received by the Registrar on or before this date.

Friday 13 September 2024

Voting Papers issued to Registered Farriers on or before this date.

Friday 27 September 2024: Polling Day

The last day on which voting papers may be received by the Scrutineers.

Wednesday 16 October 2024

Meeting of the Farriers Registration Council at which the results of the election will be declared.

Continuous Professional Development (CPD) Q&A

Readers will be aware that the FRC's Continuous Professional Development (CPD) policy applies to all Registered Farriers. The policy came into effect on 1 January 2023 and directs that Registered Farriers achieve 10 CPD points per annum, equivalent to undertaking 20 hours of learning activities. Registrants are required to record their CPD activities throughout the year and make a submission to the FRC detailing these activities as soon as possible after 31 December, and no later than 31 January. The following Q&A has been put together to help address questions registrants may have about achieving, recording and submitting CPD; the questions have been raised by registrants during 2023 since the change in policy.

Q	I have been on the register for 40 years and I am nearing retirement. Do I still have to undertake CPD?
A	<i>Yes, the requirement is for all those on the Register to undertake CPD regardless of qualification, experience or current farriery activity.</i>
Q	As an apprentice am I expected to undertake CPD?
A	<i>There is no mandatory requirement for apprentices to undertake CPD before qualification and registration, not least as they are engaged in learning during block release training at college, and in the workplace via their employer/ATF. That said, apprentices are encouraged to consider CPD as a way of broadening their knowledge, skills and behaviours.</i>
Q	I am on the Register but no longer actively shoe – do I still have to do CPD?
A	<i>Yes, unless you have resigned from the Register you are still required to undertake CPD. Registered Farriers who may be practising overseas are required to achieve CPD and make their submissions online.</i>
Q	What must I do in order to meet CPD requirements?
A	<i>Registered Farriers must maintain an annual record of CPD entries for the review period (January to December). These must be legible and may be kept online either via the FRC's website (www.farrier-reg.gov.uk), or electronically on a computer, or as a hardcopy on paper. Registered Farriers must submit annual CPD records to the FRC when requested to do so.</i>
Q	I understand there is a requirement to achieve 10 points per annum - what if I don't achieve the 10 points?
A	<i>The requirement is to obtain a minimum of 10 CPD points annually, with demonstration of 30 points over the last 3 years accepted when the annual 10 points requirement is not achieved. The allocation works on a formula of 0.5 points per hour. Registrants are encouraged to complete more than the minimum number of CPD entries each year.</i>
Q	What information should my submission include?
A	<i>CPD returns must include a good description of the activity, time spent, points claimed and description of the learning benefit. An activity or event titled 'shoeing' will not be considered to have enough detail. It is important that you provide sufficient detail about what was learned by taking part in the activity. Registrants are encouraged to think about the phrase "by taking part in this activity I learnt....".</i>
Q	Do I have to provide proof of attendance such as a certificate or photographs?
A	<i>There is no necessity to send the FRC a certification of attendance. The CPD submission tool online does provide the option to attach documents to your submission but these are optional to use.</i>
Q	Do I have to pay to attend organised events?
A	<i>No, there is no necessity to attend 'paid for' organised events. Registered Farriers may plan their own learning and undertake self-directed study or similar activities if they wish.</i>

Q	Is it true I can claim CPD for the time I spend working alongside another farrier or a veterinary surgeon?
A	<i>Yes, any time spent in such activities will be considered CPD if you learnt something from the time spent.</i>
Q	Can I include the same activity several times on my submission?
A	<i>No, an activity can only be claimed once although modules of a course may be claimed individually. You are encouraged to include a variety of activities and this will be taken into account if your submission is selected for audit.</i>
Q	Can I do online activities if I am unable to travel to events?
A	<i>Yes, there are a range of online webinars, video tutorials etc that could be completed towards CPD. These are often advertised via social media so its worth keeping an eye out on the different platforms. A simple search on the internet can also bring up activities which might be of interest.</i>
Q	Can I repeat activities that I have done in previous years?
A	<i>There may be some repetition of the type of activities over time but we would not expect to see the same learning benefit each time the activity is undertaken. We would also not expect to see identical submissions for the same activity from different registrants.</i>
Q	I often run workshops where I teach other farriers can I include this in my CPD record?
A	<i>Where you are teaching a subject that is new and necessitates learning and preparation to do so, that time may be considered a learning activity and therefore CPD. Subsequent repetitions of that activity may involve preparation but not learning, and teaching others does not necessarily constitute CPD learning.</i>
Q	I regularly take part in shoeing competitions – can I include these as CPD?
A	<i>When participating in a competition if the farrier is required to do something they have not done before, perhaps with feedback being provided, and there is a learning benefit then that would count as CPD. The key criteria is learning benefit; where a farrier makes a shoe they have made many times before and receives no learning benefit then this does not constitute CPD.</i>
Q	Does the FRC endorse particular events or activities?
A	<i>The Farriers Registration Council does not endorse or approve any particular event or activity for CPD, or accredit CPD points. Any activity may be considered suitable as CPD as long as it relates to your profession as a farrier or to the running of your farriery business.</i>
Q	Does CPD have to be about farriery skills?
A	<i>CPD has to be relevant to you as a farrier and to the running of your business; therefore, there may be opportunities to gain CPD that is not equine based. This might include activities such as learning a new accounting system, updating yourself on Health and Safety, First Aid, or employment legislation.</i>
Q	Are all CPD submissions audited?
A	<i>No, a random sample of the Register is audited each year. However, all ATFs are subject to audit on an annual basis.</i>
Q	What if I forget to make my annual submission?
A	<i>Registrants are expected to recognise their commitments to the FRC. Reminders of the requirements are published in the Bulletin throughout the year. If you are selected for audit you will receive written notification with a request to make your CPD submission if you have not already done so.</i>
Q	What information or assistance is available to me about CPD?
A	<i>The FRC website includes information about CPD within the MyFRC area. Users of the website can also view the FRC's Guide to Continuing Professional Development (CPD) for Registered Farriers, a copy of which was sent to Registered Farriers in November 2022. Registrants are also encouraged to ring or email the FRC's office with any CPD questions where we will be happy to explain the process or discuss any concerns.</i>

Making use of the FRC website

Since its launch the FRC website has provided the public, Registered Farriers and apprentices with the latest information relating to farriery regulation in addition to providing a number of user-friendly tools.

Many registrants make regular use of the facilities on offer but there are still some who may be unfamiliar with what the site has to offer. We take this opportunity to remind registrants of the information and services offered on the site.

The home page of the FRC website at www.farrier-reg.gov.uk provides a range of information about the industry and its regulation, advice specific to the horse owner and the 'Find a Farrier' tool providing details to the public of Registered Farriers and Approved Training Farriers (ATFs).

A 'News' area features updates from the FRC and other relevant organisations and is key to registrants keeping in touch with important industry information along with an 'Events' calendar which features details of upcoming farriery events.

The 'My FRC' area provides all Registered Farriers and apprentices with useful functionality to manage their FRC registration. The area includes tools to help the user:

- Update registered details held by the FRC
- Make payment of the annual Retention Fee
- Complete and submit their Annual Return
- Record and submit annual Continuing Professional Development (CPD) activities; and
- Access Council policies in detail

Registrants wishing to take advantage of the **My FRC** facility will need to register for an account via the 'Not yet registered?' link on the log-in page at www.farrier-reg.gov.uk/login



For help and advice on accessing **My FRC** please email frc@farrier-reg.gov.uk or call the FRC office on 01733 331199.

Policy Statement on Abuse, Bullying, Harassment and Intimidation

The FRC staff are committed to providing you with the highest level of service on behalf of your regulatory body at all times; the FRC staff have the right to provide that service in a safe environment.

The FRC will not tolerate abuse, bullying, harassment and intimidation aimed at the FRC staff. This includes threats of violence and includes actions made in person, on the telephone or via any electronic means. Should such behaviour take place the FRC staff may refer the incident to appropriate law enforcement or civil authorities, and staff may refer the incident to the Investigating Committee of the FRC.

Thank you for your consideration.

Disciplinary Committee Hearings

DISCIPLINARY COMMITTEE (DC): Mr A Bagnall DipWCF
Set out below is the determination and decision of the DC in respect of Mr Bagnall; the determination and decision may be read on the FRC website at www.farrier-reg.gov.uk

THE CHARGE

"That being registered under the Farriers (Registration) Act 1975 (as amended) ("the Act"), you:

1. *On 8 October 2022, having attended an appointment at an address in Coventry to trim horses belonging to Ms. DD, used unnecessary force towards a horse named S, more particularly by punching and/or kicking S;*

And that in relation to the facts alleged above, whether individually or in any combination, you are guilty of serious misconduct in a professional respect".

Mr. L Weston, instructed by Capsticks, appeared on behalf of the Council. Ms. J Dark, of Equine Law, appeared on behalf of the Respondent.

The respondent denied the Charge.

The Evidence

The Committee heard oral evidence from Mrs. DD, Ms. SD and Mr. RD.

The Committee read an agreed witness statement from Ms. MLT, a veterinary surgeon.

The Committee also heard oral evidence from the respondent.

Mrs. DD endorsed the account of events given in her witness statement. She told the Committee that the respondent had been her farrier for some four years before the incident in question. She said that she had always got on well with him and looked forward to his visits. On 8 October 2022 he was engaged to trim four horses and S was the second pony to be trimmed. She said that she was on her way to fetch a third pony and had her back to S and the respondent when she heard the sound of hooves on concrete and her daughter crying. She turned around and said that she saw the respondent punching S four times on the neck and above the eye. She said he was holding the pony's head collar with his right hand and punching with his left. She thought she was about 10 metres away at this time and with a clear view of the respondent and the pony. She said that she noticed that the back of the respondent's head and neck was red as if he was angry. She said that the respondent then swung his left leg back and kicked the pony three times in the stomach. She remembered the pony making a sound as if air was being expelled from her. She began to move towards the pony and shouted and swore at the respondent to get him to stop but the respondent grabbed the pony's collar and punched the pony a further five times on the head, after which he tied her

up tightly. When she asked the respondent what he thought he was doing, the respondent told her that the pony had bitten him and showed her a mark on the top of his head where there was a lump and a graze.

Mrs. DD said that she thought it unlikely that she had misinterpreted what she had seen and did not think that what she had seen was consistent with the respondent seeking to control the pony by using his left arm, with the elbow in a raised position, to try to gain control of the pony's head. She said that she was frightened by the situation and did not know how to deal with it. She now regretted that she had allowed the respondent to finish trimming S, but denied, when it was put to her, that she had tried to restrain the respondent from leaving after this episode had occurred. She now felt that she should have asked him to leave straightaway and not allowed him to finish trimming the pony. In any event the respondent left without taking any payment for the work he had done, and she telephoned her veterinary surgeon for advice. She also reported the matter to the police on the same day and, after speaking to the police on 10 October 2022, contacted the Farriers Registration Council on 14 October 2022.

Ms. SD was 13 years old at the time of events on 8 October 2022. She is now 14. She endorsed the account she gave in her witness statement. She remembered seeing the respondent grab the pony's head collar with his right hand and punch the pony between her eye and ear about 10 times with his left hand. She said that she was standing about 3 metres from the pony, on the same side of the animal as the respondent (contrary to the respondent's evidence), and also with a clear view. She said that she saw the respondent kick the pony, she thought three to five times, and then punch the pony again, several times, though not as often as on the first occasion. She remembered that the respondent appeared angry and tied the pony up tightly. She said that he asked her whether the pony had ever bitten or kicked her and said words to the effect of *"what do you do give her, a carrot or a treat or something"*. She responded that she did not *"beat her up and kick and punch her repeatedly in the head as hard as I can"*. She confirmed that the respondent had driven away without taking any payment for the horses he had trimmed.

Mr. RD confirmed that he had not seen the incident but had come out of the house when he heard a commotion outside.

Ms. MLT, a veterinary surgeon, produced a WhatsApp message she had received from a receptionist at her practice, dated 8 October 2022, which included the words *".... S but(sic) her farrier this morning while being shod, and the farrier punched and kicked her several times...."* She also produced a manuscript record of the advice she gave which recorded that Mrs. DD was worried that trauma to S's belly might cause internal bleeding.

Hearing Updates >>>

In his oral evidence the respondent confirmed the account given in his witness statement. He said that as he was trimming S's right hind leg, having previously trimmed the right foreleg, S bit him on the head. He said that the pain was excruciating, and he instinctively responded by raising his left arm which caught the pony on the jaw. He said that S continued to show signs of aggression and so he adjusted the lead rope to tie her closer to the wall. As he was doing this, he was using his left elbow to stop the pony from biting him again. He denied that he had punched or kicked S at all and said that Mrs. DD had initially been sympathetic when he showed her the bite mark on his head. She had gone to fetch another horse and only then asked him why he had hit S after she had returned with the other horse. He said that he was taken aback by this turn of events and asked Mrs. DD whether she wanted him to leave the yard. He said that he was going to leave when Mrs. DD asked him to finish trimming S and also asked him, as he was leaving, when he was coming back to trim the other ponies.

DECISION OF THE DISCIPLINARY COMMITTEE ON THE FACTS

The Committee reminded itself that the burden of proving the charge on the balance of probabilities lies upon the Council. It considered that whatever had occurred was likely to have happened quickly and was also likely to be very upsetting for both Mrs. DD and her daughter. Both were emotionally attached to their pony, S. These considerations were liable to produce differences in detail and could account for a mistaken impression that the respondent was punching the pony immediately after he had been bitten and while he was in fact using his left arm to protect himself from being bitten again. The Committee concluded that this was a realistic possibility and thought it unlikely that the respondent could have punched S initially as many times as suggested by Ms. SD, who was, at that time, closer to the scene than her mother. The Committee concluded that the Council had not discharged the burden of proof in relation to the first episode of "punching" recollected by Mrs. DD and her daughter.

However, the Committee considered it to be highly improbable that Mrs. DD and Ms. SD would collude together to produce an entirely false account of the respondent kicking the pony several times and then punching the pony. The Committee noted that Mrs. DD and Ms. SD distinctly remembered and referred to the sound made by S after she had been kicked. In the Committee's judgement this was a telling detail.

Further, the account given by Mrs. DD and Ms. SD is supported by three important and undisputed pieces of contemporaneous evidence.

First of all, there is no dispute that Mrs. DD reported that her pony had been punched and kicked (emphasis added) to a veterinary

practice shortly before 10.36 am on 8 October 2022. This report was made almost immediately after the episode described by Mrs. DD and her daughter.

Secondly, the note of advice given by the veterinary surgeon, Ms. MLT, stated that Mrs. DD was concerned about trauma to S's belly. It is difficult to see why Mrs. SD would have been concerned about potential injury in this area if the pony had not in fact been kicked there.

Thirdly, there is no dispute that the respondent left the premises without seeking payment for any of the work he had done. In the Committee's judgment this fact indicates an acceptance on his part at that time that things had gone wrong during this appointment. It is conduct that is very difficult to reconcile with the respondent's evidence that he had completed the trimming of S and another pony without any fault on his part. On the balance of probabilities, it suggests, in the Committee's judgment, that there was cause for complaint about the way in which he had behaved on 8 October 2022.

Taking into account these pieces of undisputed contemporaneous evidence, and the evidence given by both Mrs. DD and Ms. SD, the Committee is satisfied that the respondent did kick S and also punched her after he had kicked her. It rejects the implausible suggestion that Mrs. DD and her daughter have, because the respondent failed to complete the trimming for which he had been engaged, colluded to produce a fabricated account of these events. There could be no justifiable reason for kicking and punching a pony in the circumstances described by Mrs. DD and Ms. SD. The Committee therefore finds that the respondent used unnecessary force towards S by punching and kicking her.

DECISION OF THE DISCIPLINARY COMMITTEE ON SERIOUS MISCONDUCT IN A PROFESSIONAL RESPECT

Mr. Weston referred the Committee to his written submissions and to the contents of the *Farrier, Approved Training Farrier and Apprentice Code of Professional Conduct 2021* ("the Code"). He emphasised that the respondent's conduct involved serious breaches of the following parts of the Code:

"Farriers must treat all horses humanely, with respect, and with welfare as the primary consideration." (paragraph 12 (a))

"Farriers must not engage in any activity or behaviour that would be likely to bring the profession into disrepute..." (paragraph 16 (c)).

Mr. Weston reminded the Committee that the respondent's conduct had taken place in the presence of a child, as well as in the presence of the owner of the pony.

Mr. Weston also referred the Committee to a previous severe reprimand received by the respondent from the Disciplinary Committee in October 2000. That reprimand arose in

circumstances where the respondent, then a young farrier, had struck a horse as a result of a loss of temper.

Ms. Dark made clear that the respondent maintained his denial of the charge but accepted that the conduct found by the Committee would amount to serious misconduct in a professional respect. She referred the Committee to a witness statement prepared by the respondent and a number of attached testimonials which were very supportive.

The Committee reminded itself that the Code, at paragraph 24, makes clear that a farrier faced with a difficult horse should not commence or proceed with the farriery. It is not the function of a farrier to dominate and punish the horse to allow farriery to take place.

In the Committee's judgment the respondent had sought to dominate the horse by repeated kicks and punches. The Committee accepted Mr. Weston's description of the kicks and punches administered as punitive and retributive. The pony was injured. A significant feature of the case was that this behaviour took place in the presence of a 13-year-old child, as well as the owner of the pony. It was conduct liable to cause serious damage to the reputation of the profession.

The Committee concluded that the facts found proved clearly amounted to serious misconduct in a professional respect. It reached this decision independently of the existence of a previous severe reprimand.

DECISION OF THE DISCIPLINARY COMMITTEE AS TO SANCTION

Mr. Weston referred the Committee to what he submitted were a number of aggravating features, foreshadowed in the written submissions that he had produced in relation to serious misconduct in a professional respect. In accordance with convention, he did not address the Committee in relation to any specific sanction.

The Committee heard oral evidence from Ms. SC JP, who had also provided a written reference, and who had known the respondent as an apprentice and farrier for some 30 years. She told the Committee that in her experience the respondent had always been caring, dedicated and diligent. She gave concrete examples to support her assessment.

Ms. Dark told the Committee that the respondent had qualified as a farrier in 1997 and was now responsible for about 150 clients. He was also responsible for 25 horses which required remedial farriery where the respondent is working with a veterinary surgeon. She asked the Committee not to attribute significance to the previous reprimand as it was now very old. She pointed out that there had been no other complaints and emphasised that the respondent was a highly skilled farrier who was held in very high regard by his clients and by other professionals. She submitted that the case

could properly be dealt with by taking no further action; failing that, she submitted that a warning or reprimand would be sufficient.

The Legal Assessor reminded the Committee of the Indicative Sanctions Guidance and of the obligation to arrive at a proportionate outcome to the case, having regard to the need to protect the welfare of horses and the reputation of the profession. The Committee considered that there were a number of aggravating features to be taken into account. Some injury was inevitable in the light of the kicks and punches, and the conduct was such as to create an obvious risk of injury. The Committee remained concerned that the respondent had shown no recognition of the damaging impact on others, particularly children, of behaviour of this type. The presence of a minor was a significant aggravating factor. There had been a previous adverse finding, though many years ago, of the Disciplinary Committee. That finding had arisen in relation to an incident which had some similar features to the present case, in particular an apparent loss of temper and control in a professional setting.

In relation to mitigating factors, the Committee took into account that the behaviour occurred after the respondent had been bitten by the pony and this event triggered a wholly unjustifiable, but impulsive, reaction. The Committee was prepared to accept that the respondent had shown some insight in accepting without further argument the finding of serious misconduct in a professional respect. The respondent was clearly a highly skilled farrier who was respected by clients and other professionals.

In the Committee's judgment the aggravating factors were of more weight than the mitigation.

The Committee concluded that this was much too serious a case in which to take no further action. A pony had been deliberately injured and such conduct was liable to bring the profession into disrepute.

The Committee did not consider that any useful purpose would be served by postponing sanction.

The Committee concluded that a warning or reprimand would not be sufficient in view of the seriousness of the case. The misconduct in this case was not at the lower end of the spectrum of seriousness and the Committee could not be confident that there was no future risk to animals or the public in view of the limited insight shown by the respondent. The Committee reached this conclusion without regard to the previous severe reprimand.

The Committee next carefully considered the sanction of suspension. It had regard to the Indicative Sanctions Guidance. In view of all the circumstances, the Committee was not satisfied that this sanction would adequately meet the public interest. A reasonable and fully informed member of the public would, in the Committee's judgment, be appalled by the respondent's conduct. Nor was the Committee confident that there was no significant risk

Hearing Updates >>>

of repeat behaviour or that the respondent farrier was now fit to return to practice after a period of suspension.

The Committee concludes that the only proportionate sanction in this case is that of removal from the register. The deliberate causing of injury by repeated kicks and punches to a tethered horse requires this sanction, notwithstanding the inevitable serious impact that such a sanction is likely to have upon the respondent. The Committee concludes that this is the only sanction which will properly satisfy the public interest. Although the Committee is bound to regard the previous warning as an aggravating factor, the Committee would have concluded that removal from the register was appropriate even in the absence of the previous warning in view of the punitive and retributive nature of the kicks and punches and the presence of a child at the time.

The Committee determined that it was appropriate to issue a direction under section 15 (7) of the Farriers Registration Act 1975 (as amended). The consequence of this direction is that the respondent shall not be entitled to apply to be registered in the register again until 12 months have elapsed from the date of today's direction.

If and when the respondent applies to be registered again after the expiry of that period, the Disciplinary Committee will consider his application on its merits and the circumstances at that time.

Note: Section 15(7) of the Farriers Act 1975, as amended, provides as follows:

"A person whose name is removed from the register in pursuance of a direction of the Disciplinary Committee under this section shall not be entitled to be registered in the register again except in pursuance of a direction in that behalf given by the Committee on the application of that person; and a direction under this section for the removal of a person's name from the register may prohibit an application under this subsection by that person until the expiration of such period from the date of the direction (and where he has duly made such an application, from the date of his last application) as may be specified in the direction".

Disciplinary Committee

30 October - 1 November 2023

DISCIPLINARY COMMITTEE (DC): Mr P Blackmore DipWCF
Set out below is the determination and decision of the DC in respect of Mr Blackmore; the determination and decision may be read on the FRC website at www.farrier-reg.gov.uk

THE CHARGE

"That, being registered under the Farriers (Registration) Act 1975 (as amended) ("the Act") you:

1. On 30 August 2022 whilst in attendance at the Merseyside Police Mounted Section, Liverpool, to shoe police horses:

Used unnecessary force towards a police horse named Harris, more particularly by striking Harris:

(i) With a rasp and/or

(ii) With a hammer

And that in relation to the facts above, whether individually or in any combination, you are guilty of serious misconduct in a professional respect".

Ms. Curtis appeared on behalf of the Council; the respondent attended and was unrepresented.

The respondent denied the Charge.

The Evidence

The Committee heard oral evidence, given by video link, from Mrs. KL and Miss GN.

The respondent also gave oral evidence.

The Committee also viewed some CCTV footage which showed the respondent at work upon the horse. The CCTV footage appeared to show the respondent striking Harris on the shoulder with a farrier's tool.

Mrs. KL confirmed the contents of her witness statement. She told the Committee that she was employed as an Animal Welfare Assistant at the Merseyside Police Mounted Section stables, and that, on 30 August 2022, she was carrying out her day-to-day duties, while being ready to assist the respondent as required. The respondent was engaged in shoeing a horse, named Harris, who was new to the yard. Mrs. KL said that she saw Harris becoming nervous and trying to move away from the respondent. She attributed this to smoke, arising as a result of burning on the shoe, in the vicinity of the horse. Mrs. KL said that she walked over to untether the horse and to hold him herself, by using a chain attached to the horse's head collar. However, Harris continued to pull away and removed his foot from the stand. Mrs. KL said that she saw the respondent then strike Harris, with considerable force, across the right shoulder with a metal rasp that he was holding. Mrs. KL said that she was upset but tried to calm Harris and re-presented him to the foot stand. A few minutes later Harris pulled back again and removed his foot from the stand. Mrs. KL said that

she saw the respondent then strike Harris on the right shoulder with a hammer, using less force than previously. Harris became visibly tense, but the shoeing of the horse's fore legs was completed without further incident. Mrs. KL said that the respondent told her at the end of the shoeing that he felt bad about what had happened. She took this to be a reference to regret that he had struck the horse.

Mrs. KL said that she spoke to Ms. GN, who was working in the yard, immediately, and subsequently reported what she had seen to her supervisor. She produced an email, addressed to her supervisor and written on the same day. When she was next at the yard, on 1 September 2022, she noticed a mark on the horse's right shoulder where he had been struck with the rasp. She took photographs, which were included in the hearing bundle, together with photographs of a rasp and hammer of the type used by the respondent.

Mrs. KL told the Committee that the CCTV footage available to the panel had captured the moment when the respondent struck Harris with a hammer but not the moment when he struck Harris with the rasp.

Ms. GN confirmed the contents of her witness statement. She told the Committee that she is a registered osteopath and animal osteopath. She was working in the yard on 30 August 2022 and was present when the respondent arrived between 10.30 and 11.00 am. She assessed Harris that morning, in the company of the respondent. She said that Harris was calm during the assessment which involved the observation of various movements. She later began to work on another horse and was situated about 50 metres away at the other end of the yard. She could see Harris and the respondent and became aware from some commotion that Harris was becoming slightly "spooked" by, she thought, the smoke from the shoeing process. She suggested that Mrs. KL should go over to assist.

Subsequently, while writing up some notes, she became aware of further commotion and looked towards the sound. She told the Committee that she saw the respondent hitting Harris on the right shoulder with a tool. She could not see the type of tool.

Subsequently, she spoke to Mrs. KL about the incident and reported it by text at 12.54 on that day to the stable manager. She produced the texts.

The respondent told the Committee that he had been a registered farrier for 32 years and had never previously been the subject of a complaint. He referred the Committee to the bundle of testimonials which he had submitted as indicative of the regard in which he was held by those for whom he had worked. On the day in question, he said that Harris was restless and moving about so as to make shoeing him difficult. With hindsight he said that he wished Harris

had been sedated. However, he said that if he had not shod the horse that day the horse would have been left in pain due to the sand crack in his right fore foot. He judged that the horse was not so restless as to prevent the process being undertaken.

In his initial evidence the respondent said that he had hit Harris once with a rasp, with no great force, to prevent Harris from trapping him against a nearby concrete pillar. He recollected that this was towards the end of the process when he was clenching up. In cross-examination, he was shown a letter that he had written to the Council in November 2022 in which he appeared to write that he had hit Harris in the girth area while he was still nailing up. On being reminded of this, the respondent accepted that he had struck Harris twice, each time he said while holding a rasp. In answer to a question from the Committee he said that on the second occasion, shown on the CCTV, he had tapped Harris on the right shoulder with a hammer.

DECISION OF THE DISCIPLINARY COMMITTEE ON THE FACTS

The Committee reminded itself that the burden of proving the charge lay upon the Council and that the standard of proof was the balance of probabilities.

The Committee noted that the account of events given by Mrs. KL in her oral evidence was consistent with the report of the episode that she made in an email of the same day. Mrs. KL was positioned at the head of the horse and in a good position to see what was going on. She had known the respondent for 30 years and there was no suggestion of any ill-feeling between them prior to this episode occurring. They got on well together. She said that she was upset by what she had seen. Her evidence that she was upset was supported by the evidence of Ms. GN to whom she spoke soon after the episode. She was also sufficiently concerned to take a photograph of the injury which she judged had been occasioned by the first blow that she had seen.

The Committee considered that she was an honest and generally reliable witness. The Committee accepted her evidence in relation to the first blow and indeed noted that by the end of his evidence the respondent accepted that he had struck Harris twice, albeit on one occasion, he said, under the girth rather than on the shoulder. Mrs. KL's evidence in relation to the second blow was supported by the evidence of Ms. GN and by the CCTV evidence. Her recollection that the second blow, was less forceful than the first and she thought, was administered with a hammer.

Ms. GN saw the second blow, which she said was delivered when the respondent was in close proximity to the horse and not from any great height. She was unable to identify the precise implement which the respondent had in his hand when he struck Harris.

The Committee has given the CCTV footage close consideration.

Hearing Updates >>>

Taking into account the footage, and the part of the shoeing process to which the CCTV relates, the Committee considers it to be more likely that the respondent was holding a rasp, than a hammer at this stage. The respondent was clenching up so would have had no need for a hammer but needed a rasp and the footage appears to the Committee to show a rasp in his hand.

The Committee is conscious that Mrs. KL thought it was a hammer but does not consider that this mistake of detail undermines the general reliability of her account. The Committee has also borne in mind that the respondent himself said at the very end of his evidence that he was holding a hammer but, for the reasons set out in the following paragraph, the Committee is unable to place any reliance upon his recollection.

The Committee considered the respondent's evidence to be confused and, at times, inconsistent. His early account of hitting Harris once only and then with a rasp was altered during the course of cross-examination to an acceptance that he had hit Harris twice. He accepted that his initial evidence had been wrong. He also sought to suggest that he had been placed in a position of imminent danger. There was no support for this in any of the other evidence that the Committee heard or saw in the CCTV footage, and the Committee rejects it. In the end the respondent appeared to accept that his recollection of events was not good.

The Committee finds that there were two separate occasions on which the respondent struck Harris with a rasp. There is no evidence upon which the Committee can rely to indicate that the respondent was ever in a position of imminent danger. There is evidence, which the Committee accepts, to suggest that the blow on the first occasion was more forceful than the blow on the second. There was no evidence that the respondent was ever in a position of imminent danger. In these circumstances the Committee concludes that the respondent used unnecessary force when, on two occasions, he struck Harris with a rasp.

Accordingly, the Committee finds the Charge Proved.

DECISION OF THE DISCIPLINARY COMMITTEE ON SERIOUS MISCONDUCT IN A PROFESSIONAL RESPECT

Ms. Curtis drew the Committee's attention to the *Farrier, Approved Training Farrier & Apprentice Code of Professional Conduct* ("the Code") and in particular the guiding principle that farriers are expected to: *"Make horse welfare their first consideration, with due regard to a safe working environment, and to fulfil their professional responsibilities by upholding the following guiding principles Ensure that all horses under your care are treated humanely and with respect....*

Uphold the good reputation of the farriery profession."

Ms. Curtis also referred the Committee to paragraph 12 a of the

Code which states:

"Farriers must treat all horses humanely, with respect, and with welfare as the primary consideration."

Ms. Curtis submitted that the respondent was in clear breach of these parts of the Code. She emphasised that the respondent had caused injury by using a farrier's tool as a weapon, that there had been two blows, and the conduct was deliberate. She invited the Committee to find serious misconduct in a professional respect. The respondent told the Committee that he regretted the situation that had arisen with this horse. He said his only intention was to get shoes back on to the horse's feet so as to prevent the animal being in pain.

The Committee accepted Ms. Curtis' submission. The respondent was in clear breach of the principles set out above. It was entirely unacceptable for him to use a farrier's tool to strike a horse, whatever his intention.

The Committee was in no doubt that the facts it had found proved amounted to serious misconduct in a professional respect.

DECISION OF THE DISCIPLINARY COMMITTEE AS TO SANCTION

Ms. Curtis told the Committee that the respondent had been a registered farrier for 32 years. There were no previous findings against him.

The respondent said that he had found himself in a difficult situation. He had not been given satisfactory information about Harris before he started work and he had not been told of the extent of the sand crack in Harris' right fore foot. Once he had removed the shoes and appreciated the extent of the problem he felt that he had no option but to try to get shoes back on to prevent the horse being in pain. Harris was not co-operating, and he said that he had struck him as a reprimand and to obtain co-operation. He had not intended to injure the horse and did not in fact think he had done so.

He said that in future he would insist upon a better history being provided and would, if necessary, require an assistant to be present and the horse to be sedated, if appropriate.

In answer to questions from the Committee, the respondent said that he regretted doing what he had done but it had been done to control the horse and keep him pain-free. He said that he would not find himself in a similar situation in future because of the approach that he would now take when it came to shoeing a new horse. He was of the view that what he had done was reasonable in the very difficult circumstances in which he had found himself. He said that he had, as he put it, "disappeared into a rabbit hole," because he needed to get shoes on to a large horse who did not want to co-operate with the process. He said that the horse had behaved belligerently and that it was a proportionate response. He

maintained that his actions had enabled him to control the situation and to get shoes onto the horse. He told the Committee that if he found himself in the same situation again, he would do the same as he considered it a reasonable reaction in these circumstances. The legal assessor reminded the Committee of the Indicative Sanctions Guidance and of the requirement to arrive at a proportionate outcome to the case, having regard to the need to protect equine welfare and to safeguard the reputation of the farriery profession.

The Committee first considered aggravating factors. Actual injury had been caused to a horse and the injury had been caused by the misuse of a farrier's tool on two separate occasions. The respondent's conduct had caused significant upset to an experienced Animal Welfare Assistant who had witnessed it. The respondent's insight was at present still not complete. The Committee will deal with this aspect in more detail in a separate paragraph as the extent of the respondent's insight has aggravating and mitigating aspects.

There are a number of mitigating factors. The Committee accepts that the respondent acted with a genuine intention to safeguard the welfare of the horse. This was not an attack upon a horse to vent frustration. The Committee accepts that the respondent acted as he did because he judged that it was essential to get shoes onto the horse's front feet because the horse would be in pain if the sand crack on the right fore foot was not properly supported. In the Committee's judgment this is a very significant feature of the present case. The Committee also considered that the decision the respondent took was a decision taken without the opportunity for full reflection as he found himself in a situation which was much more difficult than he had originally envisaged.

The Committee also regards this serious misconduct as a single episode in an otherwise unblemished and long professional career of 32 years. It also noted that the respondent had never sought to deny that he had hit Harris. It was now some 14 months since the incident.

Turning to the crucial question of insight, both mitigating and aggravating factors operate. The Committee considered that the respondent had genuinely reflected upon the incident and had formulated a strategy designed to avoid any repetition. This was to his credit. The Committee remained concerned about his response when asked if he would be likely to repeat the same conduct and he answered that he would if he found himself in the same situation. It needs to be clearly understood that the use of a farrier's tool to reprimand a horse is entirely unacceptable. In assessing the importance to be attributed to the respondent's answer in this respect the Committee had regard both to the very supportive testimonials submitted by the respondent and also to the evidence

of Mrs. KL who had known the respondent for many years and said that the behaviour she had witnessed was entirely out of character. The Committee has judged that this evidence enables it to conclude any repetition of this type of misconduct is unlikely.

The Committee considered sanction in ascending order of seriousness.

This is much too serious a case for no further action to be taken.

No useful purpose would be served by postponing sanction.

The Committee went on to consider a warning or reprimand.

This misconduct was not at the lower end of the spectrum and a reprimand or warning would not be sufficient to safeguard the reputation of the profession and to satisfy the public interest.

The Committee next considered suspension. The Committee had regard to the Indicative Sanctions Guidance. It particularly considered insight and whether the respondent would be fit to return to practice after a period of suspension. The Committee concluded that this hearing had given the respondent an important opportunity for further reflection and has been a significant experience for him. He had not previously behaved in the way which the Committee had found proved. The Committee considered it unlikely that he would behave in this way again. Having regard to the mitigating factors set out above, the Committee concluded that a period of suspension was the proportionate response to this misconduct. In reaching this conclusion it attached considerable weight to the fact that the respondent's intentions with regard to Harris were good.

The Committee considers that the public interest can, in the circumstances of this case, be adequately served by a period of suspension of two months.

In accordance with its usual practice in cases of suspension the Committee also considered the sanction of removal. It concluded that this would be disproportionate, in view of the respondent's motivation regarding Harris' well-being and all the circumstances in which the misconduct had taken place. It goes without saying that if the Committee had concluded that the respondent had acted out of frustration and with an intent to vent that frustration on the horse, the outcome might well have been different.

*Disciplinary Committee
2 and 3 November 2023*

Hearing Updates >>>

DISCIPLINARY COMMITTEE (DC): Mr J Gardner DipWCF

Set out below is the determination and decision of the DC in respect of Mr Gardner; the determination and decision may be read on the FRC website at www.farrier-reg.gov.uk

THE CHARGE

"That being registered under the Farriers (Registration) Act 1975 (as amended) ("the Act")

On 3rd October 2022 at Wick Sheriff Court, you were convicted under section 5(1)(a) of the Road Traffic Act 1988 of driving or attempting to drive a motor vehicle on a road or other public place after consuming so much alcohol that the proportion of it in your blood breath or urine exceeded the prescribed limit, in relation to which offence, on the same date, you were

- a. Fined £475*
- b. disqualified from holding or obtaining a driving licence for 20 months and*
- c. ordered to pay a victim surcharge of £20*

And in relation to the facts alleged above, you are guilty of serious misconduct in a professional respect."

Ms Catriona Watt appeared on behalf of the Council and Mr Matthew Corrie, instructed by Morrish Solicitors, appeared on behalf of the Defender for the hearing on 6 November 2023. Although the Defender's first name is John the correspondence makes it clear that he is usually referred to as Ben.

Preliminary Issues

A small number of documents were lodged on the morning of the hearing by both parties. Neither party objected to the lodging of these documents. In the absence of any objection or prejudice these documents were admitted.

Mr Corrie indicated that, as there may be reference to the Defender's health, it would be appropriate to move parts of the hearing into private session. The Committee granted this application.

DECISION OF THE DISCIPLINARY COMMITTEE ON THE FACTS

The Defender admitted the facts of the Charge and, accordingly, the Committee found the Charge proved.

The Defender also indicated that, whilst the issue of serious misconduct in a professional respect was a matter for the Committee alone to determine, he admitted that his conduct was serious misconduct in a professional respect.

DECISION OF THE DISCIPLINARY COMMITTEE ON SERIOUS MISCONDUCT IN A PROFESSIONAL RESPECT

Ms Watt invited the Committee to find that the nature of the Conviction was such as to justify a finding of serious misconduct in a professional respect. She invited the Committee to have regard to the witness statement of PC.TS dated 6 October 2023. The Committee was informed that since the contents of the statement were not in dispute it was agreed that PC. TS did not require to attend and give evidence.

In the early hours of 4 June 2022 there were reports of an abandoned vehicle on the road (A882) between Wick and Watten. There were no lights on and it was causing an obstruction on the unlit road. The vehicle was registered with the Defender and PC.TS visited the Defender's home and began to question him. The Defender was asked to identify the driver of the vehicle and he said that it was him. He explained that he had abandoned his vehicle as it had run out of fuel. He left the vehicle and got a lift home. The Defender's breath smelled of alcohol and a breath analysis gave a reading of 46 micrograms of alcohol per 100ml of breath. The limit for alcohol is 22. The Defender was just over two times that limit. The Committee was informed that the minimum penalty for drink driving was disqualification for one year. The Defender received a sentence of 20 months as well as a fine of £475 and had to pay a victim surcharge of £20.

Ms Watt submitted that driving in excess of alcohol involved a danger to other road users. The journey involved a trip to Wick which was some 16 miles from the Defender's home. The car would have been low in fuel but no fuel had been bought in Wick.

Ms Watt referred to paragraph 16 (c) of the Code of Professional Conduct for Farriers, Approved Training Farriers and Apprentices [2021] ('the Code') which states that *"Farriers must not engage in any activity or behaviour that would be likely to bring the profession into disrepute."* She also referred to paragraph 94 which dealt with serious criminal offences. These included offences that were likely to affect a farrier's ability to practice. It was submitted that the circumstances that led to the conviction were not simply a falling short of the standards but that the conduct fell well short of the standards expected of a Registered Farrier.

On behalf of the Defender, it was submitted that the Committee should, in determining, the issue at this stage, have regard to the charge and not any charge that could have been brought. There was reference to the matter not being in the Defender's annual return in both the FRC oral and written submissions. These were not relevant to the issue before the Committee.

The Committee heard and accepted the advice of the Legal Assessor. He advised the Committee that the issue it had to determine was whether or not there had been a significant falling

short of the standards expected of a Registered Farrier. The Committee should confine its consideration to the matters charged and the circumstances surrounding the conviction.

The Committee recognised that the issue of whether or not there was serious misconduct in a professional respect was a matter for the Committee to determine by exercising its professional judgment. The Committee recognised that the conviction did not involve issues of animal welfare.

The Committee determined that there had been a departure from the code and that the profession would have been brought into disrepute. Driving a motor vehicle is an integral part of the business of all Farriers. As such a Farrier would be expected not to behave in a manner that was likely to have an adverse effect on his or her ability to provide a service to clients. The Committee was of the view that a reasonable well-informed member of the public would be concerned that a Farrier had decided to make a long journey having consumed an excess of alcohol, on a whim only because they wanted to buy cigarettes. The car ran out of petrol and was left blocking the road.

The Committee therefore concluded that the Defender's admission of serious misconduct in a professional respect was correctly made and was satisfied that such a finding was appropriate at this stage.

DECISION OF THE DISCIPLINARY COMMITTEE AS TO SANCTION

Ms Watt advised the Committee that Mr Gardner has been a Registered Farrier since 1 March 2013. He has had prior disciplinary findings.

The Committee noted that on 23 February 2017 he was found guilty of serious misconduct in a professional respect, but the Committee of 23 February 2017 decided to impose no further sanction. The charge was in respect of a conviction for domestic abuse. He had been found convicted of sending a threatening message, damage to a bannister spindle and a bathroom door, and assault. This was as a result of him being in a heightened emotional state following his sudden separation from his partner, health concerns regarding a close relative. He had been drinking at the time of his conviction. He has since reconciled with his partner. The decision was based on the fact that his behaviour was found to be *'wholly out of character'*.

The Committee further noted that he had received a statutory warning, in June 2020 which, was to persist for three years. The Committee did not consider that the existence of the warning was material to its approach to outcome and or sanction. It was however concerned to note that the two convictions that resulted in regulatory concerns both involved the misuse of alcohol.

The Defender provided live evidence under affirmation. He talked about the circumstances of his conviction. He had been 'dragged' into celebrating the Queen's Jubilee by a friend who was an ex-

military, keen royalist. He had assumed that Tesco would be open, but it was shut. The petrol station attached was not functioning. He explained that he had moved the car when he ran out of fuel, but a steep verge meant that he could only move it to the side of the road.

The Defender explained that he had started working for a Farrier at the age of 15 and this was his life and passion. He regularly took part in competitions. He moved to the North of Scotland having discovered that there was an unmet need for farrier services. His workload meant that he had a wide area to cover from Elgin in the East, Inverness to the South, Lewis/ Harris to the West and Orkney Mainland to the North.

His clients had not suffered as a result of his ban as he had employed a driver who was prepared to put up with the enormous hours that he worked. He had attended and passed a statutory course (in terms of *34B (1) of the Road Traffic Offenders Act 1988*) for drink drivers. This meant that the 20-month ban had been reduced to 17 months. He would get his license back in January.

He expressed deep remorse for his actions and accepted that he had brought the profession into disrepute.

Evidence was also provided by his Partner Ms. I who told the Committee that the Defender was genuinely remorseful and that he feared for his clients were he to be unable to practice. She had no concern that he would repeat the behaviour that led to him driving whilst unfit to do so.

Evidence was further provided by Mr. AN, a neighbour, who talked about his working practise and the service he provided to the remote areas that he worked in. He was the Defender's driver on that trip.

Mr Corrie invited the Committee to find that Mr Gardner appeared before the Committee as someone who had expressed genuine remorse and had clear insight into how he had let his profession down. Mr Gardner had already written to his regulator and described his actions in an email dated 14 April as 'inexcusable'.

There were no prior alcohol related convictions nor any suggestion of a wider alcohol misuse problem. Although he was banned from driving he employed a driver to enable him to continue to provide a service to his clients.

Mr Corrie invited the Committee to issue a reprimand or warning to satisfy the public interest. He submitted that the public interest could also be served by permitting the Defender to continue serving the public in an area where there was a severe shortage of farrier services. If the Committee were to suspend it should be for a short period.

The Committee heard and accepted the advice of the Legal Assessor who reminded the Committee to have regard to the Indicative Sanctions Guidance. The purpose of imposing a sanction

Hearing Updates >>>

was not to punish the Defender but to devise a sanction which was sufficient to satisfy the public interest and protect and maintain the good name of the profession.

The Committee began by considering the aggravating features. His actions created an obvious public danger. He drove, on a public road, for some distance and some time whilst unfit to do so. He left his vehicle in a position where it blocked the road. There was a risk to the public. His actions were reckless. He had a prior adverse finding for his prior conviction.

The Committee then considered the mitigating features. The Defender cooperated with the Police and provided a breath test. He plead guilty to the criminal charge and has cooperated with his regulator. He had health concerns. He has made subsequent efforts, by sitting a course, to prevent reoccurrence. There has been no repetition of his conduct since the incident, and he has expressed genuine remorse.

The Committee considered that the Defender has demonstrated genuine remorse and sufficient insight into the seriousness of his actions.

The Committee then began to consider the outcomes and sanctions available to it in an ascending order beginning with the least restrictive option open to it.

The Committee did not consider it was appropriate to take no action. Such a course would only be appropriate if there were exceptional circumstances to justify it.

Although the Committee considered that although it had the power to postpone sanction there was no basis for it doing so having regard to the circumstances of this case. It would not be fair on the Defender for this matter to be delayed nor would it be in the public interest for these proceedings to be continued unless there was a clear good reason for doing so.

The Committee next considered whether or not to impose a reprimand and or warning as to his future conduct. The Committee considered that two out of the three limbs for imposing a warning were engaged in favour of the Defender. There was clear evidence of insight. The Committee also considered that there was no future risk to animals or the public.

The Committee did not consider that the misconduct was at the lower end of the spectrum of seriousness. The level of alcohol involved, the fact that he had a prior conviction for an offence when under the influence, and the fact that the car was left abandoned made the matter more serious than even a failed breath test where the Defender was slightly over the limit.

The Committee had regard to the sanctions guidance with regard to suspension and was satisfied that all of the factors, suggested in the guidance were engaged. The misconduct was serious, but this sanction was appropriate. The Defender has demonstrated clear

insight and remorse into his actions and there is no significant risk of repetition. The Defender will be fit return to practice after the period of suspension. Neither of his convictions raised any question about his ability as a farrier.

Although the Committee considered the next sanction upwards it did not consider removal to be either proportionate or appropriate. The Committee were presented with clear and cogent evidence that such a sanction would have a devastating effect on both him and his family as well as depriving the community of the services of a competent farrier in areas where farrier services were scarce. The Committee considered that the public interest would be served by ordering that the Defender should be suspended for a period of four weeks. It would send a clear message to the public and the profession that such behaviour should not be tolerated. The length of the suspension was chosen to take into account the fact that this should not have an effect on animal welfare. The fact that there was a suspension would serve as a clear indication that such conduct was not acceptable.

Disciplinary Committee

6 November 2023

DISCIPLINARY COMMITTEE (DC): Mr A Ross DipWCF
Set out below is the determination and decision of the DC in respect of Mr Ross; the determination and decision may be read on the FRC website at www.farrier-reg.gov.uk

THE CHARGE

"That being registered under the Farriers (Registration) Act 1975 (as amended) ("the Act")

- On 23 March 2023 during an appointment to shoe a horse named Flame belonging to Ms A.C. you used unnecessary force towards Flame more particularly by hitting Flame in the face.*
- On 23 March 2023 during an appointment to shoe a horse called George belonging to Ms L.C. you used unnecessary force towards George more particularly by:*
 - Pushing George off a hoof stand*
 - Pulling George forward by his headcollar and rope lead several times*
- Your actions at 2, above, caused George:*
 - To hit one of his front legs on the hoof stand*
 - To his injury*

And in relation to the facts alleged above, you are guilty of serious misconduct in a professional respect."

The Hearing

A meeting of the Disciplinary Committee of the Farriers Registration Council (FRC) to hear the Charge which commenced on 7 November 2023 and the hearing concluded the following day. Ms Catriona Watt appeared on behalf of the Council and Ms Aleksandra Manning-Rees instructed by Morrish Solicitors appeared on behalf of the Defender, Mr Ross.

Preliminary Matters

Ms Watt indicated that she had no objection to the late lodging of documents on behalf of the Defender. These were online client testimonials.

At a later stage it was agreed that evidence relating to the health of one of the witnesses should be heard in private session and that the hearing should move into private session when these matters were to be discussed.

Reading of the Charge

The Charge was read by Ms Watt. Ms Manning-Rees informed the Committee that the Defender denied the entire Charge.

Background to the Charge

On 24 March 2023 the First Complainer emailed the FRC stating; *"Hi I'd like to put in a complaint in about a farrier yesterday he was doing my youngster and my horse is a bit sensitive with his back legs I did say to farrier you can give him a telling off within reason I was holding my horse and when the farrier was filling his hoofs my horse was putting all of his weight on the metal pole thingy and the farrier went nuts at him and hit him in the face with force I heard it and also my daughter did we both seem him do it now I already have trouble putting my horses bridle on and that wouldn't have helped.*

My Daughters horse done the same put all his weight on the metal thingy and farrier went nuts he got a hold of his headcollar and yanked him forward thus the horse striking the pole and going down on that leg as of which my daughter said what are you doing you could hurt him now I should have said at the time but I would have went mental at him but the yard was busy so I text him instead nobody hits my horse or treats my daughters horse like that ever again I'm disgusted and sick to my stomach."

On 30 March 2023 the FRC received a complaint form from the First Complainer (Ms A.C. in the Charge).

In her complaint form, the First Complainer said that: Mr Ross had been shoeing for her since January that year; The names of the horses involved were her horse Flame and her daughter's horse George; That Flame was 6 years old, and George was 15 and that both horses were used for hacking/ jumping.

She went on to state:

"While Flame was being shod Flame was putting all of his weight on the hoof stand so he pushed him off it and hit him across his face Flame got a fright and I seen this happen and so did my daughter George also done the same as Flame He pushed George off the hoof stand he yanked on his headcollar to which Georges head went up then he grabbed his headcollar He pulled George forward to which George hit his knee and leg off the stand his leg buckled and he managed to get his balance.

Ms L.C. also witnessed this happen"

The First Complainer's complaint form was signed and dated 25 March 2023. In response to question 5 – *'Have you discussed your complaint with the farrier concerned'* she ticked the 'No' box stating, *'It wasn't the time or the place yard was too busy'.*

The First Complainer's teenage daughter, the Second Complainer (Ms L.C. in the Charge) wrote an email dated 5 April 2023 to FRC in which she said:

"Hi my name is Ms L.C. when the farrier was doing my horse George and George had put his foot up on the metal stand he started putting too much pressure and the farrier wasn't very nice to him and pushed him off with force yanked on his leadrope a few times with force then pulled him forward by his headcollar with force and my horse wacked his knee and leg off the metal stand and he did look hurt after what happened and the farrier didn't even check him no say sorry because he was just angry with him for no reason he was more interested in looking at some black bit that came off the top of the stand when the farrier did that and when my horse hurt himself I did go over and say woah woah ur gonna hurt him and he continued to treat my horse like rubbish in front of me" In her complaint form the First Complainer was asked *'Has a veterinary surgeon attended the horse with regard to the basis for this complaint'*. She circled the 'no' box.

The Defender provided a response to the Complaint by email dated 19 April 2023:

- a. *"With reference to your letter dated 14 April, I am writing in response to [the Complainer's] complaint against me. I am shocked and disheartened to receive such a complaint and believe the accusations to be totally unfounded. I take horse welfare extremely seriously and would never mistreat or harm one of my client's horses.*
- b. *On the day of the alleged complaint, both horses were playing up and more restless than on the two previous occasions I had been to shoe them. The owner seemed genuinely quite scared of the animal and as the horse was twisting and turning repeatedly, another one of my clients had to come to help the owner hold the animal as she was getting frustrated with her own horse's behaviour. Several times she told the horse off but it had no effect. We greed to shoe the hinds first as these are trickier feet to shoe. It was when we were shoeing the fronts that the animals behaviour continued to be*

Hearing Updates >>>

very erratic, repeatedly snatching the hoof and spinning over me. The owner apologised again and, as she said in her statement said I should tell it off so I stood up, raised my voice, gave the collar a quick tug and tapped his nose with my hands as the horse was walking over the top of me. It was not a 'hit.' The horse was not harmed, abused or even bothered by this and the owner seemed grateful that I was continuing to shoe the horse and still kept apologising for the animal's behaviour.

c. When shoeing her daughter's horse, again this horse repeatedly snatched the foot away, suddenly putting its hoof through the foot stand causing the animal and myself to slide. I could not hold the weight, so it did bang its knee on the stand. As I pulled back from the tie up I grabbed the rope to prevent the horse from breaking free. When the horse walked forward I did obviously look to see if the horse was bearing weight on the limb to make sure it had not done any damage or soreness. As there was no further enquiry or comments about the horse being sore, i assume it didn't hurt itself when knocking my stand. At no point did I go 'nuts' and the owner seemed more agitated about the animal's poor behaviour than I was. When I finished shoeing the owner said how grateful she was, paid and rebooked the horses in.

d. I am genuinely astounded at the accusations now that I 'abused' both animals. I know that the previous farrier, who has offered to speak to the FRC about the two horses and owner, stopped going to the yard as he felt that the initial horse was dangerous. Although they are difficult animals in the two previous occasions I felt that they were boisterous but I was in control at all times. I have found that usually horse's behaviour improves the more they get used to handling them and I hope this will be the case with Ms A.C's horse.

e. I would not have left the horse half shod after the hinds as this would increase the chance of the horse going lame.

f. Ms A.C. said nothing at the time apart from how grateful she was and so it has come as a total shock and I am astounded that she has contacted the FRC. At present I am still booked in to do Ms A.C's horses gain and she has not contacted me to ask me not to be her farrier... obviously after this I will not be attending to her horses in the future.

g. I know these allegations will be taken very seriously but I can provide references and assurances from other clients that I never hit or harm animals and that I am a reliable and excellent farrier.

h. I love my job, I love horses and genuinely feel that I have not acted in any way that is unprofessional."

Evidence

Following Ms Watt making oral opening submissions, to supplement her written opening submissions, she led evidence from both the Complainers.

The First Complainer provided evidence by video link. She referred to her witness statement which represented her main evidence. She told the Committee that prior to 23 March 2023 the Defender was good with her horses and there was no problem with his work. The previous farrier that she used had put a smaller shoe on George and the Defender put on a larger shoe to correct this. The incident in Charge One was said by her to have involved a slap on her horse. She saw his fingers and said that she heard something like a clap.

She also stated that she saw the events set out in the remaining Charges.

The issue of why she did not make any comment or complaint on the day was discussed. She said nothing at the time of the incidents as she had been suffering poor mental health and she did not want to get "chucked" off the yard. She did not want to "lose it" and thought that she would if she raised a complaint there and then. The yard was crowded. It was after the matter was discussed with her daughter that evening that they agreed that a complaint should be put in.

Prior to leaving, after the two horses were shod, she paid the Defender and then booked a follow up appointment for 19 May 2023.

She sent her email to the FRC referred to in paragraph 8 above. The email was headed "abuse." She said that she had cancelled her booking for 19 May 2023 by sending the Defender a text message. She was unable to produce a copy of that message because she said it was deleted automatically after the passage of time. She said that the Defender was performing a difficult job and that he had persevered and did what he had to do to shoe him. She told the Committee that Ms N.D. was not present that day and that since the incident relationships had broken down. She spoke of a time when Ms N.D. and Ms L.R. were in the tackroom, and she had suffered "vile abuse" as a result of making a complaint to FRC. The next witness was the Second Complainer who also provided a written statement confirming that that she too could speak to the facts of the Charge.

She said that she saw that "Flame was acting up a bit and what I saw Alistair Ross do was take his hand, it looked like his fist, and actually hit Flame right on the face, at the front on his muzzle. It was such a hard hit that I heard it as well as saw it."

In her live evidence she stated that what she saw could have been a slap.

She said that she had raised her voice at the treatment of her horse and complained to the Defender. She also said that she had seen an injury on her horse's leg. The injury was a swelling that developed, lasted for two days and then went away. She complained that when George appeared to be injured, all that the Defender cared about

was finding a “black bit” of equipment that had gone missing. She had written her complaint to FRC using her mother’s account. She was clear, in her oral evidence, that only 4 people were present when the two horses were being shod.

The Defender then gave evidence. He confirmed that he stood by his witness statement except the passage where he described his interaction with Flame in paragraph [7] where he said *“I stood up, raised my voice, gave the collar a quick tug and tapped his nose with my hand as the horse was trying to walk over the top of me. It was not a ‘hit.’*

The Defender said that he did not express himself clearly enough as he made it sound as if there were two incidents. It looked as if he grabbed the head collar and then tapped the nose in two distinct actions. What actually happened was that all of this had occurred in one motion. In grabbing the headcollar it was inevitable that there would be some contact with Flame’s head.

The Defender told the Committee that he had never received a text from the Complainer cancelling the next appointment. His first knowledge of there being a complaint was an email from FRC informing him about the existence of the complaint. He was shocked as he had not expected this. He had replied to his regulator and naively assumed that the matter would go away by virtue of his denial.

He had shod the Complainers’ horses three times prior to the date in question. He had checked this by examining his diary. The appointment for 19 May 2023 had been tippexed over when it became apparent, through the regulatory complaint that his services had been dispensed with.

He told the Committee that when taking over farrier duties the Complainer was advised to lift the horses’ shoes and clean out the feet. They should only be presented to him after they had spent 25 minutes being exercised by lungeing.

The Defender accepted that there was an incident involving George. Normally George was a more agreeable horse but this time there was a problem involving the stand. Unlike with Flame, nobody was helping him. The foot stand toppled over as the horse put his full weight on the stand. He had to react suddenly. He accepted that following that incident he went searching for the black rubber peg. He denied pushing the horse off the stand and stated that, even with only three legs on the ground it would be impossible to move a horse.

Ms L.H. stated that she was present during the entire process that Defender dealing with Flame and George. She denied that any incident occurred as set out in the Charge. She told the Committee that as the First Complainer was scared of her own horse she was present when the horses were being shod. Flame was an aggressive horse. When Flame was being shod that day she would be on the same side as the Defender and the complainer would

be on the other side as the horse holding the lead rope. Although the Defender had told the First Complainer to lunge the horse for 25 minutes before seeing him this never happened. Although her evidence was that she had never spoken to the Complainer after the incident she accepted in cross examination that there had been a time when she got into a “confrontation.”

The Committee then heard the evidence of Ms N.D. who also said she was present when Flame was being shod. She said that she did not see mistreatment. She also confirmed that she had been in a conversation with the first Complainer and Ms L.H. where the prospect of the First Complainer dropping her complaint was discussed. She said that the First Complainer was emotional and complained of other problems.

The Committee also heard evidence from Mr A.W. who was called at the facts stage in order to accommodate him. He was not present at the yard on the date in question and was providing character and testimonial evidence which would assist at a later stage (if any). Although the Defender provided a statement, in the form of a message sent from an iPhone from Ms L.R., it was not in the form of a witness statement. She did not provide live evidence. The Committee was invited by Ms Watt to attach limited weight to this material.

DECISION OF THE DISCIPLINARY COMMITTEE ON THE FACTS

Following submissions on the facts the Legal Assessor reminded the panel that the burden of proof was with the FRC, and that the standard of proof was on the balance of probabilities. He referred the Committee to the case of *R (Dutta) v GMC [2020] EWHC 1974 (Admin)* on the modern guidance and caselaw surrounding the issue of assessing a witness’ credibility and reliability. He also referred to the case of *Suddock v NMC 2015 EWHC 3612 para 59* with regard to the issue of the demeanour of witnesses.

The Committee began by considering the evidence in the round before deliberating on each Charge in turn. The Charge involves allegations that the Defender used unnecessary force on two horses, as part of a course of conduct, in a single session. The session lasted for just under two hours. There were problems in dealing with both horses. Flame was habitually troublesome but there were also problems with George that day. There were a number of witnesses present when this work was being carried out. Since there was no evidence of a complaint by the Complainers to the Defender, the Defender was unlikely to make contemporary notes in anticipation of a complaint to FRC. The Committee accepted his evidence that he only became aware of the Complainers’ complaint once FRC had contacted him.

Hearing Updates >>>

Charge 1

On 23 March 2023 during an appointment to shoe a horse named Flame belonging to Ms A.C. you used unnecessary force towards Flame more particularly by hitting Flame in the face. (Not proved)

The Committee considered that it was not presented with reliable evidence that the Defender hit Flame in the face that day. The surrounding facts did not support the evidence of the two eyewitnesses led by FRC who spoke to the Charge. Despite claiming that Flame was hit in the face there is no evidence that either Complainer said anything to anyone at the time. The Complainers permitted the Defender to shoe George after the alleged incident. The Defender made it clear that he did not use unnecessary force on Flame. Whilst his hand probably came into contact with Flame's face it could not be described as a hit. The Committee were not persuaded that there was anything sinister in the Defender correcting, in oral evidence, what he said in his email and written witness statement. The Committee was of the view that he was genuinely attempting to provide an accurate picture of what had happened.

The event took place in the presence of independent eyewitnesses who saw and heard nothing untoward. In particular Ms L.H. was there to assist the Defender as the Complainer did not feel sufficiently competent to do so. Ms N.D. was also present and saw nothing untoward in the Defender's actions. The Committee attached limited weight to Ms L.R. iPhone message but noted that it too suggested that nothing untoward had happened. It is unlikely that fellow horse owners would lie in support of the Defender. Had such an incident occurred they are more likely to have spoken up. Despite alleging that there were two acts of unnecessary force on two horses, the Complainer paid the Defender and booked a subsequent appointment. All of these facts are inconsistent with such events happening. Although the Complainer contacted FRC within 24 hours of the alleged incident the Committee was of the view that had these events had not occurred.

The Committee did not consider that the Complainers were lying to the Committee. The Committee considered that these witnesses provided evidence of what they genuinely believed had happened. It was not in dispute that Flame's behaviour, in particular, was a matter for concern. However, what the Complainers believed was later discussed between themselves. The Second Complainer candidly accepted that she and her mother had discussed the events under consideration many times. Although the First Complainer sent an email to FRC within 24 hours this was following discussions with her daughter. The Committee could not be satisfied as to the accuracy of their recollections. It was not a matter of dispute that Flame was behaving badly and required the assistance of others to calm him down. George had

also been involved in an incident. There was confusion regarding who was present and the position of the horses and those people. The Defender had to make sudden use of his skills and experience in preventing himself, Flame, and Ms L.H. from being harmed. He would have reacted speedily to every situation. One of his reactions was likely to have been misinterpreted when events were being replayed in the heads of the Complainers that night when mother and daughter discussed a traumatic day. The Committee also considered that evidence that the Complainers heard a loud slapping, noise at a time when the Defender was struggling with Flame was more likely than not to have been one of the many sounds that would be heard in a busy yard. The Committee agreed that a slapping or noise is inconsistent with contact with a horse's muzzle.

Accordingly, the Committee found Charge 1 not proved.

Charge 2

On 23 March 2023 during an appointment to shoe a horse called George belonging to Ms L.C. you used unnecessary force towards George more particularly by:

- a. Pushing George off a hoof stand***
- b. Pulling George forward by his headcollar and rope lead several times (Not Proved)***

This evidence was spoken to by the First Complainer:

"Alistair must have been a bit of a bad mood that day because George had one leg on the pole and Alistair got hold of his head collar and yanked hard on it which caused George to strike the pole on the hoof stand with his leg and he then buckled and went down on his leg. I heard Ms L.C. say 'what are you doing' to Alistair but I don't think he said anything back."

It was the evidence of the Second Complainer that she rebuked the Defender after she witnessed the events set out above;
"I saw Alistair push George off the metal stand with a lot of force..."
"I said something like: 'Whoah, you're going to hurt him' but Alistair didn't say anything, he didn't even check him to see what had happened to George."

The Committee had regard to the evidence in this Charge and formed the view that it was brought about by a retrospective assessment of events by the Complainers. It considered these accounts to be mutually inconsistent. There was no doubt that there was an incident involving George and the hoof stand. The Defender accepted that George had moved the hoof stand by changing his weight. The Committee was not persuaded that the Defender would have had the strength to move a horse, even if it was on three legs, in the manner suggested by the Complainers. The Committee also considered that there was no reliable evidence that the Defender had used unnecessary force towards George by

pulling him forward by his headcollar and lead several times. It was not clear if the Complainers were alleging that there was one pulling incident or several incidents. The other parties present provided clear evidence that the Defender had used his skills to continue with the shoeing process. Whilst it is likely that the Defender did pull the headcollar and lead rope to stabilise the horse the Committee was not persuaded that this could be categorised as ‘unnecessary force.’

In light of the fact that no other witness claimed that there was unnecessary force or that a concern was raised by the Complainers at the time Committee did not find this Charge proved.

Charge 3

Your actions at 2, above, caused George:

- a. **To hit one his front legs on the hoof stand**
- b. **To his injury (Not proved)**

As Charge 3 could only be proved if Charge 2 was proved the Committee was bound to find Charge 3 not proved.

Accordingly, since none of the alleged facts were found proved, the hearing concluded.

*Disciplinary Committee
7 and 8 November 2023*

DISCIPLINARY COMMITTEE (DC): Mr L Cato DipWCF
Set out below is the determination and decision of the DC in respect of Mr Cato; the determination and decision may be read on the FRC website at www.farrier-reg.gov.uk

THE CHARGE (AS AMENDED)

1. *That, being registered under the Farriers (Registration) Act 1975 (as amended) ("the Act"), you:*
 - a) *On or around 31 August 2018, represented on an "Individual Learning Plan & Commitment Statement – Apprenticeship Framework" of Herefordshire & Ludlow College (the "College") that you had achieved Functional Skills Level 2 in Mathematics, when you had not done so;*
 - b) *On 26 May 2022, sent an email to the College with a copy of a certificate which represented that you had been awarded Pearson Edexcel Functional Skills Qualification in Mathematics Level 2, when:*
 - i. *You had not been awarded Pearson Edexcel Functional Skills Qualification in Mathematics Level 2; and/or*
 - ii. *The said certificate was not genuine;*
 - c) *On or around 9 November 2022, signed the Council's application for registration, thereby representing that you had validly completed the prescribed requirements for registration, when you had not done so;*

d) Your conduct in relation to 1(a) and/or 1(b) and/or 1(c) above was:

- i. *dishonest; and/or*
- ii. *misleading;*

And that in relation to the facts alleged at 1(a) and/or 1(b) and/or 1(c) and/or 1(d) above, whether individually or in any combination, you are guilty of serious misconduct in a professional respect;

2. *That you were not qualified for registration with the Council at the time that you were registered on 8 December 2022.*

Ms Sheppard-Jones, Counsel instructed by Capsticks, appeared on behalf of the Council; the respondent was present and unrepresented.

The respondent did not admit the charges.

The Committee allowed an amendment to charge 1 (b) to correct a date which had originally been stated, in the Notice of Inquiry to be 22 May 2022. The email to which the charge referred was in fact dated 26 May 2022. The respondent did not object to the amendment which in any event caused him no prejudice.

The Evidence

The Committee heard oral evidence from:

- (i) Ms. MT, Assistant Principal at Herefordshire, Ludlow, and North Shropshire College ("the College");
- (ii) Ms. EW, then an Admissions Officer at the College: by video link;
- (iii) Mr. TB, Candidate Malpractice Process Leader, at Pearson Edexcel, an examination and qualifications authority; by video link; and
- (iv) Ms. LW, a registration assistant at the Farriers Registration Council.

The respondent also gave oral evidence.

The Committee was also provided with a bundle of documents which included:

- (i) a copy of a form, entitled "*Individual learning plan & commitment statement- apprenticeship framework*", signed in the name of Lewis Cato;
- (ii) email correspondence between the respondent and the College;
- (iii) a Certificate, apparently issued by Pearson Edexcel, stating that Lewis Cato had attained a Level 2 qualification in Mathematics; and
- (iv) an application for registration with the Council, signed in the name of Lewis Cato.

Ms. MT confirmed the contents of her witness statement in which she explained that the College required apprentices to possess a Mathematics qualification at either GCSE Level 4 or Functional Skills Level 2 ("Level 2 Mathematics"). Ms. MT explained the College's entry process and produced a copy of a Form entitled "*Individual Learning Plan & Commitment Statement- Apprenticeship Framework*"

Hearing Updates >>>

signed by the respondent on 31 August 2018. The form stated in a box entitled "Functional Skills/English & Maths Requirements": "Maths: Level 2."

Ms. MT told the Committee that the College checked, as a matter of routine, the respondent's Personal Learning Record ("PLR": an online database, held by the Education and Skills Funding Agency, giving details of qualifications held) prior to obtaining, from Apprenticeships Certificates England, the respondent's final Apprenticeship Award Certificate. The respondent's PLR showed no evidence that he had acquired Level 2 Mathematics. It did show that he had acquired Level 1 Mathematics in April 2017. When the matter was raised with the respondent by an administrator at the College he wrote, by email on 26 May 2022:

"Hi J., it's Lewis Cato, I managed to find a photocopied certificate of my maths thanks Lewis."

The certificate was attached to the email. However, Ms. MT said that further investigation raised concerns about the authenticity of this certificate. She said that the respondent told her, in a telephone conversation, that he guaranteed that the certificate was definitely genuine.

Ms. MT produced a further email from the respondent, dated 22 March 2023, in which he had written

"I definitely feel that my certificate is genuine. I never had an issue with handing my documents when I first enrolled on the apprenticeship scheme. I will contact the college I done my level 2 maths with to see if there has been a mistake on there end, I want to get to the bottom on this as it's really stressful in the way that I am getting accused (sic) for forging my certificate....."

Ms. MT said that in further conversations with the respondent he had told her that he had booked to take a Level 2 Mathematics examination on 15 April 2023. This was at her suggestion as a way of resolving the issue. However, she had not heard of any outcome despite twice emailing the respondent to ask whether he had passed the examination. She had also telephoned and left a voicemail message, but this too produced no response.

Ms. EW confirmed the contents of her witness statement in which she explained that she had conducted a telephone interview with the respondent, on 7 August 2018, as part of a screening process prior to the enrolment of the respondent for the course at the College. She had no particular recollection of the interview but was able to say, from the contents of the form she completed, that the entry requirements for the College would have been discussed, in particular the need to obtain qualifications at a certain grade. She reached this conclusion because she had ticked a box on the form which stated: "Offer conditions: Dependent on grades meeting minimum course entry requirements."

Mr. TB, employed by Pearson Edexcel, told the Committee that

he had examined the Certificate sent into the College by the respondent. He concluded that the Certificate was not genuine. There were various problematic discrepancies. These included the placement and appearance of the hologram, the fact that the respondent's date of birth was not fully recorded, some odd markings around the logos of Ofqual and Pearson, the lay-out of a motto on the form, and the signature on the form not being that of the Responsible Officer in post at the time. Mr. TB produced two pro-forma copies of genuine Certificates to illustrate these discrepancies.

Mr. TB also checked the information held on two databases maintained by Pearson. Both databases recorded that the respondent had achieved Level 1 Mathematics but not Level 2. This was consistent with a numerical entry on the certificate submitted by the respondent which concluded with the number 7. This concluding number indicated a Level 1 Mathematics qualification. Mr. TB said that if a Level 2 Mathematics qualification had been obtained the concluding number would have been 9.

Ms. LW confirmed the contents of her witness statement which explained the process by which entry onto the Farrier's Register is achieved. She explained that the successful completion of an Apprenticeship in Farriery is essential. The entry requirements for a prospective apprentice farrier included the obtaining of a Functional Skills: Level 2 Mathematics qualification as a recognised equivalent to GCSE Level 4. She produced a copy of the respondent's application for registration with the Council, signed in the name of Lewis Cato on 9 November 2022 which contained the declaration:

- "1. The information given on this form is true*
- 2. I have successfully completed the prescribed requirements for registration being: an Apprenticeship in Farriery including award of the WCF Diploma in Farriery qualification*
- 3. I have completed the apprenticeship in farriery with an Approved Training Farrier"*

The respondent's name was entered on the register before Ms. LW was aware that there was a concern that the Certificate produced as evidence of a Level 2 Mathematics qualification was not genuine. The respondent told the Committee that he had achieved Level 2 Mathematics. He said that he felt let down by the College. He had produced, he said, documentation before beginning the Diploma course and no question had been raised. He had obtained the Certificate, a copy of which was in the bundle in the ordinary way and as far as he was concerned it was genuine. He said that the databases held by Pearson and his PLR Record were inaccurate. The respondent told the Committee that when questions were raised about the authenticity of the Certificate he emailed Chichester College, the college at which he said he took his Level 2

examination, about it. He said that he had the emails on his phone. The Committee adjourned to give him an opportunity to access these emails, but he was unable to do so.

The respondent accepted that he had told Ms. MT that he would retake Level 2 Mathematics but, in the end, decided not to do this as he knew that he had already acquired this qualification.

DECISION OF THE DISCIPLINARY COMMITTEE ON FACTS

The Committee reminded itself that the burden of proving the Charges lay upon the Council and the standard of proof was the balance of probabilities. The Committee considered each Charge and sub-head of Charge separately.

1. *That, being registered under the Farriers (Registration) Act 1975 (as amended) ("the Act"), you:*
 - a) *On or around 31 August 2018, represented on an "Individual Learning Plan & Commitment Statement – Apprenticeship Framework" of Herefordshire & Ludlow College (the "College") that you had achieved Functional Skills Level 2 in Mathematics, when you had not done so;*

The respondent admitted that he had completed the form referred to in this sub-paragraph and that it suggested that he had achieved Functional Skills Level 2 in Mathematics. The question for the Committee was therefore whether the respondent had achieved this qualification. The Committee accepted the evidence of Mr. TB. It had regard to the fact that neither database held by Pearson indicated that the respondent had attained this qualification and nor did the respondent's PLR. The only document which suggested that this qualification had been obtained was a certificate which was not genuine, for the reasons explained by Mr. TB. The Committee rejects the respondent's evidence that he had obtained a Functional Skills: Level 2 Mathematics qualification and has concluded that the records which show that the respondent had only obtained a Level 1 qualification are accurate. The Committee therefore finds Charge 1 (a) Proved.

- b) *On 22 May 2022, sent an email to the College with a copy of a certificate which represented that you had been awarded Pearson Edexcel Functional Skills Qualification in Mathematics Level 2, when:*
 - i. *You had not been awarded Pearson Edexcel Functional Skills Qualification in Mathematics Level 2; and/or*
 - ii. *The said certificate was not genuine;*

The respondent admitted that he had sent the email referred to in this sub-paragraph, with the Certificate attached. The Certificate stated that the respondent had obtained a Functional Skills Qualification in Mathematics at Level 2. The Committee has already concluded that the respondent had not obtained this qualification. The Committee has also accepted Mr TB's evidence and concluded that the Certificate was not genuine, for the reasons given by Mr.TB.

The Committee therefore finds Charge 1 (b) Proved.

- c) *On or around 9 November 2022, signed the Council's application for registration, thereby representing that you had validly completed the prescribed requirements for registration, when you had not done so;*

The respondent admitted in his oral evidence that he had signed the application referred to and that the application represented that he had validly completed the prescribed requirements for registration. The Committee has found that he had not acquired a Level 2 Mathematics qualification and therefore was unable to obtain his Diploma and complete successfully his apprenticeship. The Committee therefore finds Charge 1 (c) Proved.

- d) *Your conduct in relation to 1(a) and/or 1(b) and/or 1(c) above was:*
 - i. *dishonest; and/or*

The Committee was reminded of the proper approach to be taken in cases of alleged dishonesty, as set out in the leading case of *Ivey v Genting Casinos* [2017] UKSC 67.

The Committee first had regard to the Certificate submitted by the respondent in support of his assertion that he had achieved a Level 2 qualification in Mathematics. The Committee concluded that the respondent's suggestion that this false Certificate had been received by him in the ordinary course of academic events was wholly implausible. The Committee concluded that the respondent was himself responsible for preparing and submitting a Certificate which was a forgery and that the reason for so doing was to conceal a shortfall in his educational qualifications of which he was aware. An ordinary decent person would regard such conduct as dishonest.

Such a person would also regard the completion of a form stating that he had achieved a Level 2 qualification in Mathematics when he knew that he had not in fact achieved this as dishonest. The Committee noted that the respondent's PLR showed that he had achieved Mathematics Level 1 in April 2017. The respondent spoke to Ms. EW in August 2018 and completed documentation in which he represented that he had achieved Level 2 Mathematics in the same month, i.e. August 2018. The Committee rejects the respondent's assertion that he had achieved such a qualification and concludes, on the balance of probabilities that he knew when he completed documentation in August 2018 that he had not achieved that qualification but that such a qualification was necessary to enable him to enter the course at the College.

The ordinary decent person would also regard the completion of an application form for registration as a farrier which stated that a Diploma had been successfully completed, when a necessary qualification for undertaking the course which led to the Diploma had not been achieved, as dishonest. For the reasons already

Hearing Updates >>>

given, the Committee is satisfied on the balance of probabilities, that the respondent was aware throughout that he had not achieved a Level 2 Mathematics qualification.

The Committee therefore finds that the respondent's conduct in relation to Charges 1 (a), (b) and (c) was dishonest. It follows that his conduct was also misleading. The Committee finds Charge 1 (d) Proved in its entirety.

2. *That you were not qualified for registration with the Council at the time that you were registered on 8 December 2022.*

This Charge simply requires the Committee to determine whether the respondent was qualified for registration at the time that he was registered. As the declaration on the form provided by Ms. LW makes clear, it is a condition of registration that the appropriate Diploma has been obtained.

The Committee accepts the evidence of Ms. MT that the College was unable to satisfy the relevant authority that the respondent had achieved a valid Diploma because it could not substantiate the respondent's claim that he had achieved a Level 2 Mathematics qualification.

The Committee also accepts the evidence of Ms. LW that a GCSE Grade at Level 4 in Mathematics, or its equivalent, Functional Skills: Level 2, is a requirement for any prospective farrier undertaking an apprenticeship which will lead to registration.

The respondent did not possess this necessary qualification and as such was not qualified for registration at the time he was inadvertently registered on 8 December 2022.

The Committee therefore finds Charge 2 Proved.

DECISION OF THE DISCIPLINARY COMMITTEE ON SERIOUS MISCONDUCT IN A PROFESSIONAL RESPECT

Ms Sheppard-Jones submitted that the Committee's findings of fact in relation to Charge 1 should lead to a finding of serious misconduct in a professional respect. She referred the Committee to the *Farrier, Approved Training Farrier & Apprentice Code of Professional Conduct 2021* ("the Code"). She reminded the Committee of guiding principles which include obligations to uphold the good reputation of the profession and to be honest and trustworthy.

Ms Sheppard-Jones submitted that aggravating factors included dishonesty, premeditated misconduct and misconduct sustained or repeated over a period of time. She also reminded the Committee that there was no actual harm to an animal or human and of the respondent's youth and inexperience.

Mr Cato made no submissions in relation to serious misconduct in a professional respect.

The legal assessor reminded the Committee that this stage of the proceedings was not subject to any burden or standard of proof. It

involved the exercise of the Committee's judgment.

The Committee noted that the Code expressly applied both to apprentices and to registered farriers. The Committee's findings of fact involved reckless and dishonest conduct on the part of the respondent. The conduct was premeditated and sustained over a period of time. It involved a disregard of the role of the Farriers Registration Council. In the Committee's assessment the respondent had not shown any meaningful insight into the seriousness of the Committee's findings.

The Committee accepted Ms Sheppard-Jones' submission that the respondent was in clear breach of the guiding principles to which reference has been made. The Committee concluded that the respondent's actions set out in Charge 1 amounted to serious misconduct in a professional respect.

DECISION OF THE DISCIPLINARY COMMITTEE AS TO SANCTION

Ms Sheppard-Jones reminded the Committee of the aggravating features to which she had drawn attention.

The respondent said that he would try to rectify the issues, including obtaining a Level 2 Mathematics qualification, that had arisen and do his utmost to carry on as a reliable and hard-working farrier.

The legal assessor reminded the Committee of the Indicative Sanctions Guidance and of the need for the Committee to arrive at a proportionate outcome to the case having regard to its responsibility to safeguard the reputation of the profession. The Committee considered aggravating and mitigating factors. It had already identified a number of aggravating factors in its consideration of serious misconduct in a professional respect. These factors were equally applicable to sanction. The Committee had also seen no sign of remorse on the part of the respondent, even though the evidence in relation to the fraudulent nature of the Certificate he had submitted to the College was overwhelming. In relation to mitigating factors, the Committee took into account the factor, identified by Ms Sheppard-Jones, of youth and inexperience. It also noted that the case did not involve the welfare of a horse. There were no previous regulatory findings. The aggravating factors were of much more substance than any mitigation.

The Committee considered sanction in relation to each charge separately before coming to a single overall view. It approached sanction in ascending order.

In relation to Charge 1, the case was much too serious to take no further action. No useful purpose would be served by postponing sanction. The case was also far too serious for a warning or reprimand.

The Committee next considered the sanction of suspension. The

Committee considered that it was dealing with a case of serious, sustained and pre-meditated dishonesty. There was no evidence of insight. In these circumstances the Committee concluded that suspension would not be an appropriate or proportionate sanction. In this context it had regard to the Indicative Sanctions Guidance which makes clear that in serious cases suspension may be appropriate where the respondent has insight into the seriousness of the misconduct and there is no significant risk of repeat behaviour. These factors were not present in this case.

The Committee concluded that if Charge 1 had stood alone, a sanction of removal would have been the only appropriate and proportionate sanction.

The Committee moved on to consider Charge 2. It had regard to the circumstances in which the respondent was registered when he was not qualified for registration. Those circumstances had arisen because of the respondent's dishonesty, the nature of which has already been fully stated. No useful purpose would be served by setting out these details again.

The Committee also bore in mind that the respondent was, as pointed out by Ms Sheppard-Jones, presently on the register without an appropriate qualification.

In these circumstances the Committee concluded that the only appropriate and proportionate sanction, if Charge 2 had stood alone, would have been removal under section 15 (1) (b) of the Farriers Registration Act 1975 (as amended). Section 15(1) (b) provides, so far as is relevant, that where:

"the Disciplinary Committee is satisfied thata person was not qualified for registration at the time he was registered"

the Disciplinary Committee may direct removal or suspension of registration. Any lesser sanction than removal in this case would permit the respondent to remain on the register when not qualified to do so and in circumstances where his registered status had been obtained through dishonesty.

Drawing matters together, and considering matters as a whole, the Committee directs that the appropriate sanction in this case is one of removal. The respondent's name will therefore be removed from the register.

*Disciplinary Committee
9 and 10 November 2023*

DISCIPLINARY COMMITTEE (DC): Mr G Brinkworth DipWCF
Set out below is the determination and decision of the DC in
respect of Mr Bagnall; the determination and decision may be
read on the FRC website at www.farrier-reg.gov.uk

THE CHARGE

"That, being registered under the Farriers (Registration) Act 1975 (as amended) ("the Act"):

On 24 January 2023, at the Cheltenham Magistrates' Court, you were convicted, following a guilty plea, of driving a motor vehicle with the proportion of alcohol in your breath (namely 134 microgrammes of alcohol in 100 millilitres of breath) exceeding the prescribed limit, contrary to sections 5(1)(a) of the Road Traffic Act 1988 and Schedule 2 to the Road Traffic Offenders Act 1988;

And that in relation to the above, on 20 March 2023, you received a prison sentence of 16 weeks (suspended for 12 months), were disqualified from holding or obtaining a driving licence for 48 months from 24 January 2023, were required to comply with an Alcohol Treatment Requirement, Mental Health Treatment Requirement, and ordered to pay a surcharge and costs;

And that in relation to the facts alleged above, you are guilty of serious misconduct in a professional respect

Mr Collis, Counsel, instructed by Capsticks appeared on behalf of the Council; the respondent was present and unrepresented. The respondent admitted the charge.

DECISION OF THE DISCIPLINARY COMMITTEE ON THE FACTS

Mr Collis outlined the background to the charge. On 7 January 2023, at about 22.25 hours, the respondent was seen by a police officer to be driving erratically in Llantony Road, Gloucester. The police officer saw the respondent's vehicle "swerve all over the road". The officer also noticed that a brake light on the vehicle was not working. On speaking to the respondent, the officer noticed that the respondent's pupils were enclosed and there was a smell of intoxicating liquor. He saw a bottle of vodka in the driver's door compartment. The respondent was asked to complete a roadside breath test which proved positive. He was arrested and subsequent specimens of breath produced a lowest reading of 134 microgrammes of alcohol per 100 millilitres of breath. The legal limit is 35 microgrammes of alcohol in 100 millilitres of breath. The respondent subsequently pleaded Guilty, at the Cheltenham Magistrates Court, to the offence for which he was convicted and sentenced.

The Committee had regard to the Certificate of Conviction at the Cheltenham Magistrates Court and the respondent's admission. It found the facts proved.

DECISION OF THE DISCIPLINARY COMMITTEE ON SERIOUS MISCONDUCT IN A PROFESSIONAL RESPECT

At the time of his arrest the respondent was between three and four times over the prescribed limit. He had been observed to be driving erratically.

Hearing Updates >>>

The Farrier, Approved Training Farrier & Apprentice Code of Professional Conduct 2021 (“the Code”) sets out guiding principles which include obligations:

- to uphold the good reputation of the farriery profession;
- to understand and comply with legal obligations; and
- to avoid situations both within and outwith the professional context which could be in breach of criminal law.

The Committee was referred, by Mr Collis, to the case of *R (on the application of Remedy (UK) Ltd v General Medical Council* [2010] EWHC 1245 for the statement of principle in that case that conduct of a morally culpable kind, whether directly related to the exercise of a professional function or not, may prejudice the reputation of the profession.

Mr. Brinkworth accepted that he had brought the reputation of the profession into disrepute but pointed out that he had always kept up his professional skills as a farrier and he disputed that observations which were made in the context of the medical profession could be applied to the profession of farriery.

The Committee had regard to the Code's guiding principles and the fact that the respondent had been convicted of a serious criminal offence. Paragraph 94 of the Code states that “*Serious criminal offences will usually amount to a matter of serious misconduct.....*”.

Driving with excess alcohol is a serious criminal offence, and there are a number of aggravating features in this case. The respondent was three to four times over the prescribed limit, and the manner of driving was such as to create an obvious risk and attract the attention of the police.

The Committee had regard to the fact that the respondent's conduct created a clear and obvious risk of harm to others. He was between three and four times over the legally prescribed limit. The conduct was reckless, premeditated and occurred in the context of a previous conviction for the same offence and a previous adverse finding of, and warning from, the Disciplinary Committee.

The Committee was satisfied that the respondent's conduct amounted to serious misconduct in a professional respect.

DECISION OF THE DISCIPLINARY COMMITTEE AS TO SANCTION

Mr Collis told the Committee that the respondent had been registered since December 2019. There were two previous adverse findings of the Committee. In December 2021 the respondent received a warning/reprimand following his 2020 conviction for driving with excess alcohol. In May 2023 his registration was suspended for three months following a persistent failure to provide details of his CPD record.

Mr Collis submitted that the risk to the public was an aggravating factor in the present case. He also submitted that the respondent's efforts to avoid a repetition of the circumstances which produced

the original offence could be considered to be a mitigating factor. [Redacted].

[Redacted].

The legal assessor reminded the Committee of the Indicative Sanctions Guidance and of the need to act proportionately.

In relation to the application of *CHRE v General Dental Council (Fleischmann)* [2005] EWHC 87 (Admin), the Committee was advised that the principle, that a registrant should not normally be allowed to return to professional practice while a sentence following a criminal conviction was still in operation, applied to the suspended sentence of imprisonment which would remain in effect until March 2024.

The Committee had already identified a significant number of aggravating factors when considering the question of serious misconduct in a professional respect and did not need to repeat those factors here. It was sufficient to say that the respondent's offence had created an obvious and serious risk of harm to others. In relation to mitigating factors, the Committee acknowledged that the respondent had developed insight and was making every effort to ensure that there was no repetition of the circumstances which led to his conviction. [Redacted].

The Committee acknowledged that there were significant mitigating factors but also recognised that the conviction itself was a very serious one and that it arose in the context of a previous conviction, a previous warning and a period of suspension imposed for an unrelated matter.

The Committee concluded that the case was much too serious for no further action.

The Committee considered postponement of sanction but concluded that the issues arising from the conviction were better dealt with at this hearing.

The Committee did not consider that a warning or reprimand would adequately meet the public interest in safeguarding the reputation of the profession.

The Committee next considered the option of suspension. The Committee recognised that the respondent had developed insight, but it was too early to say that there was no significant risk of repetition. Further, the Committee noted the observation in the Indicative Sanctions Guidance that suspension may not, be appropriate where the respondent Registered Farrier is convicted of a serious criminal offence and should not be permitted to practise until the satisfactory completion of his sentence. In view of the seriousness of the offence, and the respondent's previous disciplinary history, the Committee was satisfied that removal from the register was the only appropriate and proportionate sanction. This course was necessary to safeguard the reputation of the profession.

The Committee noted and welcomed the real progress which the respondent had recently made in his life. It sincerely hoped that this progress would be maintained. It considered that in the circumstances of this case it was appropriate to issue a direction under section 15(7) of the Farriers Registration Act 1975 (as amended). The Committee therefore directs that no application for registration is to be made by the respondent until 15 months have elapsed from the date of this direction.

If the respondent wishes to return to the register and seeks to apply for registration when that period has expired his application will be considered on its merits at that time by the Disciplinary Committee.

Note

Section 15(7) of the Farriers (Registration Act) 1975 (as amended) states, so far as is relevant:

"A person whose name is removed from the register in pursuance of a direction of the Disciplinary Committee under this section shall not be entitled to be entered in the register again except in pursuance of a direction in that behalf given by the Committee on the application of that person; and a direction under this section for the removal of a person's name from the register may prohibit an application under this subsection by that person until the expiration of such period from the date of the direction.....as may be specified in the direction"

*Disciplinary Committee
14 November 2023*

DISCIPLINARY COMMITTEE (DC): Mr A Chalmers AFCL BI
Set out below is the determination and decision of the DC in respect of Mr Chalmers; the determination and decision may be read on the FRC website at www.farrier-reg.gov.uk

THE CHARGE

"That being registered under the Farriers (Registration) Act 1975 (as amended) ("the Act"):

1. You attended a yard at [Redacted], and performed farriery on a number of horses at a time when you were not registered with the Council to do so, more particularly on the following dates:
 - (i) 20 March 2023; and/or
 - (ii) 24 March 2023; and/or
 - (iii) 29 March 2023; and/or
 - (iv) 7 April 2023;
2. Between 1 January 2016 and 6 June 2023, failed to submit Annual Returns to the Council, namely Annual Returns for 2016 and/or 2017 and/or 2018 and/or 2019 and/or 2020 and/or 2021 and/or 2022 and/or 2023;

And that in relation to the facts alleged above, whether individually or in any combination, you are guilty of serious misconduct in a professional respect."

Preliminary matters

Ms Nicole Curtis appeared on behalf of the Council. Mr Chalmers did not appear on 16 November 2023, due to feeling unwell and accordingly matters did not proceed on that day. Fortunately, Mr Chalmers was well enough on 17 November 2023 and attended the hearing. He represented himself.

Application for part of the hearing to be held in private

Ms Curtis made an application for part of the hearing to be heard in private in the event that any mention were made of Mr Chalmers's health in order to protect his privacy. Mr Chalmers had been made aware that this application would be made, and he supported it. The Committee considered the application with care and accepted the advice of the Legal Assessor, who referred to Rule 11 of the Rules. In accordance with Rule 11 hearings before the Committee ordinarily take place in public so that the public are aware of the functions being carried out by the Regulator. However, Rule 11(3) does allow for the hearing, or part of the hearing to be heard in private where it is in the interests of justice. The interests of justice include compliance with Article 8 of the European Convention on Human Rights, which protect an individual's right to respect for their private and family life. Accordingly, the Committee agreed that if and when any reference were made to Mr Chalmers's health the public would be excluded in order to protect his private life and any reference to health matters (as opposed to injuries from farriery) in this determination will be marked private.

Admissions

Mr Chalmers admitted both Charges 1 and 2 and the Committee, therefore, found them both proved on the basis of his admissions. Mr Chalmers did not accept that his conduct amounted to serious misconduct in a professional respect.

Background

On 20 March 2023, 24 March 2023, 29 March 2023 and 7 April 2023, as detailed in a statement provided by the Yard Manager at [Redacted], Mr Chalmers attended said farm and performed farriery on 23 ponies.

On 18 April 2023, a veterinary surgeon attended [Redacted] to vaccinate the ponies. During conversation he asked who had been shoeing the ponies and was told it was Mr Chalmers. A check was then made to see if Mr Chalmers was still registered as a Farrier and his name could not be found on the Register.

Hearing Updates >>>

The Registration Assistant at the Farriers Registration Council provided a statement detailing the following:

"Pursuant to the Farriers (Registration) Act 1975, as amended, ("the Act"), the Council maintains a Register of all those who are entitled to shoe horses (that is, undertake farriery) in Great Britain.

Mr Chalmers first registered with the Council on 16 January 1980.

Mr Chalmers was removed from the Council's Register with effect from 31 December 2022, as he had requested voluntarily resignation from the Register.

On 19 April 2023, Mr Chalmers paid his annual retention fee and he was restored to the Register on that date.

On 22 May 2023, the Council wrote to Mr Chalmers to inform him that the Council had been advised that he had performed unlawful farriery while removed from the Register from 31 December 2022 to April 2023.

On 1 June 2023 Mr Chalmers provided a response and this is produced at page 6 of LW 1. In his response, Mr Chalmers stated "the evidence given against me is a true and accurate account". He also stated that his retention fee had been paid in full on 19 April 2023, and he went on to say: "...now we come to a grey area. This payment being the full annual amount must therefore cover the whole year including the proceeding months including the time and dates stated. Also from the 30th December when I phoned the FRC to the 19th April i didn't get or was offered a refund for that period"

The Registration Assistant then detailed Section 4(3) of the Farriers Registration Act, which states:

"(3) If, within such period as may be prescribed by rules under this section, any person whose name has been removed from the register in accordance with rules made by virtue of the last foregoing subsection pays the fee due from him, together with such additional sum (if any) as may be so prescribed, his name shall be restored to the register and, if the Council so directs, shall be deemed for all purposes not to have been removed therefrom."

The Registration Assistant went on to say:

"I have liaised with the Registrar at the Council and other members of the executive team who have been in the organisation for many years and they have confirmed that the Council has never made any general direction pursuant to section 4 of the Act to the effect that people could be treated as if they had never been removed from the Register if they applied for restoration and paid the relevant fee. In respect of Mr Chalmers specifically, no such direction was ever made, as can be seen from our letter restoring him to the Register in April 2023.

In addition, I can confirm that registration with the Council is on an annual basis, for an annual fee. People cannot register for part of a year and pay part of a fee; nor are there refunds available or given to people who do not practise farriery for part of a year."

A copy of the letter sent to Mr Chalmers by the Registration Assistant on 3 January 2023, made it clear that he was no longer

entitled to engage in farriery within Great Britain under any circumstances, following his removal from the Register of Farriers.

On 22 May 2023, the FRC Professional Conduct Assistant wrote to Mr Chalmers indicating that it had come to the attention of the FRC that he had been performing unlawful farriery whilst removed from the Register of Farriers from 31 December 2022 to 18 April 2023.

The letter reminded Mr Chalmers that:

Section 16 of the Farriers (Registration) Act 1975 makes it an offence for unregistered persons to carry out farriery.

Section 15(a) of the Farrier, Approved Training Farrier & Apprentice Code of Professional Conduct advises that farriers must be registered with the Farriers Registration Council to carry out farriery in Great Britain and pay the relevant registration fee on time.

Mr Chalmers was invited to respond.

In his response, Mr Chalmers said:

"The evidence given against me is a true and accurate account. I thank you for allowing me to give an explanation and for you to know my reasoning.

[Redacted] At the end of October as Mr D has given witness to, I sustained an injury. What he failed to mention was that it was whilst shoeing one of the polo ponies in his care. I was nailing on the right fore shoe of a young chestnut pony. As I drove a nail through the shoe and foot the pony dropped on me. I caught the hoof before the nail could penetrate too far. There was very little blood which I cleaned and dressed. As this was my last horse, I finished the job. Several days later the finger and hand became swollen and resulted in me seeing my GP and subsequently being admitted to [Redacted] Hospital where I had 3 operations to my hand. Please see attachment of the severity of my resulting operations.

I was unable to work for months and lived off my savings. I phoned your office explaining my situation and I was advised that I would be removed temporarily until such time as I was able to shoe fully. I was expecting this to be carried forward.

I enlisted the help of my friend Mr DG to shoe 4 pairs of fronts fronts earlier this year. When Mr D asked me to shoe the rest of the polo ponies I couldn't get hold of Mr DG or anyone else on such short notice. Realising that this would result in poor welfare I decided to do them in the hope that I would be paid promptly in order to pay my retention fee. The company that paid my invoices were always slow with payments and still owe me for the work. When payment was not forthcoming I went cap in hand to Ms GP who had been my partner who agreed to pay it.

She paid the full annual retention fee, on the 19th April and now we come to a grey area. This payment being the full annual amount must therefore cover the whole year including the proceeding months including the time and dates stated. Also from the 30th December when I phoned the FRC to the 19th April i didn't get or was offered a refund for

that period.” [sic]

It was the Council's case that this is not a grey area at all, as made clear from the evidence provided by the Registration Assistant and detailed above.

In the 22 May 2023 letter from the FRC Professional Conduct Assistant, it was also pointed out to Mr Chalmers that he had not submitted an Annual Return to the FRC since January 2016. Under the Council's Disclosure Policy, it has been a requirement since January 2016 for Registered Farriers to complete an Annual Return every year and submit it to the Council. In the Annual Return, Farriers are asked to disclose any unspent police cautions or criminal convictions they have received since their last disclosure to the Council. They are also asked to check that the contact information held by the Council is correct, indicating any required corrections, and to confirm that they hold Professional Indemnity Insurance (“PII”).

This requirement is now set out in the Code of Professional Conduct (the “Code”). The 2021 edition of the Code came into force on 1 January 2021 and sets out the requirement to submit Annual Returns, detailing what is required.

The FRC Professional Conduct Assistant stated that a check of the Council's records revealed that Mr Chalmers had not submitted Annual Returns for 2016, 2017, 2018, 2019, 2020, 2021, 2022 or 2023, either in hard copy or by using his ‘MyFRC account.’ She confirmed that the Council sent Mr Chalmers requests for these and she produced a schedule detailing all the dates that letters and reminders were sent for each year.

Mr Chalmers said that whilst he accepted both of the factual allegations, he did not accept that his conduct amounted to serious misconduct in a professional respect.

DECISION OF THE DISCIPLINARY COMMITTEE ON THE FACTS

The Legal Assessor reminded the Committee of the burden and standard of proof to be applied and of Rule 6, which only requires the Committee to deliberate and decide any facts that are not admitted.

In relation to Charge 1, the Committee accepted the admission made by Mr Chalmers, as supported by the evidence, that he had carried out farriery on the dates in question and at a time when he was not registered with the Council to do so. Accordingly, the Committee found this Charge proved.

In relation to Charge 2, the Committee accepted the admission made by Mr Chalmers, as supported by the evidence, that he had failed to submit Annual Returns to the Council for any year between 2016 and 2023. Accordingly, the Committee found this Charge proved.

SUBMISSIONS OF THE PARTIES ON SERIOUS MISCONDUCT IN A

PROFESSIONAL RESPECT

Ms Curtis submitted that Mr Chalmers was guilty of serious misconduct in a professional respect. She drew the Committee's attention to the Code and in particular the guiding principle that Registered Farriers are expected to:

- uphold the good reputation of the Farriery profession
- understand and comply with your legal obligations
- avoid situations both within and outwith the professional context which could be in breach of criminal law, or may call into questions your fitness to practise

Ms Curtis also referred to paragraph 16(c) of the Code, which states that farriers must not engage in any activity or behaviour that would be likely to bring the profession into disrepute.

In addition, Ms Curtis referred to paragraph 15(a) of the Code, which states: *“Farriers must be registered with the FRC to carry out farriery in Great Britain, and pay the relevant registration or retention fee on time”* She also referred to paragraph 84 of the Code that requires all Registered Farriers, as of 1 January 2016, to complete an Annual Return. The Return confirms their personal details, that they hold professional indemnity insurance cover and requires them to declare any police caution or conviction.

Ms Curtis submitted that the conduct found proved is liable to have an adverse effect on the good reputation of the profession. It also had the potential to undermine public confidence in the profession. She said that in relation to Charge 1, Mr Chalmers's conduct was, in effect, a criminal offence, as it breached section 16 of the Farriers (Registration) Act 1975.

With reference to Charge 2, Ms Curtis submitted that Mr Chalmers's failure to provide Annual Returns, over a prolonged period, had the potential to undermine the Council's position regarding compliance with its public interest duties, and to undermine public confidence in the Council's regulatory processes. In summary, Ms Curtis submitted that Mr Chalmers's conduct, both individually and cumulatively, fell far short of the expected standards and amounted to serious misconduct in a professional respect.

Mr Chalmers gave evidence on affirmation. He said he did not accept his conduct amounted to serious misconduct in a professional respect. He said there was a lot of mitigation for what had happened, that he wished to tell the Committee about.

Mr Chalmers told the Committee that he had been a Farrier in the British Army and overall had been a Farrier for over 45 years. He said he liked to think he was highly respected by his peers and clients and that he always acts in a professional manner. He told the Committee that he had provided 17 character references and that they were only a portion of the ones he had been able to send.

Mr Chalmers said he sustained a hand injury in October 2022 whilst shoeing a horse at the Polo Club and he had provided photos to

Hearing Updates >>>

the Committee showing the results of the three operations that followed the injury. [Redacted] he liked to think he was a Farrier that does his job *“for the love of it”* rather than for the money.

Mr Chalmers referred to there being what he called three tiers of Farrier, with those in the upper two being financially secure, whilst those in the third, and he included himself in this tier, were not particularly financially stable. He said he was in the tier that would stand out in a muddy field in the rain doing farriery for customers who often had limited means and so did not pay as much.

Mr Chalmers said he considered himself to be a professional in every sense of the word and he loved his profession. He referred to his time in the British Army as a soldier and a Farrier and also being the Farrier for the British Olympic Team, all of which he was very proud of.

With reference to the matters covered by Charge 1 he said the polo yard had been his main source of income, but they often did not pay for several months. Then last October he had his hand injury and could not work in the run up to Christmas, with all the expense that that involves. He found himself in financial difficulty and could not afford to pay the FRC annual registration fee. He said he thus asked for a postponement of his registration fee, which he said he had paid for the last 45 years.

Leading up to the incidents in March 2023, Mr Chalmers said that he and a Registered Farrier, Mr DG, went to the polo yard in January 2023 and he knew at that time he was not allowed to do farriery. Accordingly, Mr DG did the farriery and he, Mr Chalmers, just did some trimming that was not in preparation for the placing of a shoe. When it came to March 2023 and the horses desperately needed shoeing Mr D, the yard manager at the Polo Club, asked him to come and shoe the horses. Mr DG, he said, was unavailable and Mr Chalmers said he could not find any other Farrier to do the work. He said he freely admitted he should not have done the farriery, but he did it because he wanted to see if his injured hand was up to it, he wanted to do it out of respect for Mr D and he wanted to do it because the horses needed shoeing and he did not want them to suffer. He also hoped he would then be paid by the Polo Club and could afford to pay his registration fee. He said that he did then pay the fee that covered the whole year.

Mr Chalmers said that unfortunately the Polo Club had always been reluctant to pay him and still owed him money now. As a consequence, he had to borrow the money from his (ex) partner to pay the registration fee.

With reference to the charge relating to his failure to complete the Annual Returns, Mr Chalmers said that he felt the Council should trust him to provide updated details and this was something he already did, although he later acknowledged that he had not in fact updated his latest phone number that had changed over a year ago.

This had made it difficult for the Council to contact him on the first day of this hearing when he did not attend. Mr Chalmers said that he was a very professional person, an adult and trustworthy and he should therefore be trusted by the Council as a professional to run his business as he sees fit. He said that trust was a two way thing and if he was to trust the Council then the Council should trust him. He apologised if he had spoken out of turn, but said this was a general feeling amongst Farriers.

When cross-examined by Ms Curtis, Mr Chalmers accepted that for the purposes of his hand injury and seeing whether he could still do the work of farriery, that was established at the first visit on 20 March 2023 and was not, therefore, a reason for having done the farriery on 24 March 2023, 29 March 2023 and 7 April 2023.

In answer to Committee questions, Mr Chalmers said that going forward he would send in his Annual Return, albeit it *“reluctantly”*. He acknowledged that professional indemnity insurance is very important as it covers the Farrier for any damage or injury caused by them to a horse or third party. When asked what he would do in a similar situation where he might need to see if he can still carry out farriery, he said he would go an abattoir and get some dead legs to practise on. He said he would definitely not do the same thing again and he would not want to waste the Committee's time and Farriers fees by having to come here again. He said that he has a great deal of respect for the FRC.

DECISION OF THE DISCIPLINARY COMMITTEE ON SERIOUS MISCONDUCT IN A PROFESSIONAL RESPECT

The Committee accepted the advice of the Legal Assessor who referred to the principles to be applied when considering serious misconduct in a professional respect.

The Committee considered there to be the following aggravating factors in this case when considering serious misconduct in a professional respect:

- the behaviour was reckless, premeditated and repeated;
- blatant or wilful disregard of the role of the FRC and the systems that regulate the Farriery profession.

Mr Chalmers admitted that on four occasions he attended [Redacted] and carried out farriery whilst not on the Council's Register. In accordance with section 16 of the Farriers (Registration) Act 1975, it is an offence for unregistered persons to carry out farriery. By doing so, Mr Chalmers was committing a criminal offence and was in clear breach of 16(c) of the Code, which states that Farriers must not engage in any activity or behaviour that would be likely to bring the profession into disrepute. As a Registered Farrier of many years, Mr Chalmers would have been aware of this, especially as this had been pointed out to him in the FRC letter dated 3 January 2023. The Committee was in no doubt

that such behaviour would undermine public confidence and trust in the profession and the Council as its Regulator. Notwithstanding his personal circumstances, which would be of more relevance at the next stage of this process, if reached, in the Committee's view his conduct fell far below that expected of a Registered Farrier and amounted to serious misconduct in a professional respect. In addition, the obligation to complete an Annual Return is an important one as it is designed to protect the public by providing assurance that the Farrier completing the Return has not been convicted of a criminal offence in the 12 months between the period of each Return and also that they have professional indemnity insurance in place. The Annual Return plays an important role in enabling the Farriers Registration Council to exercise its supervisory jurisdiction over the profession and thereby protect the public. They provide the only line of sight for the Council to ensure that Farriers' details are up to date and that they have professional indemnity insurance in place. In the Committee's judgment, Mr Chalmers' repeated failure to complete a Return was a clear breach of paragraph 84 of the Code and amounted to serious misconduct in a professional respect, since it prevented the Council from carrying out its regulatory functions designed to safeguard the public.

DECISION OF THE DISCIPLINARY COMMITTEE AS TO SANCTION

The Legal Assessor reminded the Committee of the Indicative Sanctions Guidance and of the need for proportionality when considering sanction. The purpose of any sanction was not to punish but to arrive at a proportionate outcome to the case, having regard to the Committee's responsibility to protect animal welfare and to promote and maintain proper standards of conduct for Registered Farriers.

Having seen and heard from him, the Committee considered Mr Chalmers to have been an honest and candid witness to the point of speaking his mind and not always, perhaps, in his best interests. It was clear to the Committee that he is passionate about farriery, but also that he appears to have a complete lack of understanding of the need for the FRC to carry out its statutory responsibilities in regulating the profession.

The Committee first considered the aggravating features of the case. In relation to Charge 1, the case involved visits to [Redacted] and carrying out farriery whilst not registered to do so. The behaviour was reckless, premeditated and repeated and amounted to a criminal offence.

With reference to Charge 2, the case involved a disregard of the role of the FRC and the systems that regulate the Farriery profession, in that Mr Chalmers should have known the importance of filling in his Annual Returns and should have ensured he sent them

in. In reaching this conclusion the Committee took into account Mr Chalmers's evidence, referred to above. It was apparent, and of concern, that Mr Chalmers did not have a real grasp of the importance of the role of the FRC in carrying out its statutory role to regulate the profession. The Committee considered that his idea that the FRC could somehow know all Registered Farriers well enough to be able to trust that they would update their details regularly, ensure they had indemnity insurance and that they would notify the Council of any police cautions or convictions, was simply not practical or realistic.

The Committee then considered the mitigating factors. The Committee took into account Mr Chalmers's long and distinguished career as a farrier for over 45 years without any previous complaints to the Council. He also has no previous convictions or police cautions. He made admissions to the facts alleged from the outset. In carrying out the farriery whilst unregistered he had been motivated in part by a desire to prevent the horses from suffering. There were clearly extenuating health circumstances which led to his being unable to work for a while and impacted upon him financially to the point where he could not afford to pay his registration fee to the Council, [Redacted] all of which the Committee took into account.

Mr Chalmers provided many positive references from a colleague and clients who spoke highly of his professionalism, skills as a farrier and compassion for horses. He was variously described as a *"fantastic farrier"*, *"reliable and helpful"*, *"inspirational"*, a *"kind caring person around horses"* with *"a natural affinity with horses which in turn seems to calm them down."* Mr Chalmers is described as someone who will visit at a moment's notice and offers very sound advice, a *"true friend to both horse and owner"* and as *"an asset and excellent example for his chosen profession"*. Some also made reference to Mr Chalmers' hand injury and the challenging year that he had as a result.

One referee described how Mr Chalmers had been their farrier for over 20 years and that from the day he walked on to their premises 'Farrier day' became a whole lot less stressful because of Mr Chalmers's calming and patient nature. The reference went on to describe Mr Chalmers as *"amazing"* and *"one of the most decent men I have ever known."* [Redacted].

The Committee considered each sanction in ascending order.

The Committee considered the case was too serious to take no further action, as on four occasions Mr Chalmers had carried out farriery on a total of 23 ponies, whilst unregistered, contrary to section 16 of the Act and in addition he had not completed any Annual Returns.

The Committee did not consider any purpose would be served by postponing sanction.

Hearing Updates >>>

The Committee next considered whether the case could be addressed by means of a reprimand or warning. The Council's sanctions guidance states:

"Where the Disciplinary Committee is minded to issue a reprimand or warning as to future conduct, it will consider whether a reprimand or warning provides adequate protection to animals, the reputation of the profession and the wider public interest, bearing in mind that a reprimand or warning has no direct effect on the right to practise. A reprimand might be appropriate if the serious professional misconduct is at the lower end of the spectrum of gravity for such cases and, for example, there is no risk to animals or to the profession's reputation or to the wider public interest that requires registration to be restricted."

The guidance goes on to say:

A reprimand or warning may be appropriate where:

- the misconduct is at the lower end of the spectrum of seriousness and;
- there is no future risk to animals or the public, and;
- there is evidence of insight.

It is clearly very serious to practise farriery whilst not registered, whatever the particular circumstances of the case or the extent of the mitigation. The Committee did not consider the misconduct in this case to be at the lower end of the spectrum of seriousness.

There was never any suggestion of Mr Chalmers representing a risk to animals or the public, however by performing farriery whilst not registered he is unlikely to have been covered by any professional indemnity insurance and, significantly, he was committing a criminal offence. With regard to insight, although he has been honest and frank when addressing the Committee and has admitted the charges, he still has some work to do with developing his insight. The Committee was, however, satisfied that it was unlikely he would allow himself to perform farriery whilst unregistered in the future. With regard to the Annual Returns it is imperative that Mr Chalmers and all Farriers understand and recognise the absolute necessity of Annual Returns to allow the Council to carry out its Regulatory functions.

The Committee therefore concluded that a reprimand or warning would not be appropriate or proportionate in this case.

The Committee next considered the sanction of suspension. The Guidance states that:

Suspension may be appropriate where some or all of the following apply:

- *the misconduct is serious, but a lesser sanction is appropriate;*
- *the respondent Registered Farrier has insight into the seriousness of the misconduct and there is no significant risk of repeat behaviour;*
- *the respondent Registered Farrier is fit to return to practice after a period of suspension.*

There was no doubting that the misconduct in this case is serious,

as stated above. Whilst his insight could be better, the Committee is satisfied that Mr Chalmers has some insight into his conduct and that the risk of repetition is not high. However, it could not go so far as to say there was no significant risk of repeat behaviour, particularly given Mr Chalmers' somewhat entrenched views about there being no need for him to complete Annual Returns. The Committee did not think Mr Chalmers was likely to repeat his behaviour of performing farriery whilst unregistered. In light of his 45 years of unblemished farriery and the high regard for his skills and professionalism as a Farrier, as shown by the many glowing references, the Committee was satisfied that Mr Chalmers would be fit to return to practice after a period of suspension.

Since a number of the factors appropriate for a suspension were not present in this case, the Committee next looked at whether removal from the Register would be justified in this case.

The Guidance states that removal from the Register may be directed where the respondent Registered Farrier's behaviour is so serious that removal of professional status, and the rights and privileges accorded to this status, is the only means of protecting equine welfare, the reputation of the profession and the wider public interest. It is not imposed as a punitive measure, although it will almost invariably adversely affect the respondent Registered Farrier.

The Committee reminded itself that the reputation of the profession is more important than the interests of one Registered Farrier and, as Lord Bingham, Master of the Rolls stated in the case of *Bolton v Law Society* (1995) 1 WLR:

"The reputation of the profession is more important than the fortunes of an individual member. Membership brings many benefits, but that is part of the price."

The Guidance also states that removal from the Register may be appropriate where the behaviour is fundamentally incompatible with being a Registered Farrier, and may involve a serious departure from professional standards as set out in the Farrier, Approved Training Farrier & Apprentice Code of Professional Conduct.

The Committee wished to make it clear that it did not consider there to be any equine welfare issues in this case. However, carrying out farriery whilst unregistered goes to the very heart of the Farriers (Registration) Act. The primary purpose of the Act is to ensure that only Registered Farriers carry out farriery. The Committee accepts that Mr Chalmers has carried out registered Farriery for a significant number of years, but one cannot escape the fact that over a period of several months he was knowingly unregistered and yet performed farriery. There was certainly significant mitigation for why that occurred, but the fact remains he visited that farm on four occasions and carried out farriery on 23 ponies, contrary to the law. That behaviour was compounded by his failure for every

Hearing Updates/News >>>

year since 2016 to complete his Annual Returns, thereby preventing the Council from carrying out its regulatory oversight as dictated by Parliament. Even now, Mr Chalmers does not consider he should have to complete an Annual Return and only agreed to do so, in his words, “reluctantly.”

In such circumstances, the Committee consider his behaviour to be fundamentally incompatible with being a Registered Farrier and that therefore the only appropriate and proportionate sanction was that of removal from the Register.

The Committee was aware of the harsh impact upon Mr Chalmers of such a sanction, but was of the view that the need to protect the public's confidence in the profession of Farriers, outweighed his interests. The Committee considered it was necessary to send out a clear message to the profession and the public that carrying out farriery whilst unregistered will not be tolerated and that Farriers must comply with their professional obligations to complete Annual Returns.

Accordingly, the Committee directs the Registrar to remove Mr Chalmers name from the Register.

This Order will take effect 28 days after formal notice has been given, to reflect the period during which an appeal against the Order may be made.

Disciplinary Committee
17 November 2023

FRC V Mr L D Walker DipWCF

The case of FRC vs Mr Walker opened on 13 November 2023 and was adjourned part heard; the case will be resumed at a later date.

FRC V Mr A P Robinson DipWC

The case of FRC vs Mr Robinson opened on 15 November 2023 and was adjourned part heard; the case will be resumed at a later date.



Criminal Conviction for Unlawful Practise – Mr P G Popplewell

On 7 September 2023 the Newcastle Magistrates Court heard a case of unlawful farriery against Mr Philip Gary Popplewell. Mr Popplewell did not attend the hearing which proceeded in his absence, the Council having proved correct service of documents. The Court found Mr Popplewell guilty of committing unlawful farriery on 18 March 2023. Mr Popplewell had advertised himself as a registered farrier and he had performed farriery while not listed on the Register of Farriers; members of the public witnessed his actions. Following conviction Mr Popplewell was ordered to pay a fine of £440, a victim surcharge of £176 and costs of £500; in addition, Mr Popplewell now has a criminal record.

Farriers Registration Council at Your Horse Live 2023



The team were on hand over the weekend to meet the public, discuss farriery issues and to promote the council's functions in relation to farriery regulation.

The Farriers Registration Council enjoyed a successful three days exhibiting at the Your Horse Live event held in November 2023 with the FRC stand and team receiving a Gold award in the 'Equestrian & Saddlery' sector from the British Equestrian Trade Association (BETA), and Council Member Robin May AWCF representing the FRC as shoeing judge for the Heavy Horse class in the new SEIB Search for a Star, In-Hand competition.



Diary Dates for 2024

ATF Annual Training Days 2024

The Approved Training Farrier (ATF) Policy states that to retain a position on the ATF list an ATF must be compliant with FRC policies and procedures. This includes attending a college ATF training day each year and is irrespective of whether the ATF has an apprentice currently in training or not.

Details of college ATF training days for 2024 have yet to be finalised and the FRC will publish further information once known. Please check back to the FRC website for further updates or contact the colleges directly.

Train the Trainer Farrier Award (TTFA)

For Registered Farriers interested in applying to become an Approved Training Farrier (ATF) the following Train the Trainer Award (TTFA) course dates are planned for 2024; please contact the colleges direct for further information.

- **Myerscough College**
18 & 19 March 2024

- **Herefordshire, Ludlow and North Shropshire College**
18 & 19 April 2024, 21 June 2024

Registrants are reminded that an equivalent coaching or training certificate or qualification may be considered as part of an ATF application. The suitability of any such qualification will be a matter for the consideration of the FRC; please contact the FRC for further information.

Notices >>>

New Registrations

The following persons have now been entered into Part 1 of the Register of Farriers on the basis of holding the DipWCF qualification prior to 6 Oct 23 and having completed a period of apprenticeship:

Gnr N J Saddler DipWCF

Overseas Applications

The following person has now been entered into Part 1 of the Register of Farriers on the basis of holding a recognised farriery qualification achieved outside of GB.

Ms T Gardner CJF

Mr D G Lewis AWCF

The following person has now been entered into Part 1 of the Register of Farriers by virtue of their professional farriery qualifications and professional experience achieved outside of GB.

Mr H Jansson AWCF

Higher Qualifications Achieved

The following farriers have gained higher level qualifications and are warmly congratulated:

Mr D J Blake AWCF

Mr S N Dyson BSc (Hons) Dip HE Farriery

Mr T O Dyson BSc in Farriery

Mr H Jansson FWCF

Mrs O K Jones Dip HE Farriery

Mr G S McWhinney Dip HE Farriery

CoH M P Neal AWCF

Mr N A O'Sullivan BSc (Hons) Dip HE Farriery

Mr C J Parsons Dip HE Farriery

Mr C A Smith BSc (Hons) Dip HE Farriery

Mr C Snape Dip HE Farriery

Mr B W Tanner BSc (Hons) Dip HE Farriery

Mr H G Vowles BSc (Hons) Dip HE Farriery

Mr C A Warwick Dip HE Farriery

Change of Surname

Mr M Crawford-Price DipWCF

Mrs A Pople DipWCF

ATF Approvals

The following registered farriers have been added to the list of Approved Training Farriers:

Mr H G Vowles BSc (Hons) Dip HE Farriery

Mr D M Brash BSc (Hons) DipWCF

Restoration to the Register

The following farriers have been restored to the Register since the last issue of the Farriers Bulletin:

Miss M Allsop DipWCF

Mr G Cook DipWCF

Mr J P Franks DipWCF

Mr B J Gray DipWCF

Mr K Markiewicz DipWCF

Mr S Merchant DipWCF

Mr L J A Plummer DipWCF

Temporary Licence Applications

Since the last edition of the Bulletin the Council has received Fixed Term Temporary Licence applications as follows:

- 34 successful licence applications were received from competitors taking part in the BFBA International Team Horseshoeing Competition at Stoneleigh Park between 27 and 28 October 2023. Applications were received from competitors representing Canada, France, The Netherlands, Norway, Sweden, Switzerland and the USA.
- Mr T Leistad-Jonas of Norway, was granted a temporary licence from 22 June 2023 to 25 June 2023, under the supervision of ATF Mr A Smith DipWCF Hons.
- Mr C O'Riordan of Australia, was granted a temporary licence from 28 September 2023 to 28 December 2023, under the supervision of ATF Mr W O'Shaughnessy AWCF.





Established under the
Farriers (Registration) Act 1975

Please fill in the whole form including official use box using a ball point pen and send it to:

Farriers Registration Council
14 Swan Court
Forder Way
Cygnet Park
Hampton
Peterborough
PE7 8GX

Name(s) of account holder(s)

Bank/building society account number

--	--	--	--	--	--	--	--

Branch sort code

--	--	--	--	--	--

Name and full postal address of your bank or building society

To: The Manager	Bank/building society
Address	
Postcode	

Reference

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--



Instruction to your bank or building society to pay by Direct Debit

Service user number

6	3	0	1	8	0
---	---	---	---	---	---

FOR FARRIERS REGISTRATION COUNCIL OFFICIAL USE ONLY
This is not part of the instruction to your bank or building society.

If you are not the farrier but wish to make payments on their behalf, please add your address details here:

Instruction to your bank or building society

Please pay Farriers Registration Council Direct Debits from the account detailed in this Instruction subject to the safeguards assured by the Direct Debit Guarantee. I understand that this Instruction may remain with Farriers Registration Council and, if so, details will be passed electronically to my bank/building society.

Signature(s)

Date

Banks and building societies may not accept Direct Debit Instructions for some types of account

DDI1

This guarantee should be detached and retained by the payer.

The Direct Debit Guarantee



- This Guarantee is offered by all banks and building societies that accept instructions to pay Direct Debits
- If there are any changes to the amount, date or frequency of your Direct Debit the Farriers Registration Council will notify you ten working days in advance of your account being debited or as otherwise agreed. If you request the Farriers Registration Council to collect a payment, confirmation of the amount and date will be given to you at the time of the request.
- If an error is made in the payment of your Direct Debit, by the Farriers Registration Council or your bank or building society, you are entitled to a full and immediate refund of the amount paid from your bank or building society
 - If you receive a refund you are not entitled to, you must pay it back when the Farriers Registration Council asks you to
- You can cancel a Direct Debit at any time by simply contacting your bank or building society. Written confirmation may be required. Please also notify us.

Appointed Members of the Farriers Registration Council

**Chair of the Council**

Mr T Smith
FWCF GradDip ELR

Appointing Body:

Appointed by the Election Scheme

Deputy Chair of the Council

Dr J Sutton
BVetMed, Cert EP, MRCVS

Appointing Body:

Worshipful Company of Farriers (WCF)

Appointee Name:

Mr Y Breisner

Mr A B Charlwood

Operations Superintendent K Colman

Mr T B Daniels BSc (Hons) DipHE Farriery

Mr I Davidson

Mr G Elliott GradDipELR AWCF

Mr D T Gardner AWCF

Mr D Harman AWCF GradDipELR

Mr R P May AWCF

Vacancy

Mr M Peaty BVSc CertEP CertES MRCVS

Mr M Potter

Dr M Smith

Mr M Weston

Appointing Body:

British Horseracing Authority (BHA)

Worshipful Company of Farriers (WCF)

Royal Society for the Prevention of Cruelty to Animals (RSPCA)

Appointed by Election Scheme

Scottish Enterprise

Appointed by Election Scheme

Appointed by Election Scheme

The British Farriers and Blacksmiths Association (BFBA)

Worshipful Company of Farriers (WCF)

British Farriers and Blacksmiths Association (BFBA)

Royal College of Veterinary Surgeons (RCVS)

Lantra

Royal College of Veterinary Surgeons (RCVS)

British Equestrian Federation

