

FARRIERS REGISTRATION COUNCIL
DISCIPLINARY COMMITTEE
HELD AT THE FARRIERS REGISTRATION COUNCIL, 14 SWAN COURT, FORDER
WAY, CYGNET PARK, HAMPTON, PETERBOROUGH, PE7 8GX

INQUIRY RE:

MR ANTONY MANSFIELD DIPWCF

1. THE CHARGE

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

1. *On 21 September 2021, during an appointment to trim and/or shoe horses belonging to Ms. SJ and Ms. GJ, you*
 - a) *used unnecessary force towards a horse named L, more particularly by kicking and/or punching and/or slapping and/or pushing L;*
 - b) *used offensive language and/or swear words when speaking to or in the presence of Ms. SJ and/or Ms. GJ;*

2. *Between 1 January 2016 and 21 May 2022, you failed to submit any or all required annual returns to the Council*

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."

1.2 Ms. Curtis appeared on behalf of the Council; Ms. Manning-Rees appeared on behalf of the Respondent.

1.3 The Respondent denied Charge 1 a). In respect of Charge 1b), he accepted that he had sworn during the course of an argument with Mrs. SJ but not that he had behaved in the way alleged by the Council. With the agreement of all parties, the Committee treated this as a denial of Charge 1 b).

1.4 The Respondent admitted Charge 2 and the Committee found it proved on the basis of his admission.

Background to Charge 1

- 1.5 On 21 September 2021 the Respondent was booked to trim and shoe Mrs. SJ's 24-year-old pony, Lucy. The appointment did not go well, and Mrs. SJ subsequently submitted a complaint to the Council about the Respondent's conduct. In her complaint form, dated 17 October 2021, Mrs. SJ wrote that the Respondent had lost his temper while shoeing her pony, and had kicked and punched Lucy during the course of a violent attack. She also alleged that, during the heated argument which ensued, the Respondent was abusive towards her and called her, among other things, "a d*****d".

Evidence

- 1.6 The Committee heard oral evidence from Mrs. SJ, her daughter Ms. GJ, Mrs. AL, who kept horses in an adjoining field and had also employed the Respondent on 21 September 2021, and Major CB, a veterinary surgeon who examined Lucy on 24 September 2021.
- 1.7 The Respondent also gave oral evidence.
- 1.8 The Committee was provided with documentary evidence which included photographs of the scene, and of Lucy, a plan prepared by the Respondent and print-outs of phone text messages exchanged after the episode which forms the basis of Charge 1. The Committee was also supplied with a number of testimonials which showed that the Respondent was held in high regard as a farrier by the authors of those testimonials.
- 1.9 Mrs. SJ told the panel that when the Respondent arrived to shoe her pony, he seemed quite "short and snappy". However, Lucy's front feet were shod without difficulty. That was not the case with the near side hind foot. Mrs. SJ, who was holding Lucy at the time and, she maintained, standing on the pony's near side, said that she asked the Respondent to be gentle but he yanked up the hind foot which caused the pony to fidget and pull her foot back. Mrs. SJ said she became anxious and suggested that the Respondent "stop for a bit". She said that he said words to the effect of "I don't think she's being naughty, I think it's discomfort" and he continued to pull up her near hind foot. Mrs. SJ said that she then asked him, at least four or five times, to stop as the pony was continuing to pull her leg away. On the last of these occasions, Lucy stretched her rear leg out when the Respondent let go of it. According to Mrs. SJ the Respondent then stepped away from the pony and then towards her and launched a kick at her ribcage and belly with all of his right leg. This was repeated three or four times in quick succession after which he punched Lucy on the shoulder and said "you're a f****g c**t, pony". Mrs. SJ said that she saw the Respondent's knee connect with Lucy's ribcage during these kicks and assumed, though she could not see, that his foot connected with Lucy's stomach. She said the pony looked terrified.
- 1.10 Mrs. SJ said she was completely shocked at what had happened and started to scream at the Respondent, telling him to get away from her pony. A loud verbal argument followed, during which Mrs. SJ said both she and the Respondent were swearing. She told the Committee that the Respondent called her a "d*****d" and also a "c**t" a few times. She called him a disgrace to his profession. The Respondent finished trimming Lucy's hind foot, which he said was necessary if the pony was not to become unbalanced, after which, Mrs. SJ said "go away now, you need to f**k off, take your money and just go. I don't want to see you anywhere here again". The Respondent replied, "don't worry I'm f****g going, I don't want your f****g money, shove it up you're a**e, you're a f****g a*****e".
- 1.11 Mrs. SJ exhibited to her witness statement the text of some phone messages she sent soon after this incident. She complained to a colleague of the Respondent, a Mr. Brown, the same evening. She also asked a veterinary surgeon to come and examine Lucy and took photographs of the swelling which had appeared in the region which the Respondent had kicked.
- 1.12 Ms. GJ was standing holding another pony in the adjoining field while the Respondent was working on Lucy. She said she was a few steps away and able to see the Respondent working. According to her, after Lucy had lifted her back leg up slightly higher than on previous occasions and tried to put it back on the ground, the Respondent took one big step backwards and then kicked Lucy hard with his right leg three times. She said the kicks were in quick succession after which the Respondent punched Lucy in the ribs in the same place that he had kicked her. She said that he punched her twice. She said that she was shocked and started sobbing. She said that during the course of the subsequent argument the Respondent "called us stupid b*****s" and "stupid d*****s".

- 1.13 Mrs. SJ said that she noticed a lump, which was sensitive to touch, appeared on Lucy the following day in the area where the Respondent had kicked her. She took photographs on 22 September 2021.
- 1.14 Mrs. AL told the Committee that the Respondent had trimmed one of her horses before going on to shoe Lucy. She said that the Respondent was particularly skilled and patient at dealing with her horse, Sasha, who was quite temperamental. The Respondent was her regular farrier and she valued his expertise and got on well with him. She did notice that he seemed “quite short” with her on this afternoon but did not think much of it at the time.
- 1.15 Major CB, an experienced equine veterinary surgeon, examined Lucy on 24 September. She was familiar with the pony and noted a swelling approximately 30 centimetres by 12 centimetres over Lucy’s ribcage. The swelling felt firm to her and, she diagnosed a haematoma consistent with mild to moderate external trauma. Her opinion was that it was unlikely that one blow would have caused the trauma but several might. She did not see anything in the field occupied by Lucy which might have caused the trauma and considered that it was unlikely to have been caused by a kick from another horse. She found no evidence of a hoof-mark on the skin and the pair of horses in the field, Mickey and Lucy, were a well-established pair and unlikely to kick each other.
- 1.16 The Respondent told the panel that he was in a perfectly good mood on the day in question but that he considered Lucy to be a “bolshy” pony. He explained to the panel that some owners, in his view, did not properly discipline their horses and such horses were then liable to be more difficult to shoe. He considered that this was the case with Lucy who, in his view, was behaving skittishly from the start of the appointment. He thought it was going to be a difficult appointment. He shod her near forefoot without difficulty but then went to the near hind foot. Lucy kept throwing her weight down when he picked up her near hind foot. He told the Committee that he decided to leave that foot and attend to the other feet. However, when he returned to the near hind foot, Lucy had become more fidgety, shifting one side to another, dropping her feet off the stand and “getting a bit pushier with her body weight”. He decided that the best thing was to try to continue to finish the job, as the horse would otherwise be unbalanced but, he said, as he continued the horse surged forward and turned its body towards him so that he was tight against a fence which was behind him.
- 1.17 The Respondent told the Committee that this was an extremely dangerous situation for him and he “had no choice but to try and kick the horse just behind the front leg, to try and get some response and get the horse to move to a safe position where I was not in line to be crushed”. He accepted that he kicked the horse once to protect his own safety and so as to move the horse towards a safe position. He denied striking or punching the horse.
- 1.18 The Respondent accepted that a heated argument did develop between himself and Mrs. SJ. He accepted “swearing and name-calling between the pair of us”. He regretted this but said that he had been placed in a very frightening situation and he could not understand why Mrs. SJ did not appreciate his predicament. He admitted telling Mrs. SJ to “stick your money up you’re a**e”.

2. DECISION OF THE DISCIPLINARY COMMITTEE ON THE FACTS

- 2.1 Both parties helpfully provided written submissions to the Committee in addition to addressing the Committee on the facts.
- 2.2 The Legal Assessor reminded the Committee of the burden and standard of proof to be applied, of the guidance given in *R (Dutta) v GMC* [2020] EWHC 1974 (Admin) in relation to fact-finding and of the approach to be adopted in relation to expert evidence and evidence of character.

- 2.3. In relation to Charge 1 a) the Committee concluded that the text messages sent shortly after the incident by Mrs. SJ were consistent with her account of events and consistent with the complaint she made to the Respondent's professional colleague, Mr. Brown, that evening. The Committee noted that the episode had been sufficiently distressing to Mrs. SJ, who had owned horses for many years, for her to complain to the Farriers Registration Council within a month of the incident. Mrs. SJ was in a good position, holding the head of the pony, to be aware of exactly what the Respondent was doing and the Committee considered her to be both an honest and reliable witness. It seemed to the Committee highly unlikely that she would invent an account of a violent attack on her horse when she had nothing to gain by so doing.
- 2.4 The Committee also considered her account to be substantially supported by the evidence of her daughter, Ms. GJ. The Committee noted the discrepancies in detail drawn to its attention by Ms. Manning-Rees but did not consider that these differences of detail undermined the central part of Ms. GJ's account which was that more than one kick had been delivered and that the Respondent had also punched the pony. The Committee did not consider that Ms. GJ had, as was suggested in cross-examination, fabricated her account. The Committee found her to be an honest witness who was reliable on the crucial feature of her account which was that she had seen the Respondent kick and punch Lucy.
- 2.5 The Committee also noted that the evidence of Major CB was consistent with the accounts given by Mrs. SJ and Ms. GJ, as was the fact that Lucy had developed a haematoma in the area which, they said, had been the focus of the kicking.
- 2.6 Mrs. AL's evidence was also supportive of Mrs. SJ's impression of the Respondent's mood on this particular afternoon and was inconsistent with the Respondent's evidence.
- 2.7 The Committee took into account the character evidence submitted on behalf of the Respondent but did not consider that this was sufficient to displace the evidence given by Mrs. SJ and her daughter as to what had actually occurred on 21 September 2021.
- 2.8 Turning to the specific matters alleged in Charge 1 a) the Committee was sure that the Respondent had used unnecessary force towards a horse named L. by kicking and punching L. In particular the Committee was satisfied that the Respondent had kicked L more than once and had also punched L. The Committee was also satisfied that the Respondent behaved in this way because he had lost his temper. He was not in a position of immediate peril. Had he wished to do so he could, as Mrs. SJ said, have simply stepped away from the pony.
- 2.9 The Committee was not satisfied that the Respondent had slapped Lucy. There was no persuasive evidence to that effect. The evidence of Mrs. SJ and Ms. GJ was of kicking and punching.
- 2.10 The Committee was also not satisfied that the Respondent had used unnecessary force by pushing Lucy. Pushing a horse can be an integral and appropriate part of any farrier's work and there was no evidence that the pushing which had occurred involved unnecessary force.
- 2.11 The Committee was also sure that the Respondent had used offensive language when speaking to or in the presence of Mrs. SJ and/or Ms. GJ. The Committee was satisfied that the expression "d*****d" had been used by the Respondent and also that the words "c**t", "t**t" and "f*****g a*****e" had been used. The Committee accepted Mrs. SJ's evidence with regard to the parting exchange between her and the Respondent in relation to the money she had offered him.
- 2.12 Although the Respondent has always accepted that he swore during the course of the heated altercation which developed, he has been unspecific about the detail of much of the conversation.

2.13 The Committee has borne in mind that the Respondent was in a professional position, dealing with a client. It is satisfied that the words used, as described by Mrs. SJ were both offensive and swear words, and said in the presence both of her and of her daughter.

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

3.1 Ms. Curtis submitted that the Respondent was guilty of serious misconduct in a professional respect. In her written submissions, she drew the Committee's attention to the "Farrier, Approved Training Farrier & Apprentice Code of Professional Conduct 2021" ("the Code") and in particular the guiding principle that registered farriers are expected to:

"make horse welfare their first concern.....and to fulfil their professional responsibilities by upholding the following principles:

- *ensure that all horses under your care are treated humanely and with respect....*
- *uphold the good reputation of the farrier profession*
- *communicate openly with clients and behave professionally at all times*
- *foster and maintain a good relationship with your clients, earning their trust, respecting their views....*

3.2 Ms. Curtis referred the Committee to the specific provisions in the Code which required registered farriers to observe these guiding principles. She also noted that the Code included a specific provision which stated that the farrier should treat the client

"with respect and observe professional courtesies. This would include the use of appropriate and respectful language and behaviour" (Paragraph 34)

3.3 In relation to the admitted failure to submit the annual returns required to the Council, Ms Curtis referred to Paragraph 84 of the Code which stated that

"As from 1 January 2016, Registered Farriers must complete an Annual Return...."

3.4 Ms. Curtis pointed out that the Respondent's failure in this respect had extended over a six year period.

3.5 Ms. Manning-Rees made no further submissions at this stage. She had indicated at the outset of the case that the Respondent accepted that his failure to file an Annual Return over a six-year period amounted to serious misconduct in a professional respect and Ms. Manning-Rees told the Committee that the Respondent also accepted that the Committee's findings of fact in respect of Charge 1 amounted to serious misconduct in a professional respect.

3.6 The Committee found that during the course of the appointment on 21 September 2021 the Respondent kicked a horse more than once and also punched the horse. He did so because he had lost his temper. Such behaviour was far below the standard expected of a registered farrier and amounted to serious misconduct in a professional respect. The same was true of the language used during the altercation with Mrs. SJ. There could never be any justification for a registered farrier to use such language, directed towards a client in a professional context.

3.7. The obligation to complete an Annual Return was an important one as it was designed to protect the public by providing assurance that the farrier completing the return had not been convicted of a criminal offence in the 12 months between the period of each return and carried appropriate professional indemnity insurance. The Annual Return played an important role in enabling the

Farriers Registration Council to exercise its supervisory jurisdiction over the profession and so protect the public. In the Committee's judgment the Respondent's repeated failure to complete a return amounted to serious misconduct in a professional respect.

4. DECISION OF THE DISCIPLINARY COMMITTEE AS TO SANCTION

- 4.1 Ms. Curtis told the Committee that the Respondent had no regulatory history. He had been a registered farrier for twelve years.
- 4.2 The Committee heard oral evidence from Mr. Andrew Brown who was the owner of the business in which the Respondent worked. Mr. Brown was himself a registered farrier. He told the Committee that he held the Respondent in high regard as a farrier and that he was very popular with clients. The business dealt with many temperamental horses and the Respondent was known for his skill in dealing with them. Mr. Brown explained that he was easing himself back into work after some medical treatment and the Respondent had been doing the major share of the farriery work. If he was unable to do that the consequences for the business would be serious.
- 4.3 Ms. Manning-Rees submitted that a short period of suspension was the appropriate and proportionate sanction in this case. She emphasised that the fact that the Respondent had contested Charge 1 did not mean that he lacked insight into the significance and implications of the Committee's findings of fact. She drew the Committee's attention to the Respondent's witness statement and pointed to the evidence of reflection that it showed. She also reminded the Committee of the testimonial evidence and asked the Committee to remember that this was a single, isolated incident. She also referred to the Respondent's family circumstances and the fact that the Committee's findings had clearly had a devastating impact on the Respondent.
- 4.4 In relation to the failure to submit annual returns, Ms. Manning-Rees said that this arose through the Respondent not appreciating what it was that was expected of him.
- 4.5 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.
- 4.6 The Committee first considered the aggravating features of the case. The case involved actual injury to an animal, recklessness and a breach of the trust that a client would naturally place in a registered farrier. A vulnerable client was also involved as Ms. GJ was aged 17 at the time of the incident and became obviously distressed at what she had seen and the Respondent's subsequent altercation with her mother.
- 4.7 The case also involved a prolonged disregard of the regulatory structure through the Respondent's failure to submit annual returns despite reminders.
- 4.8 The Committee then considered mitigating factors. The Committee recognised that farriers were on occasion working in far from ideal conditions and that this was a single, isolated incident. The Respondent's behaviour was not the product of pre-meditated decision-making but resulted from a loss of temper. He had had a long and unblemished career and there was evidence of some emerging insight into the implications of his misconduct in his witness statement.
- 4.9 Standing back however, and taking into account the mitigating features, this remained an extremely serious case. It involved an attack upon a horse by a farrier engaged to shoe the horse and sustained, foul-mouthed abuse directed at a client who was upset. The abuse was delivered

in the vicinity of the client's 17 year old daughter. The failure to submit annual returns had been prolonged, despite reminders.

- 4.10 The Committee considered sanction in ascending order.
- 4.11 The case was plainly much too serious for the Committee to take no further action.
- 4.12 No purpose would be served by postponing sanction.
- 4.13 The Committee also considered that the case was too serious to be addressed by means of a reprimand or warning.
- 4.14 The Committee next considered the sanction of suspension. Although the Committee considered that the risk of any repetition was low, the Committee did not consider that a period of suspension was sufficient to satisfy the public interest. In the Committee's view a reasonable and fully informed member of the public would regard the misconduct in this case as fundamentally incompatible with continued registration.
- 4.15 The Committee concluded that the only appropriate and proportionate sanction in this case was one of removal from the Register.
- 4.16 The Committee had regard to the terms of section 15(7) of the Farriers (Registration) Act 1975 (as amended). That section permits a farrier whose name has been removed from the register in consequence of a direction from the Disciplinary Committee to apply to the Disciplinary Committee to be considered for registration again. The Disciplinary Committee is empowered to prohibit any such application for a specific period from the date of the direction for removal that it has given.
- 4.17 In the present case, the Committee has decided to give a direction under section 15 (7) and to direct that any application for registration again shall not be made until a period of nine months has elapsed from the date of this direction. The Committee considered this to be a proportionate period having regard to the seriousness of the case but also to the mitigating features which it identified.

Note

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

- “(7) 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

27 January 2023