

FARRIERS REGISTRATION COUNCIL

Bulletin

REGULATING THE PROFESSION OF FARRIERY



*New ATF List
Policy and Guide*

Foreword

The work of the Council during 2022 has been focused on policy development while the statutory committees have dealt with a range of casework. In this edition of the Bulletin, you will find articles setting out essential details relating to new or amended policies, as well as other articles including an interview with Council member Dan Harman who joined the Council during 2022.



Following detailed consideration, the Council has decided to adopt the civil standard of proof for use by the statutory committees. The Council considered this issue in detail during 2022 and conducted a consultation this summer. The rationale for the change is that the fundamental purpose of professional regulation and discipline is protection of the public, and not punishment of the individual who has committed misconduct. Although the consequences of regulatory proceedings can be severe, they do not include potential for loss of liberty. Professional regulatory proceedings are not part of the criminal jurisdiction but part of the civil jurisdiction and, as such, the proper standard of proof to apply in such proceedings is the civil standard. Details of the new policy and how to access the consultation report are set out in the article.

In the foreword of the Bulletin 12 months ago we noted that recent disciplinary cases made for disturbing reading, with 3 of 4 cases reported having, as a central theme, the abuse of people by ATFs. We noted further that the Council would give consideration in due course to modernisation of the ATF system such that it is fit for the 21st Century, with opportunities for abuse and exploitation reduced. That work is now complete, and the Council has approved implementation of a new ATF List Policy and associated ATF Guide. In deciding to modernise and modify the ATF system the Council struck a balance between intervening where it would have greatest effect while not impeding those ATFs who are first class trainers and serve their apprentices and the profession well. Details of the revised policy are set out in the article.

Implementation of Continuing Professional Development (CPD) for the profession starts on 1 January 2023 and registrants will have received a booklet setting out the key details and other information; further details may be accessed via the Council website. Separately, Registrants will know that the retention fee for 2023 is £420.



Otherwise, we take this opportunity to offer the Seasons Greetings to all Registered Farriers and their families. We are grateful to those who have passed on their support and best regards to the Council and its staff. Please continue to 'be safe' over the holiday period and we look forward to a happy and peaceful 2023.

David Greenwood, Registrar

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New ATF List Policy and ATF Guide

At the Council meeting on 26 October 2022 the Council approved the implementation of a new ATF List Policy and associated ATF Guide with effect from 1 December 2022. The changes in ATF policy follow a detailed review of the ATF system by the Council following concerns expressed by the Disciplinary Committee that the ATF system may be 'out of balance' and that it must meet the expectations and needs of learners in the early-mid 21st Century. In deciding to modernise and modify the ATF system the Council struck a balance between intervening where it would have greatest effect while not impeding those ATFs who are first class trainers and serve their apprentices and the profession well.

The new ATF Policy and ATF Guide includes three new elements:

Compliance with Council policy

On applying to join the ATF list an applicant's compliance with Council policy (payment of fees, completion of CPD and submission of the Annual Return (AR)) will be checked. Those with a poor record of compliance may have their application deferred for a period in order that they may demonstrate policy compliance to the Council's satisfaction. Retention on the ATF list shall be conditional on continued compliance, as at present.

The Annual Return (AR)

ATFs shall be required to answer four additional questions beyond those required of registrants who are not ATFs:

- confirmation that the ATF holds Employers Liability Insurance (ELI);
- confirmation that apprentices employed by the ATF are subject to a written employment agreement;
- confirmation that apprentices employed by the ATF are subject to a written learning/apprenticeship agreement; and,
- confirmation that the ATFs business remains financially capable of sustaining an apprentice.

Interim suspension from the ATF list

Where the Council receives a complaint in respect of an ATF and there is concern in respect of:

- a threat to public safety or health;
- and/or a threat to apprentice safety or health;
- and/or animal welfare

then the Council may impose an interim suspension from the ATF list. The suspension shall remain in force until the complaint is resolved either by the statutory committees, or by way of an ATF review. Where a complaint is not upheld, i.e. there is no case to answer the ATF shall be restored to the ATF list.

Full details of the new ATF Policy and ATF Guide can be viewed within the **MyFRC** area on the FRC website at www.farrier-reg.gov.uk/myfrc

Council Meeting Dates for 2023

The Farriers Registration Council (FRC) meets twice a year. The Council Meetings for 2023 are scheduled for Wednesday 26 April 2023 and Tuesday 17 October 2023.

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





Interview with Daniel Harman AWCF GradDipELR – Council Member



Please tell us about your professional background and experience as a Registered Farrier?

I served my apprenticeship with Carl Bettison AWCF (Hons) in Buckinghamshire, qualifying in 1995. After working for Carl for another year to gain experience, I then went on to start my own business. Due to increased work load I became an Approved Training Farrier in 2007 and took on my first apprentice. I have successfully trained 8 apprentices and I am currently training 3 more. In 2017 I passed my AWCF and more recently in 2021 I graduated from the Royal Veterinary College with a Graduate Diploma in Equine Locomotor Research. Last year I was asked to join the executive committee of the BFBA, I was then asked to be one of their appointees to the Farriers Registration Council.

What impressions about the profession do you take from your work as a Council member?

I feel there seems to be an element of apathy among farriers when it comes to improving themselves and their professionalism. I personally think that compulsory CPD is a good thing and probably should have been bought in years ago. It is great to see so many opportunities

for farriers to gain their CPD points and it should be relatively easy to acquire the required 10 points a year. Surely learning new techniques and improving yourself can only be a good thing for the individual and the profession?

I worry about the future of farriery, speaking as an ATF, the number of good quality applicants have dropped, this seems strange as the number of training farriers employing apprentices has also dropped. The cost of training apprentices is soaring and I can only see more ATF numbers dropping in the future if nothing is done.

Tell us about your duties as a Council member and how you carry them out?

After being elected to be on the executive committee of the BFBA in May, I was then appointed by the BFBA to the Council. I have currently only sat on one Council meeting, so I am still very much learning the ropes. Before each meeting Council members receive the agenda and all the relevant papers for the forthcoming meeting. There are a lot of papers to read to prepare for the meeting, I do find this quite challenging.

I found my first meeting really interesting, especially seeing the process in which Council decisions were made. The meeting was run efficiently and allowed all the points to be questioned and discussed in depth.

What do you think your experience as a Registered Farrier brings to the Council?

I hope to be able to use my experience as a working farrier and ATF to help steer the farriery profession forward in a positive way. I think for too long we have been behind other professions in terms of regulation and there has been a lack of understanding by some farriers in what the FRC's role actually is.

I have spoken with many farriers and found that some don't know the difference between the FRC, BFBA and the WCF. Before I was on Council I felt that Council members were unapproachable and thought it was something I'd never be able to be involved in. I'm really glad that I took the plunge and I'm now able to give something back to the profession (it's good to regularly put yourself out of your comfort zone).

How do you interact with the other Council members, and particularly the lay members?

I personally know some of the farriers on the Council and have called on them previously for advice on what to expect as a member.

I have not met all of the lay members on the Council yet as some of them were on zoom in the meeting. It's important to have lay members on Council and to be able to use their views and skills even though they may not be directly involved in farriery. I look forward to getting to know everyone better as time goes on.

Daniel Harman interview continued....

Do you think Registered Farriers understand their professional responsibilities, and if not why?

In the UK we are lucky enough to have a fantastic apprenticeship that has produced many talented farriers. Unfortunately, as in any profession there are a few bad eggs and some farriers don't take their responsibilities seriously enough. I think this is mainly due to the individual but may also be that the colleges do not instil into them the importance of their responsibilities enough and that some ATFs may not be best role models.

I think we should always remember that the reason we do our job is for the welfare of the horse and that we are regulated under an Act of Parliament.

Having a good regulator and complying with the rules they lay out can only ensure that the profession continues evolving and keeps our farriery standards as some of the highest in the world.

What advice would you give to farriers given the knowledge you have gained from being a Council member?

My views on farriery have always been the same, even before sitting on the Council. This is an extremely hard job, mentally and physically and clients and horses can test anyone's patience. Like it or not clients are becoming more knowledgeable (or think they are) and definitely more demanding. This increases the challenges that we all face on a day-to-day basis.

It is so important that to keep our reputation we all need to do our job to the best of our ability, and always treat our horses and clients with respect and act professionally.

Advertisement Feature

Farriery Apprenticeship Working Group

In 2012 the farriery apprenticeship started to make the move from the old NVQ/QCF system over to the government's new trailblazer apprenticeship. During the following 10 years the Farrier Apprenticeship Working Group (FAWG) secured the new apprenticeship with the Institute for Apprenticeships (IFA). This work consisted of writing the new standard and the end point assessment.

The standard is the document that is used by any potential apprentice to understand what they need to expect from their apprenticeship and what is expected from them.

The End point assessment document is used by the WCF, who are our end point assessment organisation, to produce the end point assessment. It is also used by the colleges for them to produce their courses.

The 1st cohort of apprentices is due to take their End Point Assessment in May 2023.

All of this has been achieved by a group of working farriers, mainly ATFs. It is time for the committee to look for new members.

If you're an ATF, have recent experience as an ATF, just qualified or would like to be more involved in the future of our training then please apply by email to; cliff.barnes@btinternet.com

Positions available:

Chairperson: This role will require a high level of ability to communicate in all aspects of our apprenticeship with the government bodies involved as well as all stakeholders involved. The ability to organise, host and chair meetings and to keep the industry at large informed and engaged.

Vice Chairperson: This role will require you to shadow and assist the chairperson in all aspects with a view to taking over when the chairpersons tenure is up or they are unavailable.

Members of the committee: You will need to be able to communicate and work closely with other members of the committee in a professional manner.

Council Meeting Minutes >>>

Minutes of the Council Meeting held on 26 October 2022



1. Welcome and Apologies for Absence

The Chair welcomed Council Members to the first hybrid meeting of the Council and thanked Council Members for maintaining the confidentiality and security of Council papers on the FRC Intranet.

Apologies were received from Dr J Sutton.
Mr D Harman was welcomed to his first Council 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 Y Breisner* – BHA representative, recipient of farriery services from Mr Elliott
- Mr A Charlwood* – appointed by the WCF, WCF Honorary Assistant Operations Superintendent K Colman – RSPCA and horse owner
- Mr T Daniels* – member of the BFBA
- Mr I Davidson* – appointed by Scottish Enterprise
- Mr G Elliott* – Contractor for British Equestrian, farrier for Mr Breisner
- Mr D Gardner* – member of the BFBA
- Mr Daniel Harman* – appointed by the BFBA, member of BFBA Executive Committee and WCF Liveryman
- Mr R May* – appointed by the WCF, WCF Liveryman and member of the BFBA
- Mr S Moore* – appointed by the BFBA and member of WCF Examination Board
- Mr M Peaty* – appointed by the RCVS, BEVA and horse owner. Member of RCVS Council that considered the standard of proof for disciplinary proceedings
- Mr M Potter* – appointed by and CEO of Lantra
- Dr M Smith* – appointed by the RCVS and Independent Veterinary Consultant for World Horse Welfare
- Mr M Weston* – employed by BHS, appointed by BEF

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

It was noted that Mr Davidson would provide an update on discussions with Scottish Government representatives about Apprenticeship funding in Scotland later in the meeting. [See item 8.3].

4. Approval of Minutes

The minutes of the AGM and Council Meeting held on 27 April

2022 were noted for reference; the minutes had previously been approved by Council members out of committee..

5. Matters arising which are not Agenda Items

Farriery Apprenticeship Steering Group (FASG)

The Chair reported that following his written requests a meeting with the Chair of FASG, Mr C Barnes AWCF, had been scheduled to be held during the Farriery Focus Weekend. It was hoped the meeting would allow for greater discussion on the future leadership of the FASG and the working group (WG) and a review of the new (2019) Apprenticeship standard.

Mr Moore confirmed that he had recently resigned as a member of the WG.

Culture in Farriery

Council members noted that there was no significant development in this area to report. The Chair commented that progression of communications through FASG could be an important step to helping address the culture in farriery, and certainly within entry-level training.

6. Council Membership

Council members noted that Daniel Harman AWCF GradDipELR had been appointed to Council as a new BFBA appointee, in succession to Mr Ben Benson AWCF who had relinquished his appointment in June 2021. Mr Harman had completed induction at the Council Offices on 4 October 2022.

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

7.1 Minutes of the Registration Committee (RC) Meeting of 6 September 2022

Mr Y Breisner, Chair of the RC, reported on the minutes of the meeting held on 6 September 2022. The RC had additionally considered the revised ATF Policy and Guide which were scheduled for consideration under Agenda Item 8.6.

Council members noted an update on the Register: as at 24 October 2022 there was 2819 farriers registered across Parts 1-4 of the Register and the number of new Apprenticeships commenced had increased slightly. The implementation of CPD was progressing well and it was

Council Meeting Minutes >>>

considered there was sufficient ATFs to meet the number of Apprentice entrants. The Secretariat were thanked for their work on enforcement and encouraging farriers removed for non-payment of fees back to the Register.
[Mr P Grant joined the meeting virtually]

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

Mr Paul 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 3 occasions during 2022, during this time the Council had received 71 enquiries, of which 22 were subsequently considered by the IC as formal complaints. Of the 22 formal complaints considered, 10 were referred to the Disciplinary Committee (DC) as possible cases of serious misconduct in a professional respect. Of the cases referred 8 involved allegations of inappropriate behaviour towards animals or people and 2 involved criminal convictions.

Of the 12 cases not referred to the DC; 4 cases resulted in the registrant being issued a Non-Statutory Warning, in 3 cases the registrant was issued a Letter of Advice and in 5 cases it resulted in the complaint not being upheld and the complaint closed.

In addition, the IC dealt with 4 cases in respect of failure to comply with CPD policy. Of these 2 were referred to the DC, in each case by way of an aggravating feature in addition to non-compliance, and 2 were issued a Non-Statutory Warning.

Mr Grant reported that the increased trend of complaints around conduct were of concern to the IC and highlighted the significance of farriers being reminded that their all aspects of their behaviour, including outside of the workplace, reflected on them as professionals. Additionally, the Committee considered that farriers needed reinforcement of the importance of engaging with the process and the Council should they receive notification of a complaint against them. **The Council noted that messaging to this effect could be maintained via the Bulletin.**

Mr Grant thanked the Council for the Equality and Diversity training provided to the IC during the year and also the

Secretariat for the administrative support it had received to facilitate meetings.

[Mr J Anderson joined the meeting virtually]

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

Mr John Anderson, Chair of the DC joined the meeting virtually to report the business conducted by the DC in the last 12 months. The DC had heard 5 cases, sitting over 9 days in various formats: video link, hybrid delivery combining video and in person and solely in person hearings. A further 4 cases were scheduled to be heard before the year end.

Of the 5 cases considered by the DC, 2 registrants were removed from the Register, 2 registrants were reprimanded and/or warned as to their future conduct and in 1 case, serious professional misconduct was not found to be proved.

Mr Anderson reported that the DC remained concerned by the approach taken by some registrants to DC hearings, including abusive behaviour towards the DC, the Legal Assessor and Advocates; Mr Anderson noted that this should improve with a return to hearings in person. Mr Anderson welcomed the Council's approach to publish the determination and decisions of the DC after each hearing as he considered them to offer important context and reasoning in respect of the decisions of the DC. Mr Anderson confirmed that DC members had completed the Equality and Diversity training provided by the Council which had been well received and thanked the Secretariat for their administrative support at hearings.

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

8. **THE FOLLOWING AGENDA ITEMS 8.1, 8.2, 8.3, 8.4, 8.5, 8.6, 8.7 and 8.8 WERE CONDUCTED IN CLOSED SESSION OF THE COUNCIL TO CONSIDER MATTERS OF POLICY DEVELOPMENT AND COMMERCIAL SENSITIVITY**
 - 8.1 Standard of Proof
 - 8.2 DC Manual
 - 8.3 Report of the Approvals Committee(AC) – including arrangements for entry to the Register with the Army and AFA
 - 8.4 Privacy Policy
 - 8.5 Retention of Records Policy
 - 8.6 ATF List Policy and ATF Guide
 - 8.7 Minutes of the Finance Committee (FC) Meeting of 28

Updates >>>

September 2022

8.8 Operational Plan 2023

9. Any Other Business:

9.1 2023 Meeting Dates

Council noted the dates for Council and Committee Meetings during 2023.

Council

Wednesday 26 April 2023

Wednesday 14 June 2023 (Training Day)

Wednesday 17 October 2023

RC

Wednesday 1 March 2023

Wednesday 6 September 2023

FC

Wednesday 22 March 2023

Wednesday 27 September 2023

The Chair thanked all Council Members for participating in what he believed to have been a very constructive meeting and thanked the secretariat for their administrative support for the meeting and throughout the year.

The meeting concluded at 1.10pm

Date of Next Meeting – Wednesday 26 April 2023

Annex A: FRC Policy and Guides APPROVED during this meeting

- Standard of Proof – change to civil standard
- Disciplinary Committee Manual
- Privacy Policy
- Retention of Records Policy
- ATF List Policy and ATF Application Guide
- Budget 2023
- Schedule of Charges 2023
- Operational Plan 2023

Unlawful Practice

Unregistered persons engaging in farriery are breaking the law. If you have any information regarding any alleged illegal farriery activity then please report it to the Police and the Council.

Criminal conviction for unlawful farriery – Mr Philip Moss

On 5 December 2022 at the Magistrates Court at Boston, Lincolnshire, Mr Philip Moss of Congleton, Cheshire was convicted of a single count of unlawful farriery carried out at Newark, Nottinghamshire on 13 March 2022.

Mr Moss was represented and entered a plea of guilty.

Mr Moss was convicted, and on the basis that he had entered a plea of guilty at the earliest opportunity was fined £66, was subject to a victim surcharge of £34 and had costs awarded against him of £4000.

Mr Moss has never been registered as a farrier, never been a farriery apprentice and has received no formal training as a farrier.

Mr Moss' conviction was made possible by the evidence of three witnesses, two of whom were Registered Farriers.



Standard of Proof used by the Council's Statutory Committees

At its meeting in April 2022 the Council considered the standard of proof used as part of its statutory functions delivered by the Investigating Committee (IC) and the Disciplinary Committee (DC). The Council noted that neither the Farriers (Registration) Act 1975, nor Statutory Instrument 1976/700 which sets out the Disciplinary Committee (Procedure) Rules, prescribe the standard of proof to be used by the Council; the standard of proof was therefore a matter of policy choice for the Council. In recent years there has been a marked shift by regulators, such that in England and Wales only one other regulator apart from the FRC uses the criminal standard of proof "so as to be sure" (synonymous with "beyond reasonable doubt"), whereas all other regulators used the civil standard "more likely than not" (or "on the balance of probabilities").

The rationale for application of the civil standard is that the fundamental purpose of professional regulation and discipline is protection of the public, and not punishment of the individual who committed misconduct. Although the consequences of regulatory proceedings could be severe, they do not include potential for loss of liberty. Professional regulatory proceedings are not part of the criminal jurisdiction but part of the civil jurisdiction and, as such, the proper standard of proof to apply in such proceedings is the civil standard.

The Council conducted a consultation between 24 June and 6 August 2022 and the consultation report may be viewed at www.farrier-reg.gov.uk/news/standard-of-proof-used-by-the-councils-statutory-committees

The Council weighed carefully the matters set out above; in reaching its decision the Council was mindful that its primary obligation was to safeguard the public interest. The Council decided to adopt the civil standard of proof for use in its professional misconduct proceedings.

Disciplinary Committee Hearings

DISCIPLINARY COMMITTEE (DC): MR JJ EDDLESTONE DipWCF
Set out below is a summary of the determination and decision of the DC in respect of Mr Eddlestone; the determination and decision may be read in full on the FRC website at www.farrier-reg.gov.uk

1. DECISION OF THE DISCIPLINARY COMMITTEE ON THE FACTS

1.1 The Respondent appeared before the Disciplinary Committee to face the following Charges:

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

1. Between 15 April 2021 and 20 May 2021, you failed to refund £80.00 to AB, paid to you in relation to farriery services which you did not perform;
2. Between around 10 May 2021 and 22 September 2021, you failed to respond to reasonable requests from the Farriers Registration Council for your written response to a complaint received from AB; and/or
3. Between 31 October 2019 and 22 September 2021, you failed to submit any or all required Annual Returns to the Farriers Registration 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."

The above charges are brought under section 15(1)(a) of the Act.

1.2 The Respondent was unrepresented. Counsel for the Council was Ms Nicole Curtis. At the outset of the hearing the Respondent admitted the facts set out in the Notice of Inquiry.

1.3 The Respondent was charged with taking money from a client in connection with farriery services, then failing to perform those services and failing to return the money when asked to do so by the client. He was also charged with a failure to respond adequately to reasonable requests from the Farriers Registration Council ("the Council") for written comments on the client's complaint, and a failure to submit Annual Returns to the Council.

1.4 Counsel for the Council outlined the facts on which the Charges were based, as set out in the following paragraphs.

Failure to refund money paid for farrier services not performed

1.5 The Council acknowledged that usually matters relating to payment for services would not be considered by the Disciplinary Committee. In this case, however, the important issue was not the straightforward breach of contract, but the number of requests for repayment and the manner in which the Respondent failed to deal with those requests. This included times when the Respondent simply ignored messages, and other times when he made

arrangements to leave cash but failed to honour the arrangement, meaning the client travelled to collect money which failed to materialise.

1.6 The client in question was Ms AB, who is the owner of a horse called Branston. In April 2021, Ms AB moved Branston to new stables in Preston ("the stables"), and needed a new farrier. On Wednesday 14 April 2021, she contacted the Respondent by social media message to ask if he could shoe Branston as soon as possible. The Respondent replied promptly to say that he would attend the following morning at 08:00. He asked if Ms AB would leave cash for him or pay by bank transfer. She agreed to pay by bank transfer, and duly transferred £80 that evening.

1.7 The Respondent failed to attend at 08:00 on Thursday 15 April 2021. At 11:12 Ms AB (who was not at the stables) sent him a message asking if he had attended to Branston. He replied that he had a flat tyre and was running late but would get there at 17:00. Again, he failed to attend at the time promised. At 17:29 Ms AB messaged to ask if he was still going to attend to shoe Branston, but he did not reply. At 18:58 she messaged him to tell him that she was not happy that she had paid him and that he had then failed to attend. She also tried to call him at 19:48, but he did not answer.

1.8 On Friday 16 April 2021, at 11:17 and at 13:27, Ms AB sent messages to the Respondent to ask him when he was coming. He replied at 15:17 to say that he would be there the following morning at 09:00. By this stage, however, Ms AB had lost faith in him, and as Branston urgently needed shoeing, she decided she would find another farrier. At 15:56 on 16 April 2021, she informed the Respondent that she no longer wanted him to shoe Branston. She asked him to return her money and provided her bank details.

1.9 The Respondent did not reply to Ms AB's message asking him to return the money; nor did he ever attend to shoe Branston. She messaged him again on 17 April 2021 asking him to return the money. There was no reply. On 19 April she messaged him again, asking him to return the money. On 20 April 2021 he replied, saying that he would leave cash at the stables the following morning.

1.10 On 21 April 2021, Ms AB messaged the Respondent and asked where he had left her money. She did not receive a response, so messaged him again on 22 April 2021. She tried to call him 23 April 2021, but he did not answer. She sent him further messages on 23 April and 27 April 2021.

1.11 On 29 April 2021, having heard nothing from the Respondent, and having not received the money, she made a complaint to the Council. She tried to call the Respondent again on 30 April 2021, but he did not answer. She also sent another message to him on 30 April 2021 and told him that she had reported him to the Council.

1.12 By May 2021, Ms AB had still received no response from the Respondent, and she messaged him again on 5, 6, and 10 May 2021

to ask about the money.

1.13 On Tuesday 11 May 2021 he replied as follows “*Yeh I’ll leave it at yard on Wednesday morning*” i.e., the following day.

1.14 The following day, Wednesday 12 May 2021, Ms AB went to the stables to collect the money, but it was not there. At 20:18 the same day, she sent another message to the Respondent to ask where he had left the money. He did not reply. She sent further messages to him on 14 and 15 May 2021 about the money.

1.15 On 15 May 2021, the Respondent replied that he would meet Ms AB at the stables with the money the following day. Ms AB informed him that she would be there from 14:00.

1.16 Ms AB was at the stables from 14:00 on 16 May 2021, but the Respondent did not arrive. She sent another message to him at 19:55 that evening. He replied that he was passing through the next day, and Ms AB asked him to let her know where he would put the money.

1.17 On 17 May 2021, Ms AB wrote to the Respondent to ask where he had left the money. He did not reply. She therefore wrote to him again on 18, 19 and 20 May 2021. She did not receive a reply until the evening of 20 May 2021, when he wrote “*Tomorrow it’ll be there*”.

1.18 On 21 May 2021 at 14:10, the Respondent asked Ms AB to provide her bank details. Although she had previously done so, she sent these to him again.

1.19 Despite sending the details, by 19:00 on 21 May 2021, Ms AB had still not received the money, so she sent another message to the Respondent. He replied that the money was being transferred and that she should check her account in fifteen minutes. When she checked the account later that evening, she saw that the money had indeed now been returned.

Failure to respond to reasonable requests for comments on Ms AB’s complaint

1.20 In the meantime, on Monday 10 May 2021, following receipt of the complaint from Ms AB, SE, then an Assistant Registrar at the Council, sent a letter to the Respondent asking for his written comments on the complaint. He explained that failure to reply to the letter could, in itself, amount to serious misconduct in a professional respect. He also asked if the Respondent needed more time to provide a response.

1.21 SE did not receive any reply and so on Friday 4 June 2021, he made a telephone call to the Respondent, calling the mobile telephone number he had registered with the Council. There was no answer and so SE left a voicemail message. Approximately five minutes later, the Respondent returned the call.

1.22 The Respondent said that he had returned the money to Ms AB and did not need to respond to the letter. SE explained that he would still need to respond in writing and the Respondent agreed

that he would reply in writing the following week (i.e., the week commencing Monday 7 June 2021).

1.23 SE did not receive any correspondence from the Respondent following the call. On Wednesday 23 June 2021, he sent him another letter, explaining that the Investigating Committee would wish to read his comments on the allegations raised. He also reminded the Respondent that failure to respond to the regulator might, of itself, be considered to be serious misconduct in a professional respect.

1.24 SE did not receive any response to his letter of 23 June 2021. On Monday 12 July 2021, he made another telephone call to the Respondent’s registered mobile telephone number. The call was not answered, and so SE left a voicemail message asking him to call back.

1.25 There was no response to this message, and so on 14 July 2021 SE sent another letter explaining that the Investigating Committee (“IC”) would consider Ms AB’s complaint at its next meeting, that the IC would wish to read his comments on the complaint, and that failure to submit a written response to the Council would be noted by the Committee in its deliberations. The Respondent did not reply.

1.26 The Council submitted that the requests for written comments on a complaint of this nature were reasonable. The Council exercises regulatory functions as part of its statutory responsibilities. In order for the IC to consider a complaint fully, it is reasonable to ask the farrier in question to for their written comments.

Failure to complete and submit Annual Return

1.27 During the course of its investigations into this matter, the Council noted that the Respondent, who had registered with the Council in 2009, had failed to submit any Annual Returns since 2019.

1.28 Under the Council’s Disclosure Policy, since January 2016 it has been a requirement for Registered Farriers to complete an Annual Return and submit it to the Council. In the Annual Return document, farriers are asked to disclose any unspent police cautions or criminal convictions 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”).

1.29 This requirement to submit an Annual Return is now set out in the 2021 Code of Professional Conduct (which came into force on 1 January 2021).

1.30 SE checked the Council’s records and confirmed that the last disclosure to the Council by the Respondent was received on 30 October 2019. Annual Return forms were sent to him by post

on 3 September 2020 and 18 August 2021, but the Council did not receive any response to these, and the Respondent did not complete these Annual Returns using the Council's online facilities for registrants.

The evidence of SE

1.31 SE is no longer employed by the Council but produced a witness statement dated 21 December 2021 in relation to his involvement in this matter. Brigadier DG reviewed that witness statement and confirmed that the contents were true and accurate to the best of his knowledge and belief.

The admitted facts

1.32 The Committee found the facts set out in the Charges proved by the admissions of the Respondent, and directed that the witness statement of Ms AB, with exhibits, and the witness statement of Brigadier DG, with exhibits be read into the record.

2. DECISION OF THE DISCIPLINARY COMMITTEE AS TO SERIOUS MISCONDUCT IN A PROFESSIONAL RESPECT

2.1 The Committee then considered whether, in its judgment, on the basis of the facts found proved, the Respondent was guilty of Serious Misconduct in a Professional Respect.

2.2 The Committee heard submissions from the Council on serious misconduct as set out below. This issue was a matter for the Committee's judgment; there was no standard of proof to be applied at this stage.

Meaning of "serious misconduct in a professional respect"

2.3 There is no definition of "serious misconduct in a professional respect" in the Farriers (Registration) Act 1975 ("the Act"), but the Committee may refer to the contents of the "Farrier and Apprentice Code of Professional Conduct 2021" ("the Code") as a standard for conduct expected of Registered Farriers (as expressly stated at page 2, para 4 of the Code).

Submissions of the Council: Charge 1

2.4 The Code makes it clear that farriers are expected to treat clients professionally and with courtesy. There is specific reference to attending appointments on time and informing clients of any delays. It was submitted that the Respondent's conduct, in failing to respond to the many requests to repay, had breached those numerous aspects of the Code aimed at maintaining client (and therefore public) confidence in the profession.

2.5 On fourteen occasions the Respondent neglected to respond to the client's messages or calls relating to the repayment. On three occasions, Ms Brown waited for the Respondent at the stables, but

he failed to attend despite making an arrangement that he would do so in order to repay her.

Submissions of the Council: Charge 2

2.6 The Council has a statutory duty to investigate disciplinary cases. In order for the Council to comply with this duty, it is important to have a full account of the circumstances of the matters under investigation, so as to make a proper assessment. A failure to respond to reasonable requests for comments on concerns raised by a member of the public therefore has the potential to undermine the processes underpinning the Council's statutory functions, and to undermine public confidence in the Council fulfilling those functions.

Submissions of the Council: Charge 3

2.7 As part of its duties and responsibilities, the Council has implemented a system whereby a Registered Farrier must submit Annual Returns including confirmation relating to personal data, professional indemnity insurance and any convictions or cautions. These requirements form part of the Council's important public interest duties to protect and promote equine welfare and to maintain public confidence in the profession.

2.8 It is therefore of importance that a Registered Farrier complies with the regulatory obligations to provide Annual Returns, and to respond to correspondence in this regard.

2.9 As a result of the Respondent's failure to provide returns, the Council was unable to comply with its public interest duties to ensure that current information is held in the event of any concerns or complaints, and that registrants are adequately insured so as to provide financial protection for their clients. These form part of the Council's public interest functions, including its duty to uphold public confidence in the profession and in the proper regulation of the profession. The Council's position with regard to public confidence in its regulatory processes was therefore potentially undermined as a result of the Respondent's conduct.

The submissions of the Respondent on Serious Misconduct

2.10 The Respondent admitted that he had done wrong but argued that his conduct may well have been misconduct but was not serious misconduct. He was content for the Committee to decide whether or not his conduct amounted to serious misconduct.

The Decision of the Committee on Serious Misconduct

2.11 The Committee considered that the Respondent's conduct in relation to Charge 1 was serious because he neglected to respond to the client's messages or calls relating to repayment

on 14 occasions. On three occasions, Ms AB waited for the Respondent at the stables, but he failed to attend despite making an arrangement that he would do so in order to repay her. In this regard, the Committee was satisfied that the Respondent was in breach of the Code, and his behaviour fell well short of the standard of a Registered Farrier. The Committee accepted the Council's submissions in relation to Charge 1. The Committee in its judgment considered that the Respondent was guilty of Serious Misconduct in a Professional Respect in relation to this Charge.

2.12 The Committee considered that Charge 2 was serious because the Respondent failed to engage with his regulator, the Council, by failing to respond to communications for comments on the complaint over a period of 4 months. This was wholly unacceptable behaviour, because such conduct breaches the Code, and has the potential to undermine public confidence in the profession. The Committee accepted the submissions of the Council in relation to Charge 2. The Committee in its judgment considered that the Respondent was guilty of Serious Misconduct in a Professional Respect in relation to this Charge.

2.13 The Committee considered that Charge 3 was serious, because the Respondent failed to provide Annual Returns for two consecutive years, as required by the Council. These returns were required by the Council to confirm the accuracy of personal data, details of professional indemnity insurance, and any convictions or cautions. These requirements form part of the Council's public interest duties to protect and promote equine welfare and to maintain public confidence in the profession. The Committee accepted the submissions of the Council in relation to Charge 3. The Committee in its judgment considered that the Respondent was guilty of Serious Misconduct in a Professional Respect in relation to this Charge.

2.14 For the reasons set out above, the Committee considered that the facts found proved both individually and collectively amount to Serious Misconduct in a Professional Respect.

3. DECISION OF THE DISCIPLINARY COMMITTEE ON SANCTION

3.1 The Committee considered the aggravating factors in this case but considered that the only ones relevant were breach of client trust in relation to the failure to repay the sum of £80 promptly when requested, and misconduct sustained over time in relation to the failure to engage with the regulator over 4 months, and failure to file Annual Returns over 2 years. Mitigating factors included no harm or risk of harm to animals or humans, insight into the misconduct, and no previous findings over a period of 13 years.

3.2 The Committee noted the insight that the Respondent displayed into his misconduct. He admitted the facts and left it to the Committee to decide on the seriousness of the misconduct. He

admitted he had done wrong and assured the Committee that he had learned his lesson. He considered that he was a good farrier, but at the time of the charges he struggled with paperwork. He now had in place the necessary assistance to manage his business paperwork, and related matters and has now engaged an accountant to assist with his books. He has found help in using online banking and assured the Committee that he would always respond to his regulator in the future. He said he was "so sorry", and it would not happen again. In short, he explained that he had set up a system to help him in areas where he previously struggled.

3.3 The Committee considered sanctions in ascending order of severity.

- The Committee did not consider that postponing judgement would be appropriate in this case.
- No further action was considered but was rejected on the basis that it would be inappropriate and not in the public interest, having regard to the findings of serious professional misconduct in this case.
- The Committee noted that the DC Guidance on sanctions indicated that a reprimand might be appropriate if the misconduct was at the lower end of the spectrum of gravity for such cases, where insight is shown, and there is no risk of injury to animals or to the profession's reputation, or the wider public interest, that requires registration to be restricted.

3.4 As a result, the Committee considered that it would be sufficient and proportionate in the circumstances of this case to issue a Reprimand and a Warning to the Respondent.

3.5 Accordingly, the Respondent was hereby Reprimanded for his previous misconduct, and was warned that, in the future, he must respond to and communicate with his regulator (the FRC) appropriately, and within a reasonable time-frame.

DISCIPLINARY COMMITTEE (DC): MR T J CARR DipWCF
Set out below is a summary of the determination and decision of the DC in respect of Mr Carr; the determination and decision may be read in full on the FRC website at www.farrier-reg.gov.uk

1. DECISION OF THE DISCIPLINARY COMMITTEE ON FACTS

1.1 The Respondent, Thomas James Carr DipWCF, attended the hearing before the Disciplinary Committee to answer the following charges:

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

1. Between 5 September 2016 and 22 September 2021, you failed to submit any, or all required Annual Returns to the Council; and/or

-
2. Between 14 April 2021 and 22 September 2021, you failed to respond adequately or at all to reasonable requests from the Council for details of your CPD record."

The above charges are brought under section 15(1)(a) of the Act.

1.2 The Respondent appeared at the hearing remotely but was unrepresented. The Disciplinary Committee and other participants were in person at the offices of the Farriers Registration Council ("the Council"). At the outset of the hearing, the Respondent admitted the charges as set out above. In these circumstances, counsel for the FRC outlined the facts on which the charges were based, and the FRC's case, as set out below.

Failure to respond to reasonable requests for details of CPD

1.3 The Respondent was charged with failure to provide details of his CPD despite requests from the Council, and a failure to submit Annual Returns to the Council. The Respondent had been subject to a CPD audit by the Council.

Previous background:

1.4 On 7 October 2020, following a referral from the Investigating Committee, the Respondent appeared before the Disciplinary Committee. The charges against the Respondent were that he had failed to respond to reasonable requests from the Council for details of his CPD, and/or that he had failed to provide the Council with his up-to-date contact details. The Disciplinary Committee found that the facts proved amounted to serious misconduct in a professional respect, and they decided to reprimand Mr Carr.

1.5 In imposing a reprimand, the Disciplinary Committee had regard to the following features of the case which it considered to be pertinent at the time:

"Mr Carr apologised for his actions. He demonstrated that he understands the role of the FRC and the importance of complying with the Code. The DC was satisfied that Mr Carr now understands the importance of informing the Council of any change in his contact details and of engaging with the Council by responding to correspondence that requires a response. Mr Carr told the DC that he recently moved house and promptly informed the Council of his new address. He has purchased a computer to enable him to keep up to date with information on the Council's website and to enter details of his CPD. The DC found that Mr Carr was frank and open in explaining his personal circumstances and was satisfied that he now understands the role of the FRC and the importance of his obligations as a regulated professional. He took responsibility for his actions and expressed remorse.

The DC did not consider that Mr Carr's failure to respond to correspondence was due to blatant or intentional disregard for his regulator."

Present matter:

1.6 On 14 April 2021, the Council wrote to the Respondent at his registered address, asking for copies of his CPD records to be sent to the Council's offices in Peterborough by 28 April 2021. There was no response to this letter. On 12 May 2021, the Registrar wrote to the Respondent at the same address, reminding him of the letter of 14 April 2021 and asking him to provide his CPD records by 2 June 2021. The Respondent was warned that failure to provide CPD records on request could be deemed serious professional misconduct and could be referred to the IC. There was again no response to the letter. On 16 June 2021, the Registrar wrote again. He again warned that failure to respond might result in referral to the IC. There was no response to this letter.

1.7 On 18 August 2021, the Registrar wrote to the Respondent again, reminding him of the previous three letters and telling him that the matter would be referred to the IC, which was due to meet on 22 September 2021. He asked the Respondent to submit his CPD records and reasons for failing to respond. The letter was sent using the Royal Mail's "Signed For" system. Royal Mail records show that the letter was delivered the following day and was signed for. No response was received.

1.8 The Council's policy is for all written communications received from farriers (whether received by post or by email) to be logged, and any telephone call of substance between a farrier and the Council also being logged in writing. All these communication logs are visible when the relevant farrier's record is viewed on the Council's computer system. As part of the preparation of a statement for this matter, Denise Woodward, an employee of the Council, checked the Council's records and could find no note or record of any telephone calls, emails or letters from the Respondent in relation to the 2021 CPD audit.

1.9 The Council submitted that it was reasonable for the Council, as a statutory regulator, to make requests for details of CPD.

Failure to complete and submit Annual Return

1.10 The Council also noted that the Respondent, who had registered with the Council in 2016, had failed to submit any Annual Returns to the Council since 2016. Under the Council's Disclosure Policy, since January 2016 it has been a requirement for Registered Farriers to complete an Annual Return every year and submit it to the Council. The Return includes a declaration regarding any unspent police cautions or criminal convictions, and it contains a provision for the farrier 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. The Council sent Annual Return forms to the Respondent by post on 5 September 2016, 25 September 2017, 30 August 2018, 30

August 2019, 3 September 2020 and 18 August 2021. There was no Annual Return received in response to these. This requirement to submit an Annual Return 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).

The Council’s case

1.11 It is the Council’s case that the Respondent:
Between 5 September 2016 and 22 September 2021, failed to submit any or all required Annual Returns to the Council;
Between 14 April 2021 and 22 September 2021, failed to respond to reasonable requests from the Council for details of his CPD record.

1.12 The Council submits that the Committee can be sure, on the evidence presented to it, that the facts as set out in the charges were proved.

Evidence from the Respondent

1.13 The Respondent affirmed to tell the truth and gave evidence to the Committee to explain his case. He said that he had sent a letter to the Council dated 20 March 2021 stating that he wanted to pause his registration, but he did not expect a reply. He said that he wanted to be able to come back as a farrier in the future and had not currently paid his fee.

1.14 As to the Annual Returns, the Respondent asked why the Council had taken 6 years to raise this. He said he was not doing CPD, and therefore did not need to reply. He never sent his Annual Returns because he did not think he needed to.

1.15 The Respondent was cross-examined by Counsel for the Council. He agreed that farriers needed to be regulated to ensure that farriers were practising safely, to ensure the reputation of the profession, and proper standards were upheld. As to Annual Returns, he said that it was for the FRC to say if they were important but had never read the relevant regulations about them. He accepted the Council’s position.

1.16 The Respondent said that he only became aware of the case a few weeks ago, when he was contacted by the solicitors for the Council. He moved out of his registered address with the Council in March 2021 and had not received any of the letters sent to him about this case. He had not notified the Council of his change of address. The Respondent stated that he had stopped shoeing horses in March 2021. He claimed that the Council no longer regulated him, because he was no longer a farrier. He accepted the importance of Annual Returns to give the Council up-to-date contact details, to ensure that a farrier had professional indemnity insurance, and declared any convictions or cautions. However, he complained that the Council were in the wrong in taking no action against him for 6 years. He claimed that the Council had no

control over him, and he only attended the hearing to protect his reputation.

1.17 The Respondent was referred to paragraphs of the Code of Conduct which set out his professional obligations and reminded of the assurances he gave to the previous DC that he would not allow himself to come before the Committee again.

1.18 In response to questions from the Committee, the Respondent said that the Code changed in the month he qualified, and it was a grey area as to which rules applied to him thereafter. He agreed that he did not inform the Post Office that he had moved from his registered address at 6 Vane Terrace and did not tell the Council that he had moved to another address.

The Decision of the Committee on the Facts

1.19 The Committee was satisfied that the facts set out in the charges were proved on the Respondent’s admission, and that this admission was properly made having regard to the underlying facts relied on by the Council and set out above, and the evidence received by the Committee in the Inquiry Bundle. The Committee directed that the evidence of the witnesses in the Inquiry Bundle be read into the record.

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

2.1 The Council submitted that the facts proved amount to serious misconduct in a professional respect. This issue was a matter for the Committee’s judgement; there was no standard of proof to be applied at this stage, as confirmed by the advice of the Legal Assessor. The Council made the following submissions as to serious misconduct.

Meaning of “serious misconduct in a professional respect”

2.2 There is no definition of “serious misconduct in a professional respect” in the Farriers (Registration) Act 1975 (“the Act”), but the Committee may refer to the contents of the “*Farrier and Apprentice Code of Professional Conduct 2021*” (“the Code”) as a standard for conduct expected of Registered Farriers (as expressly stated at page 2, para 4 of the Code).

Decision of the Committee on Serious Misconduct in a Professional Respect

2.3 The Committee accepted the submissions of the Council as to the meaning of serious misconduct in a professional respect, and the sections of the Code with specific reference to the charges. The Committee accepted the advice of the Legal Assessor that this phrase simply meant serious professional misconduct or conduct which fell far below the standard expected of a member of the

farriery profession.

2.4 The Committee considered that the Respondent's conduct in failing to respond to reasonable requests from the regulator in relation to CPD to be very serious and was made more serious because the Respondent had been found guilty of a similar charge in October 2020. On that occasion the Respondent persuaded the Committee that he understood the role of the Council, the importance of complying with the Code, and his obligations as a regulated professional (see paragraph 4 above). Yet, within a few months, the Respondent resorted again to the same or similar misconduct as he was found guilty of in October 2020. The Committee considered that the Respondent appeared to have had complete disregard with the regulator.

2.5 The Committee had no doubt that the responsibility and professional obligation of the Respondent, from January 2016, was to complete a minimum 10 CPD points each year, and to complete an Annual Return. CPD was important to prove that the Respondent was keeping up his skills in the profession of farriery, and that the public could be satisfied that the welfare of horses was in capable hands. By failing to respond to requests from the Council to prove that he had carried out the necessary CPD, the Council was completely unable to monitor his CPD as required. The Annual Returns were important to keep the Council up-to-date as to the Respondent's contact details, to show that he had the necessary Professional Indemnity Insurance, and that any convictions or cautions were declared. By failing to provide any Annual Returns over 6 years, the public and the Council had no means of knowing how to contact the Respondent reliably, whether he had any PII, and whether he had any convictions or cautions. Thus, the Council was unable to uphold its responsibilities for equine welfare.

2.6 The Committee considered that the Respondent had refused to accept his own professional obligations to the public and the regulator and sought to blame the Council for his own misdeeds.

2.7 It was very significant that the Respondent had displayed no insight into his misconduct.

2.8 The Committee completely rejected the Respondent's assertions that the Council had no jurisdiction over him, because he was no longer registered as a farrier, after he had allegedly sent a letter dated 20 March 2021 to the Council seeking to pause his registration. The Committee was informed that there is no evidence that such a letter was ever received by the Council, whose systems records all communications to and from farriers. In any event, in January 2022, the Registrar, exercised his discretion to keep the Respondent's name on the Register, in spite of a failure to pay the annual retention fee, because there were on-going disciplinary matters against him. This was evidenced by a letter

dated 5 January 2022 to the Respondent. In any event, he was informed by the Council at the hearing that he was still on the Register for this reason, but the Respondent refused to accept this.

2.9 In these circumstances, the Committee in its judgment, considered that the Respondent's conduct as charged and found proved, fell far below the standards to be expected of a member of the farriery profession, and amounted to serious misconduct in a professional respect.

3. DECISION OF THE DISCIPLINARY COMMITTEE ON SANCTION

3.1 The Committee repeated its findings on Serious Misconduct in a Professional Respect.

3.2 The Committee accepted the advice of the Legal Assessor, and the submission of the Council, that it should first identify the relevant aggravating and mitigating factors relating to the Respondent's conduct, as set out in the Disciplinary Committee Guide.

3.3 The Committee considered that aggravating factors were as follows:

- premeditated misconduct
- misconduct sustained or repeated over time
- conduct contravening advice issued by the FRC
- blatant or wilful disregard of the role of the FRC and the systems that regulate the farriery profession
- no insight into the seriousness of the offences
- previous adverse findings of the Disciplinary Committee

3.4 The Committee was unable to find any relevant mitigating factors, other than no actual or risk of harm to an animal or human, and no financial gain.

3.5 The Committee then considered the outcomes and sanctions available to it.

3.6 The Committee decided that no further action or postponement of judgement were inappropriate because of the seriousness of the misconduct in this case.

3.7 The Committee next considered available sanctions in ascending order of severity. The Committee bore in mind that the primary purpose of a sanction was not to punish but to protect the public interest, the reputation of the profession and the welfare of animals. The Committee was aware that any sanction must be proportionate.

3.8 The Committee did not consider that a reprimand or warning as to future conduct would be sufficient to protect animals, the reputation of the profession, and the wider public interest, because of the seriousness of the misconduct in this case.

3.9 The Committee then considered whether suspension from the Register would be sufficient. The Committee noted that the Guide indicated that suspension may be appropriate where some or all of

the following apply:

- 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.

3.10 The Committee did not consider that these elements applied in this case and considered that it had to move on to consider the ultimate sanction of removal from the Register, on the basis that suspension would not be sufficient to protect the public interest, and the reputation of the profession.

3.11 The Committee considered that the following factors in this case reflected its seriousness:

- failing to engage with the regulator, on this and previous occasions
- continuous non-engagement with the regulator
- disregard for the importance of his professional obligations as to CPD and the Annual Returns, which potentially puts equine welfare at risk
- no insight as to his repeated misconduct.

3.12 The Respondent's misconduct in this case represented a serious departure from professional standards as set out in the Code of Conduct.

3.13 In the result, the Committee had conceded that the Respondent's behaviour was so serious that removal of professional status, and the rights and privileges accorded to this status, was the only means of protecting equine welfare, the reputation of the profession and the wider public interest.

3.14 Accordingly, the Committee directed that the Respondent's name should be removed from the Register of Farriers.

DISCIPLINARY COMMITTEE (DC): MR J S MAYES DipWCF
Set out below is a summary of the determination and decision of the DC in respect of Mr Mayes; the determination and decision may be read in full on the FRC website at www.farrier-reg.gov.uk

1. DECISION OF THE DISCIPLINARY COMMITTEE ON THE FACTS

1.1 The Respondent, Jack Stephen Mayes DipWCF, appeared before the Disciplinary Committee to answer the following charge:

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

1. Between 14 April 2021 and 22 September 2021, you failed to respond adequately to reasonable requests from the Council for details of your CPD record.

The above charge is brought under section 15(1)(a) of the Act.

1.2 The Respondent appeared at the hearing in person but was

unrepresented. The Council was represented by Ms Nimi Bruce. At the outset of the hearing, the Respondent admitted the charge as set out above. In these circumstances, counsel for the Council outlined the facts on which the charge was based, and the Council's case, as set out below.

Failure to respond to reasonable requests for details of CPD

1.3 The Respondent was charged with failure to respond adequately to reasonable requests from the Council to provide details of his CPD despite requests.

1.4 Denise Woodward, an officer of the Farriers Registration Council gave evidence in respect of Mayes CPD history. Her evidence was that the Respondent was first registered with the Council on 30 December 2016 and was, therefore, subject to the mandatory CPD requirements. In September 2019, The Respondent's conduct was considered by the Investigating Committee ("IC") for repeatedly failing to respond to correspondence from the Council regarding CPD. The IC directed that the Respondent should be sent a letter of encouragement together with a copy of the Guide to Continuing Professional Development for Farriers. The IC also directed that the matter should be retained on the Respondent's file for a period of one year.

1.5 The Respondent was included in the 2020 CPD audit. The Respondent again failed to respond to multiple requests from the FRC for details of his CPD record. In September 2020, the IC again considered matters in relation to the Respondent. It directed that he should be sent a letter of warning in relation to his future conduct. In accordance with the direction of the IC, Brigadier David Greenwood, the Registrar, wrote to the Respondent on 17 September 2020. That letter stated:

"The IC disapproves strongly of your lack of engagement with your regulator, and you are advised to co-operate promptly and fully with any future requests from the Council".

1.6 The Respondent was advised that the letter would remain on his personal file for three years.

1.7 The Respondent was included in the 2021 CPD audit. On 14 April 2021, Ms Woodward wrote to the Respondent at his registered address requesting copies of his CPD records to be provided by 28 April 2021. The Respondent did not respond to this letter. On 12 May 2021, Brigadier Greenwood wrote to the Respondent reminding him of the letter of 14 April 2021 and asking him to provide his CPD records by 2 June 2021 to be sent to FRC's offices. That letter stated:

"Records of CPD undertaken must be available to the Council on request and failure to do so could be deemed serious professional misconduct and may be referred to the Investigating Committee".

1.8 The Respondent did not respond to this letter. On 16 June 2021,

Brigadier Greenwood wrote to the Respondent again reminding him of the earlier correspondence and asking him to provide his CPD records by 2 July 2021. He was again warned that failure to respond might result in referral to the IC. The Respondent did not respond to this letter.

1.9 On 19 July 2021 Ms Woodward rang the Respondent to remind him about providing his CPD details. He answered and said he would make his submission by the end of the day. Mr Mayes did not make his submission on that day.

1.10 On 18 August 2021 Brigadier Greenwood wrote to the Respondent again reminding him of the previous three letters and telling him that the matter would be referred to the IC, which was due to meet on 22 September 2021. He asked the Respondent to submit his CPD records and reasons for failing to respond. The letter was sent using the Royal Mail's "Signed For" system. Royal Mail records show that the letter was delivered the following day and was signed for.

1.11 On 15 September 2021 at 8.12pm, the Respondent sent an email to the Council to explain his reason for the delay with providing his CPD records. In this email, the Respondent said: *"Apologies for the delay on my copy points. Had a lot on this last few years more than I can manage. Especially this last year. My house caught fire and lost everything and been living in a caravan for a year, had some impact on marriage and mental health. Hope this helps. Thankyou Jack."*

The Respondent did not provide his CPD records on 15 September 2021.

1.12 On 22 September 2021 the IC met and directed that the matter should be referred to the Disciplinary Committee and a letter to that effect was sent to the Respondent on 23 September 2021.

1.13 The Council's policy is for all written communications received from farriers (whether received by post or by email) to be logged, and any telephone call of substance between a farrier and the Council also being logged in writing. All these communication logs are visible when the relevant farrier's record is viewed on the Council's computer system. As part of the preparation of a statement for this matter, Denise Woodward, an employee of the Council, checked the Council's records and could find no note or record of any telephone calls, emails or letters from the Respondent in relation to the 2021 CPD audit.

1.14 It is submitted that it is reasonable for the Council, as a statutory regulator, to make requests for details of CPD.

The Council's case

1.15 It is the Council's case that the Respondent: Between 14 April 2021 and 22 September 2021, failed to respond adequately to reasonable requests from the Council for details of

his CPD record.

1.16 The Council submits that the Committee can be sure, on the evidence to be presented to it, that the facts as set out in the charges are proved.

Evidence from the Respondent

1.17 The Respondent affirmed to tell the truth and gave evidence to the Committee to explain his case. The Respondent is a married man with a child. In 2019, the Respondent struggled to cope with a very stressful domestic situation, involving ill-health within the family, and a tragic bereavement. At the same time, he had to carry out his work as a farrier. During the Covid pandemic, the Respondent's income was reduced. All these factors combined such that the Respondent felt overwhelmed, and he neglected his responsibilities to the Council in failing to respond to its requests for information about his CPD.

1.18 The Respondent apologised to the Committee for his failings and has assured the Committee that this will not happen again.

The Decision of the Committee as to the Facts

1.19 The Committee was satisfied that the facts set out in the charges were proved on the Respondent's admission, and that his admission was properly made, having regard to the underlying facts relied upon by the Council and set out above, and the evidence received by the Committee in the Inquiry Bundle. The Committee accepted the Respondent's evidence, and considered him to be a genuine, truthful, and reliable witness. The Committee directed that the evidence of the witnesses in the Inquiry Bundle be read into the record.

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

2.1 The Council submitted that the facts proved amount to serious misconduct in a professional respect. This issue is a matter for the Committee's judgment; there is no standard of proof to be applied at this stage, as confirmed by the advice of the Legal Assessor. The Council made the following submissions as to serious misconduct.

Meaning of "serious misconduct in a professional respect"

2.2 There is no definition of "serious misconduct in a professional respect" in the Farriers (Registration) Act 1975 ("the Act"), but the Committee may refer to the contents of the "Farrier and Apprentice Code of Professional Conduct 2021" ("the Code") as a standard for conduct expected of Registered Farriers (as expressly stated at page 2, para 4 of the Code).

The Council's submissions in relation to the charge

2.3 As part of its duties and responsibilities, the Council has implemented a programme of CPD requirements to seek to ensure that farriers keep their professional knowledge and skills up to date. Similarly, it has implemented a system whereby a Registered Farrier must submit Annual Returns including confirmation relating to personal data, professional indemnity insurance and any convictions or cautions. These requirements form part of the Council's important public interest duties to protect and promote equine welfare and to maintain public confidence in the profession.

2.4 It is therefore of great importance that a Registered Farrier responds to the Council with regards to requests for information regarding CPD. This enables the Council to fulfil its regulatory obligations and to maintain confidence in its regulatory processes.

2.5 As a result of the Respondent's repeated and prolonged failure to respond to its requests, the Council was unable to comply with its public interest duties to ensure that its registrants' abilities are sufficiently up to date. This forms part of the Council's public interest functions and its wider duty to promote equine welfare and uphold public confidence in the profession and in the proper regulation of the profession. The Council's position regarding public confidence in its regulatory processes was therefore potentially undermined as a result of the Respondent's conduct.

2.6 As noted above, the obligation to respond to reasonable requests from the regulator is set out in the Code of Conduct, along with a warning that a failure to do so could be considered serious professional misconduct

Submission of the Respondent

2.7 The Respondent accepted that it was for the Committee to decide whether, in its judgement, the facts found proved amounted to serious misconduct.

Decision of the Committee on Serious Misconduct in a Professional Respect

2.8 The Committee accepted the advice of the Legal Assessor that the Council's submissions in relation to the relevant provisions of the Code as a standard of conduct expected of Registered Farriers were correct. The Committee also accepted the advice of the Legal Assessor that serious misconduct in a professional respect means serious professional misconduct or conduct which falls far below the standards to be expected of a member of the farriery profession.

2.9 The Respondent admitted the charge. It was his responsibility to comply with his obligations under the Code of Conduct for Farriers in relation to CPD.

2.10 In September 2019, his conduct was considered by the IC for failing to respond to correspondence from the Council in relation

to CPD. Thereafter, the IC directed that the Respondent be sent a letter of encouragement together with a copy of the Guide to CPD for Farriers.

2.11 In September 2020, the IC considered further matters in relation to the Respondent's failure to respond to requests from the Council for details of his CPD record. The Respondent was sent a letter of warning in regard to his future conduct.

2.12 In April 2021, the Respondent was required to provide copies of his CPD records, but he failed to respond to the initial letter, or to subsequent reminders. This has led to the charge against him, which he has admitted.

2.13 The Committee is obliged to uphold the relevant standards of conduct which are required by the Code of Conduct. On account of the Respondent's previous history in relation to responding to requests from the regulator, the Committee considers that the Respondent's conduct fell far below the standard to be expected of a member of the farriery profession and amounts to serious misconduct in a professional respect.

3. DECISION OF THE DISCIPLINARY COMMITTEE AS TO SANCTION

3.1 The Committee accepted the advice of the Legal Assessor, and the submission of the Council, that it should first identify the relevant aggravating and mitigating factors relating to the Respondent's conduct, as set out in the Disciplinary Committee Guide.

3.2 In the view of the Committee, the only relevant aggravating factors are:

- misconduct repeated over a period of time
- conduct contravening advice from the Investigating Committee.

3.3 The Committee considers that the relevant mitigating factors are:

- no actual harm or risk of harm to an animal or human
- no financial gain
- 6 years in practice, with no adverse findings until the incidents in this case
- open and frank admissions
- ill health within the family
- efforts to avoid a repetition of the misconduct
- demonstration of insight into the offence
- an apology
- three very supportive testimonials as to the Respondent's skills as a farrier.

3.4 The Committee then considered the outcomes and sanctions available to it.

3.5 The Committee considered carefully whether to take no further action but decided that this would not be appropriate because of

the history of failings in relation to responding to requests from the regulator and failing to act upon warnings from the IC.

3.6 The Committee decided that it would not be appropriate to postpone judgement, because the Respondent had demonstrated that he had taken steps to re-organise his life in order to avoid repetition of the offence.

3.7 The Committee next considered available sanctions in order of severity. The Committee bore in mind that the primary purpose of a sanction is not to punish but to protect the public interest and the reputation of the profession. The Committee was aware that any sanction must be proportionate.

3.8 The Committee then considered whether a reprimand and/or a warning would be sufficient to protect the public interest and the reputation of the profession.

3.9 The Committee considered that there were extensive and unusual mitigating factors in this case, which were set out in detail in the evidence given to the Committee under affirmation (see paragraphs 17-21 of the Committee's findings on the facts). The Committee accepted that evidence. There are very supportive testimonials from a farrier and clients, which attest to the Respondent's considerable skills as a farrier. The Respondent had satisfied the Committee that he had taken steps to re-organise his life, so that he had proper help and support to enable him to comply with his professional obligations to the Council. He apologised and assured the Committee that he will not offend again.

3.10 In the exceptional circumstances of this case, the Committee considered that it would be proportionate, and sufficient to protect the public interest, and the reputation of the profession, to give the Respondent a warning as to future conduct in specific terms, as follows:

"You must organise your affairs to ensure that the reporting of CPD to, and communication with, the Farriers Registration Council are key priorities for you."

3.11 Because the Respondent had received a previous warning as to future conduct, this warning should be regarded as a final warning.

3.12 That concluded this case.

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

1. DECISION OF THE DISCIPLINARY COMMITTEE ON THE FACTS

1.1 The Respondent, Ashley James Norris DipWCF, appeared before the Disciplinary Committee to answer the following charges, as

amended:

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

1. On 26 August 2021, during an appointment to trim horses belonging to Mrs MK, you:
 - a) Struck (more particularly by way of jabbing and/or poking or similar) a pony named S with a rasp;
 - b) Kicked a pony named G; and
 - c) Used words to the effect of "sort your f*** horses out then" and/or repeatedly used the word "f***" and/or "f***" when speaking to Mrs MK.
2. Between 25 September 2019 and 9 February 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."

The above charges were brought under section 15(1)(a) of the Act.

1.2 At the outset of the hearing, Counsel for the Council applied for permission to amend the charges as underlined above. The Committee allowed the application, on the basis that it noted that the Respondent did not object, and it determined that no prejudice was caused to the Respondent by the amendments.

1.3 The Respondent admitted charges 1(c) and 2 but denied charges 1(a) and (b).

The Council's case

1.4 The Respondent was charged with striking, by way of jabbing and/or poking, a horse named S and kicking another horse named G, together with swearing at the owner of the two horses. He was also charged with failing to provide Annual Returns to the Council, between 25 September 2019 and 9 February 2022.

1.5 The incident relating to the horses took place on 26 August 2021, at a farm in Lincolnshire where their owner, Mrs MK (MK), kept them along with a third horse named H. S (aged about ten) is 14.1 hands (around 1.43m/ 4.7 feet). G (approximately fourteen years' old) is a mini-Shetland pony and is only 9 hands high (around 3 feet/0.91m). MK described both ponies as very well behaved.

1.6 At the time of the incident, the Respondent had worked as MK's farrier for about eighteen months. He used to visit once every six weeks to trim S, G and H. He was booked to come on Thursday 26 August 2021 and MK made sure all three ponies were ready in their stables.

1.7 When the Respondent arrived, he started work on S first. MK noticed that the Respondent appeared to be in a bad mood. She explained that S had sore feet, with laminitis in his back hooves, meaning that he was sometimes uneasy when his hooves were

picked up. The Respondent trimmed S's front feet and one of his hind feet. As he then turned to work on the final hoof, S moved to swap his weight from the foot that had already been trimmed. The Respondent then jabbed S in the stomach with a metal rasp.

1.8 The Respondent finished trimming S, and MK took the pony back to his stable.

1.9 MK then brought out G and tied him up for the Respondent. G had undergone surgery to remove a melanoma about a month before and was still recovering. MK went to make a cup of tea for the Respondent as he started work on G. She could see him through the kitchen window as she did so. As she went back out, she saw that the Respondent was picking up one of G's feet.

1.10 She then saw that G turn his head, and the Respondent stood up and said, "It's f*** bit me!" or words to that effect. MK questioned this, as her experience was that G did not tend to bite. The Respondent then took one step back, and kicked G in the stomach with his boot, which had a steel toe-cap. MK describes it as a kick "with force" and states that the Respondent really "stuck the boot in". G reacted to the kick.

1.11 MK asked the Respondent what he was doing, and he replied, "Well sort your f*** horses out then". When she replied, "What are you talking about? They're fine", he replied, "No they're f*** not". He then continued to "chunter" and use the word "f***".

1.12 MK told the Respondent to leave. She offered him money to pay for his work with S and gave him some notes, but he said, "I don't want your f*** money" and threw it on the floor. There was some to-ing and fro-ing but eventually the Respondent left with the money.

1.13 Fortunately, G did not appear to be injured, although he lay in his stable for the rest of the day, which was unusual for him. MK was so upset by the Respondent's conduct that she telephoned the Council. She made a note of what had happened and on 6 September 2021 she submitted a complaint form.

1.14 The Council asked the Respondent for comments on MK's complaint. On 5 October 2021, the Respondent replied. He denied that he had hit S or kicked G. He stated that G had bitten him and that he had sworn as a result. He sent photographs of bruising to his left side which he stated had resulted from the bite. He said his conduct went no further than "a few expletives". The Council asserts that this is incorrect. He stood up and stepped back before kicking G. Whether or not he had been bitten, such conduct was unacceptable.

1.15 The incident relating to G and S is reflected in charge 1.

1.16 The Council made checks against their records and noted that the Respondent had not completed Annual Returns for the last two years. Since January 2016, it has been a requirement for Registered Farriers to complete an Annual Return and submit it to the Council. The information to be provided by farriers in the Annual Returns

includes any unspent police cautions or criminal convictions imposed since their last disclosure. They are also asked to check that the contact information held by the Council is correct, and to confirm that they hold Professional Indemnity Insurance.

1.17 The Respondent's last disclosure to the Council had been on 24 September 2019; this was a return for 2020. The Respondent was sent letters on 3 September 2020 (in relation to his Annual Return for 2021) and 18 August 2021 (in relation to his Annual Return for 2022). He was asked to complete the returns by 30 September 2020 and 31 August 2021 respectively. He did not respond to either letter and did not provide a Return, until the Council eventually received one from him on 7 March 2022. The Respondent's failure to provide an Annual Return between 25 September 2019 and February 2022 forms the basis of charge 2.

1.18 The Council invited the Committee to consider the evidence of MK in relation to the incident with S and G to find charge 1 proved. It also invited the Committee to consider the evidence of the Council's Registrar in relation to charge 2 and to be proved.

The evidence of MK

1.19 MK gave oral evidence to the Committee by video link, because she was unable to attend in person owing to a health condition. The Committee noted that MK made her initial complaint to the Council on 6 September 2021, which was accompanied by a brief statement of what she said had occurred. She subsequently made a witness statement dated 6 June 2022, which expanded upon what she had said in her initial statement. MK verified her witness statement with exhibits, including photographs of the ponies concerned. She was briefly cross-examined by the Respondent, who stated that he had never struck S with a rasp as alleged in charge 1(a), and had never kicked G, as alleged in charge 1(b).

The evidence of the Respondent

1.20 The Respondent agreed to give evidence under affirmation. The Committee noted that the Respondent had responded to the original complaint in a letter dated 5 October 2021. This was an unsigned letter in the Respondent's name. In that letter, he denied that he had struck S with the rasp and stated that he knew the pony fairly well having been trimming it for the past two years, and he did nothing out of character for him. As to G, the Respondent said that he had to trim him whilst on his knees, being a small Shetland pony. He said that as he was trimming his near fore, whilst on his knees, G bit him on the left side of his body. Due to the pain and shock, he admitted using bad language and calling the pony a name. He said that it would have been impossible for him to kick the pony, as he was still on his knees having dropped his foot from being bitten. He sent pictures of a bruise to the Council, which he claimed

was the result of a bite from G. He said that he did not accept the allegations that MK had made went further than a few expletives. The Respondent admitted that he swore at MK, she threw a cup of tea towards him and asked him to leave.

1.21 Shortly before the hearing, the Respondent sent a further letter to the Council, in his name, but unsigned, in which he confirmed that he intended to continue to deny strenuously that he struck S with a rasp, or indeed any other implement or at all, and that he kicked the pony, G. He submitted five testimonials from various clients and a farrier who knew him and his work, all of which were supportive and commended his skills as a farrier. The Council accepted that the Respondent was of previous good character and agreed that the testimonials could be seen by the Committee at this stage.

1.22 In his oral evidence, the Respondent completely denied that he had ever struck S with a rasp. He also denied that he had kicked the pony, G. However, for the first time, the Respondent admitted that, after he had been bitten by G, he was in pain, and he shoved the pony away and kneed it with considerable force. He admitted using foul language as alleged in charge 1(c).

1.23 The Respondent was cross examined by Counsel for the Council. He continued to deny that he had struck S and said that he was 100% sure that he had not touched the horse in that way and continued to deny that he had ever kicked G. The Respondent accepted that his admission that he had shoved, and kneed G was not mentioned in either of the two letters that had been sent to the Council. He said that both letters had been written on his behalf by two different people, and that he had not read them to make sure that what they had said was correct. He said that the first letter had been written by a friend who was a solicitor, who he did not wish to name. The second letter was written by his wife. The Respondent said that he did not think that the case would “go this far”, because there was no CCTV evidence, and no corroborating witness. The Respondent maintained that his admissions relating to G were the truth of what had occurred. Counsel for the Council suggested that the Respondent was hoping that he might get away with it by saying nothing about his shoving or kneeling G in the two letters, and that he was not telling the truth to the Committee and had indeed kicked G as alleged in the charge. He denied this.

The Decision of the Committee as to the facts in dispute

1.24 The Committee considered all the evidence, both oral and written, and had regard to the opening and closing submissions of Counsel for the Council. The Committee noted that there was no available CCTV evidence in this case, and there were no other witnesses to the events which occurred on the 26 August 2021. The Committee accepted the submission of Counsel for the Council

that the absence of such evidence did not prevent the Committee from finding the disputed facts proved, if it was satisfied that the Council had proved its case to the requisite standard.

1.25 The Committee considered that MK was a witness who was trying to assist to the best of her recollection and who had been consistent in her account of the events which occurred on the 26 August 2021.

1.26 The Committee also considered the Respondent’s evidence and noted that he too had been consistent in his denials of the alleged events, which took place on the day in question. In assessing the Respondent’s evidence, the Committee noted that the Respondent had stated, during his oral evidence, that he had not been forthcoming with his actions in kneeling and shoving G.

1.27 Having regard to the lack of independent evidence to support either account of what occurred on 26 August 2021, the Committee could not be satisfied, so that it was sure, that it preferred either account provided. Therefore, the Committee was unable to find that the Respondent struck the pony named S, using a jab or a poke or similar, or that he kicked the pony named G.

1.28 In conclusion, the Committee was not persuaded that the Council had proved charges 1(a) and (b) beyond reasonable doubt, namely so that it was sure.

1.29 Accordingly, charges 1(a) and (b) were not proved. Charges 1(c) and 2 were proved by the admissions of the Respondent, which were properly made.

1.30 The Committee directed that the evidence of BG in respect of charge 2, with exhibits, be read into the record.

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

The Committee next considered whether the facts found proved in relation to charges 1(c) and 2 amounted to serious misconduct in a professional respect.

The submissions of the Council

Meaning of “serious misconduct in a professional respect”

2.1 The Council submitted that the conduct which had been admitted, and therefore found proved, amounted to serious misconduct in a professional respect. There was no burden or standard of proof to be applied to this stage of proceedings; it was a matter for the Committee’s judgment.

2.2 There is no definition of serious misconduct in a professional respect in the Farriers (Registration) Act 1975 (“the Act”). The Committee may refer to the contents of the Farrier, Approved Training Farrier & Apprentice Code of Professional Conduct 2021 (“the Code”) as the standard for conduct expected of Registered Farriers (as expressly stated at page 2, para 4 of the Code).

2.3 The Code states (page 20):

“92. The circumstances in which serious misconduct in a professional respect may be considered to have occurred are so varied that it is impossible to catalogue or to even envisage them all...”

Submissions on the proven facts

2.4 The Council reminded the Committee of the evidence of MK, to the effect that the Respondent's tone was *“very angry and abusive”* when he was swearing at her and telling her to *“sort your f*** horses out”*. Such language, used as it was in the context of a professional appointment, is entirely unacceptable and contravened numerous aspects of the Code in relation to requirements to be courteous and professional in communications with clients. The Council submitted that it was of importance that the language was directly aimed at MK and the manner in which he alleged she kept her horses. MK was clearly upset by the Respondent's conduct. The Council invited the Committee to consider that the language fell far below the standard expected of a Registered Farrier, and of itself amounted to serious professional misconduct.

2.5 The Council invited the Committee to consider that the system of Annual Returns has been implemented as part of the Council's duties and responsibilities. The Council's Annual Return system is designed to ensure that the information it holds is accurate, up-to-date, and that registrants are adequately insured so as to provide financial protection for their clients. The system forms part of the Council's public interest function by which it provides the means for members of the public to find a Registered Farrier. Additionally, it fulfils its duty to uphold public confidence in the profession and in the proper regulation of the profession. The Respondent's failure to provide Annual Returns had the potential to undermine the Council's position with regards to compliance with its public interest duties, and to undermine public confidence in the Council's regulatory processes.

Summary

2.6 The Council submitted that the Respondent's conduct, both individually and cumulatively, fell far short of the expected standards and amounted to serious misconduct in a professional respect.

The submissions of the Respondent

2.7 The Respondent, who was unrepresented, admitted that the facts found proved in charges 1(c) and 2 amounted to serious misconduct in a professional respect. As to charge 1(c), he accepted that he should never have used foul language towards MK and that he was in breach of the Code in doing so. As to charge 2, he accepted that it was wrong not to have completed his Annual

Returns as charged and that it was important for the regulator and in the public interest that the returns be completed.

The Decision of the Committee on Misconduct

2.8 The Committee accepted the advice of the Legal Assessor that it was a matter for the judgement of the Committee as to whether the facts found proved amounted to serious misconduct in a professional respect. The Committee had to be satisfied that the admissions of the Respondent in relation to misconduct were properly made. The Committee accepted the advice of the Legal Assessor that serious professional misconduct means conduct that fell far short of the standards expected of a Registered Farrier or amounted to professional misconduct that was serious.

2.9 The Committee accepted the submissions of the Council as to the relevant provisions of the Code. As to charge 1(c), the Committee was in no doubt that the foul language used by the Respondent towards or in the presence of his client, MK, was wholly unacceptable. This was in clear breach of the provisions of section 34 of the Code:

“The farrier should treat the client ...with respect and observe professional courtesies. This would include the use of appropriate and respectful language and behaviour.”

The Committee agreed with the submissions of the Council in relation to the language used by the Respondent. The Respondent did not resile from the Council's submissions. The Committee considered that the language used fell far short of the standard expected of a Registered Farrier, and that, of itself, amounted to serious misconduct in a professional respect.

2.10 As to Charge 2, the Committee recognised that the system of Annual Returns was implemented as a part of the Council's duties and responsibilities. The Council's Annual Return system is designed to ensure that the information it holds is accurate, up-to-date, and that registrants are adequately insured so as to provide financial protection for their clients. The system forms part of the Council's public interest function by which it provides the means for members of the public to find a Registered Farrier. Additionally, it fulfils its duty to uphold public confidence in the profession and in the proper regulation of the profession. Annual Returns are the only line of sight that the Council has with its registrants. The Committee accepted the Council's submissions in relation to the importance of the Annual Return system in the public interest. The Respondent admitted this. The Committee considered that the Respondent's failure to complete his Annual Returns for two years was conduct that fell far short of that to be expected from a Registered Farrier.

2.11 The Committee, in its judgement, considered that the facts found proved in relation to charges 1(c) and charge 2 amount to

serious professional misconduct in a professional respect, both individually and cumulatively.

3. DECISION OF THE DISCIPLINARY COMMITTEE AS TO SANCTION

3.1 The Committee reminded itself of the testimonials submitted on behalf of the Respondent, all of which indicated that he was a good farrier and spoke of his professionalism. The Committee also considered the second letter sent to the Council on behalf of the Respondent, which outlined his personal mitigation, including: he has been a Registered Farrier for 11 years with no previous complaints against him and he is of good character; the incident on 26 August 2021 was an isolated one; he is the main breadwinner for his family and any “suspension of qualification” would result in severe financial hardship.

3.2 The Committee considered that, in relation to charge 1(c), there were no relevant aggravating factors, except for the use of wholly inappropriate language by the Respondent towards a client. So far as mitigating factors were concerned, the Committee accepted that the swearing incident was a single isolated incident. The Committee also noted that the Respondent made frank admissions to the swearing incident at an early stage and had demonstrated insight and remorse as to his conduct.

3.3 So far as charge 2 was concerned an aggravating factor was the period between 2019 and 2022 when the Respondent failed to submit the required Annual Returns to the Council. By way of mitigation the Respondent made open and frank admissions at an early stage, he recognised the importance of completing Annual Returns on a regular basis and had changed the password on his computer to enable him to complete them online, in order to avoid any repetition of his oversights in this regard. During the period when he failed to complete the Annual Returns, the Respondent was coping with very difficult personal circumstances, which overshadowed his life.

3.4 The Committee bore in mind that the primary purpose of this sanction was not to punish but to protect the public interest, the reputation of the profession and the welfare of animals.

3.5 The Committee first considered whether it would be appropriate to take no further action or to postpone its judgement on sanction but determined that neither of these courses of action would be appropriate in the circumstances of this case as neither course would fulfil the Committee’s aforementioned objectives.

3.6 The Committee then considered whether a reprimand or warning would be sufficient to protect animals, the reputation of the profession and the wider public interest. The Committee acknowledged that the Respondent was a man of good character, as evidenced by the testimonials, who had an unblemished

record in farriery over some 11 years. The Committee considered that there were significant mitigating factors in this case, and that there was a low risk that the Respondent would repeat his misconduct. The Committee determined that the Respondent had demonstrated that he had learned his lesson, and developed insight into his misconduct, and had demonstrated remorse for what he had done. The Committee recognised that it is in the interests of the public for a good farrier to be allowed to work for the benefit of his clients.

3.7 The Committee also considered the sanction of suspension, but in all the circumstances viewed this as disproportionate.

3.8 In this case, having regard to all of the aforementioned, the Committee concluded that a reprimand would be sufficient to protect animals, the reputation of the profession and the wider public interest.

3.9 Accordingly, the Committee hereby reprimands the Respondent for his misconduct.

3.10 That concluded this case.

DISCIPLINARY COMMITTEE (DC): MR M BRETT DipWCF
Set out below is a summary of the determination and decision of the DC in respect of Mr Brett; the determination and decision may be read in full on the FRC website at www.farrier-reg.gov.uk

1. DECISION OF THE DISCIPLINARY COMMITTEE ON FACTS AND MISCONDUCT

1.1 The Respondent, Marcus Brett DipWCF, faced the following charges before the Disciplinary Committee, but was not represented:

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

1. Between 18 August 2021 and 9 February 2022, you failed to respond adequately to reasonable requests from the Council for your written response to a complaint received from a member of the public, Ms B;
2. Between 25 September 2017 and 9 February 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 At the outset of the hearing, the Respondent admitted both charges, and admitted that the facts in the charges amounted to serious misconduct in a professional respect. Counsel for the Council was invited to make submissions as to the facts underlying the charges, and as to why the Council submitted that those facts

amounted to serious misconduct in a professional respect.

The Council's case on the admitted facts

1.3 The Respondent was charged with failing to respond to reasonable requests from the Council for comments on a complaint it had received about him, and failing to provide Annual Returns to the Council over a period of some four years and four months.

1.4 On Wednesday 18 August 2021, Mr SE (SE), Professional Conduct Assistant at the Council, wrote to the Respondent to inform him that the Council had received a complaint against him from a named person. SE enclosed relevant correspondence and asked the Respondent to provide a response within fourteen days. He also informed the Respondent that failure to reply to his letter could itself be considered serious misconduct in a professional respect. SE asked the Respondent to let him know if he needed more time to respond. He sent the letter to the Respondent's registered address by first class and Royal Mail "signed for" post. The Royal Mail's website shows that the letter was delivered and signed for on Thursday 19 August 2021.

1.5 By 10 September 2021, SE had received no response, and so he telephoned the Respondent. During the call, the Respondent stated that he had mailed his response to the Council. As it had not been received, the Respondent agreed to send it by email.

1.6 By 13 September 2021, no email had arrived from the Respondent, and so SE telephoned him again. He explained that no email had been received. He made sure that the Respondent had the Council's email address, dictating it to him over the telephone. The Respondent said that he was noting down the email address as they spoke, by entering it into his mobile phone. He said he would send the email later.

1.7 By 17 September 2021, SE had still not received an email and so he sent an email to the Respondent, asking for a response.

1.8 By 8 October 2021, the Council had still not received a response from the Respondent and so SE wrote to him again, explaining again that a failure to respond to the Council might itself be considered serious misconduct in a professional respect. The letter was again sent by first class and "signed for" post.

1.9 By 9 February 2022, when the Investigating Committee ("IC") met to consider Ms B's complaint, there had still been no response from the Respondent. The IC decided not to pursue the substantive complaint made by the named person, but they forwarded a concern that the Respondent had failed to provide a response to the Council.

1.10 The IC also forwarded a concern that the Respondent had not provided an Annual Return to the Council for a number of years. Since 2016, Registered Farriers have been required to complete an Annual Return and submit it to the Council. The information provided in the Return includes any unspent police cautions or

criminal convictions imposed since their last disclosure. Farriers are also asked to check that the contact information held by the Council is correct, to provide any updates or corrections to that information, and to confirm that they hold Professional Indemnity Insurance.

1.11 The Respondent provided information to the Council when he originally registered, namely on 6 January 2017, but nothing since. He had never submitted an Annual Return. The relevant forms were sent to him by post on 25 September 2017, 26 April 2018 (a reminder in relation to the letter of 25 September 2017), 30 August 2018, 15 April 2019 (a reminder in relation to the letter of 30 August 2018), 30 August 2019, 3 September 2020 and 18 August 2021. The Council received no response from the Respondent to any of this correspondence; nor did the Respondent submit any Annual Returns using his online account with the Council ("My FRC").

1.12 On 11 February 2022, the Council wrote to the Respondent to inform him of the IC's decision. On Monday 14 February 2022, the Respondent called the Council, and he was asked to call back the following day. There was no return call and so on Wednesday 16 February 2022, Mrs NF (NF), the Council's Deputy Registrar, telephoned him. The call was not answered.

1.13 Charge 1 is that the Respondent failed to respond adequately to the Council's correspondence relating to the named person's complaint. The relevant period was between 18 August 2021 (when he was first contacted by the Council about this matter) and 9 February 2022 (when the IC met). Although the Respondent stated that he posted a response to the Council, nothing was ever received. The charge was that the Respondent failed "adequately" to respond, and the Council alleged that, even if the Respondent had sent something by post, this was inadequate in light of the clear communications from the Council to the effect that it had not been received. The responsibility lay with the Respondent to ensure that any response was indeed received. He was made well aware, by telephone calls, email and post, that there had been nothing received and that he therefore needed to re-send anything that had already been sent. He had plenty of time to do so and was given the option of sending an email rather than a letter by post.

1.14 Charge 2 related to the Respondent's failure to provide an Annual Return between 25 September 2017 (when the first request for the Annual Return was sent to the Respondent) and 9 February 2022 (when the IC met).

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

Meaning of "serious misconduct in a professional respect"

2.1 There is no definition of "serious misconduct in a professional respect" in the Farriers (Registration) Act 1975 ("the Act"), but the

Committee may refer to the contents of the “Farrier, Approved Training Farrier & Apprentice Code of Professional Conduct” (“the Code”) as a standard for conduct expected of Registered Farriers (as expressly stated at page 2, para 4 of the 2021 edition of the Code).

2.2 The 2021 edition of the Code came into force on 1 January 2021 and was in place at the time of Charge 1. In relation to Charge 2, the 2017 edition of the Code (approved by Council in June 2017) was in place at the beginning of the time period covered. This was then replaced by the 2021 edition, which covered the latter part of the relevant time period.

2.3 Paragraph 92 of the 2021 edition of the Code and paragraph 48 of the 2017 edition provide:

“The circumstances in which serious misconduct in a professional respect may be considered to have occurred are so varied that it is impossible to catalogue or even envisage them all...

Generally speaking, a minor breach of this Code might well not amount to serious professional misconduct. Repeated minor breaches in aggregate could well do so. However, a single, serious breach might also lead to such a finding.”

Decision of the Committee on Facts and Misconduct

2.4 The Committee was aware that the burden of proving the facts rested with the Council, and that the standard of proof was beyond reasonable doubt, or so that the Committee was sure that the facts were established.

2.5 The Committee noted that the Respondent admitted the facts set out in Charge 1. The Committee noted that the Respondent was under an obligation to respond adequately to reasonable requests from the Council in response to a complaint from a member of the public.

2.6 The Committee found that the evidence set out above established beyond reasonable doubt that the Respondent had failed to respond adequately to several requests and reminders for a written response to the complaint of the named person. Accordingly Charge 1 was found proved to the requisite standard, and the Respondent’s admission was properly made.

2.7 The Committee noted that the Respondent also admitted the facts set out in Charge 2. The Committee noted that the Respondent was under an obligation to provide Annual Returns to the Council confirming correct contact details, whether a registrant had any current convictions or cautions, and had professional indemnity insurance for the protection of the public.

2.8 The Committee found that the evidence set out above established that the Respondent had failed to provide Annual Returns over a 4-year period. Accordingly, Charge 2 was found proved to the requisite standard, and the Respondent’s admission

was properly made.

2.9 The Committee, in its judgement, accepted the submissions on behalf of the Council that the Respondent’s conduct, on the basis of the admitted facts found proved, amounted to serious misconduct in a professional respect for the reasons set out above. The Respondent’s admission of serious misconduct was properly made.

3. DECISION OF THE DISCIPLINARY COMMITTEE AS TO SANCTION

3.1 The Committee next considered whether it was appropriate or necessary for a sanction to be applied in this case, having regard to the finding of serious misconduct in a professional respect.

3.2 The Committee identified the aggravating factors in the case, as follows:

- misconduct sustained or repeated over a period of time; and conduct contravening advice issued by the Council, or its committees

3.3 The Committee considered the mitigating factors in this case, as follows:

- no harm or any risk of harm to an animal or human;
- no financial gain;
- the decision was taken without the opportunity for full reflection – the Respondent told the Committee that he resorted to ‘panic mode’ when faced with documentation he did not fully understand;
- youth and inexperience;
- the Respondent was open and frank with the Committee at the hearing;
- the Respondent had difficult circumstances in his personal life at the relevant time; and
- the Respondent demonstrated developing insight into his misconduct, in that he realised his failings, admitted that he struggled to process information, and tended to go into ‘shutdown’, when in a difficult or stressful situation. He told the Committee that he was trying to get some outside help to assist him with these problems, and to ensure that his misconduct would not be repeated.

3.4 In these circumstances, the Committee first considered whether it would be appropriate to postpone judgement on sanction or take no further action. It considered that it would be completely inappropriate in this case having regard to the finding of serious misconduct.

3.5 The Committee bore in mind that the primary purpose of the sanction was not to punish but to protect the public interest, the reputation of the profession and the welfare of animals.

3.6 The Committee next considered whether it would be appropriate to reprimand the Respondent or give him a warning

as to future conduct. The Committee had to consider whether a reprimand or warning would provide adequate protection to animals, the reputation of the profession and the wider public interest, bearing in mind that a reprimand or a warning has no direct effect on the right to practise. The Committee noted that a reprimand or warning may be appropriate where:

- there is no future risk to animals or the public, and;
- there is evidence of insight.

3.7 The Committee considered that the Respondent was very honest when answering questions from the Committee. He explained the problems and difficulties that he had at that time and told the Committee that he now fully understood the importance of responding to correspondence from the Council, and the importance of completing and returning Annual Returns. The Committee considered that the Respondent had demonstrated remorse for his misconduct, developing insight and that there were considerable mitigating circumstances in his case as set out above.

3.8 The Committee considered the sanction of suspension, however, concluded in all the circumstances of the case, this sanction was considered disproportionate.

3.9 Accordingly, the Committee decided that a reprimand and a warning would be a proportionate response, and provide adequate protection to animals, the reputation of the profession and the wider public interest in this case.

3.10 The Committee thereby reprimanded the Respondent for his past misconduct, and gave him a warning as to his future conduct, in the following terms:

"You must complete your Annual Returns to the FRC; and reply promptly to all communications from the FRC".

3.11 That concluded this case.

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

1. DECISION OF THE DISCIPLINARY COMMITTEE ON THE FACTS

1.1 The Respondent, Ross Paul Clarke DipWCF, appeared before the Disciplinary Committee (the "Committee") to answer the following charges:

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

1. On 19 April 2021, during an appointment to shoe a horse named R, you struck R with your hand; and/or
2. Between 19 December 2016 and 22 September 2021, you failed to submit any, or all required Annual Returns to the Council since you registered with the Council on 19

December 2016;

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 The Respondent admitted charge 2 and denied charge 1. The Respondent admitted that the video footage dated 19 April 2021 showed an incident when he was working in a yard, shoeing the front right foot of the horse named R.

The Council's case

1.3 The incident relating to the horse named R on 19 April 2021 arose from a complaint submitted by the owner of R. Two CCTV videos were sent to the Farriers Registration Council ("the Council") as part of the complaint. The complainant has since indicated that she did not wish to provide a witness statement or continue to be involved in the proceedings. The Council therefore relied solely on the CCTV videos in relation to charge 1.

1.4 In relation to charge 2 the Council relied on the evidence of the Registrar of the Council, [redacted], together with a witness statement of [redacted] the Professional Conduct Assistant who had left the employment of the Council. The Respondent had no questions for [redacted].

1.5 The Committee had an opportunity to review the video footage in the hearing. As part of its case the Council played both videos and, for the video clip, the clip was played at normal speed without audio, at normal speed with audio, and in slow motion. For the relevant part of the video the Committee and both parties had the opportunity to review each individual video frame.

1.6 The video showed that the horse appeared to become unsettled while the Respondent was working. The Respondent can be heard on the video at one point asking other individuals to "hold fire on the mirrors." This was a reference to dressage mirrors being moved in the yard when the Respondent was working.

1.7 The video showed that the Respondent then returned to work on the same hoof, but the horse moved away and the Respondent walked away. The Respondent walked back towards the horse, the horse turned its head towards the Respondent. It was the Council's case that the Respondent then struck the horse's face, and the horse reacted badly, pulling against the rope tying him to the wall, and the horse fell to the ground, landing on his back.

The Respondent's evidence

1.8 In advance of the hearing the Respondent provided character references from his customers in which the Respondent was described as a reliable, professional farrier who was patient with horses.

1.9 The Respondent gave evidence to the Committee under affirmation. He referred to the video evidence. He described that

the horse R had been fidgeting, had “thrown a leg,” and had given him a small bite. He said that he did not make any contact with R, but to make the horse aware of his presence and to attempt to release the tension on the rope he intended to strike the horse’s headcollar, but not the horse. He did not remember any contact with the horse. He stated that the behaviour of the horse did not “justify my swinging at him.”

1.10 The Respondent was cross examined by Counsel for the Council. He agreed that the video showed that his wrist was bent backwards and that it looked as if he was going to hit the horse. He said that his hand did not connect with the horse’s face; his fingers were just to the side of the headcollar. He said that he was touching the headcollar of the horse and that it was just the tips of his fingers on the horse’s headcollar. He agreed that his action was very quick. He said that his actions were “unnecessary and unprofessional.” He disagreed that he had vented his frustration on the horse but accepted that he had struck the horse headcollar with his hand.

1.11 The Respondent was asked about differences between his description of the event to the Committee and the letter he had written to the Council in August 2021 stating that he had “calmly stepped to the front and attempted to grab the headcollar side buckle so I could gain control”. In his letter dated August 2021 the Respondent had stated that he had reviewed the video evidence.

1.12 The Respondent told the Committee that the contact he had made with the horse’s buckle was the cheek piece.

The decision of the Committee as to the facts

1.13 The Committee accepted the advice of the Legal Assessor that the burden of proving the facts in dispute rested with the Council, and that the standard of proof was that the Committee was sure in respect of the relevant facts.

1.14 The Legal Assessor also advised the Committee that the Respondent was of good character. Good character may be relevant to the Committee’s assessment of the Respondent’s credibility and to the tendency that the Respondent would behave as alleged.

1.15 The Committee found charge 2 proved by the Respondent’s admission and the documentary evidence.

1.16 In respect of charge 1 the Committee noted the evidence of the Respondent’s good character as part of its deliberations, but at the facts stage it gave that evidence limited weight when viewed against the video evidence and the evidence of the Respondent himself.

1.17 The Committee noted from the video evidence that R, prior to the incident, had been fractious.

1.18 The Committee considered that it was not realistic to draw a distinction, as the Respondent sought to do, between striking the horse’s headcollar and striking R, particularly taking into account

the speed of the Respondent’s action, and that the location of the buckle was the cheek piece.

1.19 The Committee carefully considered the Respondent’s evidence, but it gave little weight to his denial that he struck R. The Committee considered that the Respondent’s account to the Committee differed significantly from his account in August 2021 and that his evidence as to whether and when he viewed the video evidence was confused and contradictory. The Committee therefore did not find the Respondent’s evidence in relation to the facts of the incident was consistent or reliable.

1.20 The Committee found charge 1 proved by the video evidence together with the Respondent’s admission that he had made contact with the horse’s headcollar. The Committee was satisfied so that it was sure that the Respondent had struck R with his hand on 19 April 2021.

1.21 The Committee therefore found both charges proved, and it moved to the next stage.

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

2.1 The Committee next considered whether the facts found proved in relation to charges 1 and 2 amounted to serious misconduct in a professional respect.

The submissions of the Council

2.2 The Council submitted that the conduct found proved amounts to serious misconduct in a professional respect. There was no burden of proof to be applied to this stage of proceedings; it was a matter for the Committee’s judgment.

2.3 There was no definition of serious misconduct in a professional respect in the Farriers (Registration) Act 1975 (“the Act”). The Council referred the Committee to the Farrier, Approved Training Farrier & Apprentice Code of Professional Conduct 2021 (“the Code”) as the standard for conduct expected of Registered Farriers and highlighted the guiding principles at the beginning of the Code including the following:

“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 farrier profession.”*

2.4 The Code also sets out the declaration made by farriers on graduating, which is stated to apply to all farriers. This includes a solemn declaration that *“...my constant endeavour will be to ensure the welfare of horses committed to my care.”*

"Your Responsibilities to the FRC

21. All Registered Farriers are required to:

...

a. *Inform the FRC of changes to their registered details within a specified period of one month*

b. *inform the FRC of any caution or conviction received, by annual declaration (with effect from 1 January 2016)*

...

35. Insurance

Farriers are required to have professional (business) indemnity insurance which must cover their professional activities. Farriers will be asked to confirm they have professional (business) indemnity insurance by annual self-certification. The FRC may conduct a random check of farriers professional (business) indemnity insurance from time to time, and by asking for confirmation of insurance details when a Farrier is referred to the Investigating Committee of the Council."

2.5 In relation to charge 1 the Council submitted that Registered Farriers can be in no doubt that the welfare of horses must be their prime consideration, and that any unnecessary violence towards a horse is unacceptable. The Council submitted that the conduct in this case, involving an unnecessary strike to a horse, runs completely contrary to the fundamental principles of farriery, namely promoting equine welfare. The Council invited the Committee to note that the horse in question was already unsettled, and the Respondent's conduct aggravated the horse's state of disquiet, leading to a potentially serious fall.

2.6 The Council submitted that members of the public would be shocked by this conduct. The Council invited the Committee to find that the Respondent's behaviour was fundamentally incompatible with the principles that lie at the very heart of the profession of farriery, namely promoting and protecting equine welfare. It submitted that the conduct had the potential to bring the profession into disrepute and to undermine public confidence in the profession. The Council submitted that this conduct fell far below the standards expected of a Registered Farrier, and clearly constituted serious misconduct in a professional respect.

2.7 In relation to charge 2 the Council invited the Committee to consider that the system of Annual Returns has been implemented as part of the Council's duties and responsibilities. The system is designed to ensure that the information it holds is accurate and up-to-date, and that registrants are adequately insured so as to provide financial protection for their clients. The system forms part of the Council's public interest functions, including its duty to uphold public confidence in the profession and in the proper regulation of the profession.

2.8 The Respondent's failure to provide Annual Returns had the

potential to undermine the Council's position with regards to compliance with its public interest duties, and to undermine public confidence in the Council's regulatory processes. The failure was repeated and extended over a period of some four years.

2.9 The Council submitted that the Respondent's conduct, both individually and cumulatively, fell far short of the expected standards and amounts to serious misconduct in a professional respect.

The Respondent's submissions

2.10 In his brief submissions the Respondent was remorseful and contrite, stating that he had let himself, the Committee, and the Council down. He said that he had learned a lesson from this experience and that from now he would "*sort himself out.*"

The Decision of the Committee on Serious Misconduct in a Professional Respect

2.11 The Committee accepted the advice of the Legal Assessor that it was a matter for the judgment of the Committee as to whether the facts found proved amounted to serious misconduct in a professional respect. The Committee also accepted the advice of the Legal Assessor that serious professional misconduct means conduct that falls short of the standards expected of a Registered Farrier.

2.12 The Committee accepted the submissions of the Council as to the relevant provisions of the Code. As to charge 1 the Committee considered that the Respondent's action of striking R fell far below the requirement in the Code to treat horses humanely, with respect, and with welfare as the primary consideration. Although the Committee was unable to reach a conclusion from the video evidence on the degree of force in the Respondent's action, it was an entirely unnecessary action, as the Respondent himself accepted in his evidence to the Committee. It involved the risk of harm to R. The Committee took into account the context that the Respondent was working in circumstances which were less than ideal and also R's fractious behaviour, but it was part of his responsibility to identify and manage risks and ensure that his working environment was safe.

2.13 The Respondent's behaviour in charge 1 was at the core of the farrier's professional responsibility to protect equine welfare as described in the Code. The Committee was of the view that informed members of the public would be very concerned about the Respondent's behaviour in striking R and that such behaviour had the potential to damage public confidence in the profession.

2.14 In considering charge 2 the Committee noted the Respondent's explanation for failure to complete the returns. He said that he had nothing new to declare and that therefore he did

not complete the returns. The Committee noted that the Council's correspondence and reminders were clear that a response was required, and that the Respondent was required to positively confirm that he was covered by professional indemnity insurance. The Respondent failed over a prolonged period of time to address the requirements as set out in the correspondence and reminder letters.

2.15 The Committee agreed with the Council's submissions that the system requiring Registered Farriers to submit Annual Returns is part of the Council's public interest functions, including its duty to uphold public confidence in the profession and in the proper regulation of the profession. The Council's Annual Return System is designed to ensure that the information it holds is accurate, up-to-date, and that registrants are adequately insured so as to provide financial protection for their clients. The system forms part of the Council's public interest function by which it provides the means for members of the public to find a Registered Farrier. Annual Returns are the only line of sight that the Council has with its registrants. The Committee decided that the Respondent's failure to complete his Annual Returns for two years was conduct that fell far short of that to be expected from a Registered Farrier.

2.16 The Committee, in its judgement, considered that the facts found proved in relation to charge 1 and charge 2 amounted to serious misconduct in a professional respect, both individually and cumulatively.

3. DECISION OF THE DISCIPLINARY COMMITTEE AS TO SANCTION

3.1 Having decided that charges 1 and 2 amounted to serious professional misconduct the Committee went on to consider what sanction, if any, to impose.

3.2 The Committee reminded itself of the testimonials submitted on behalf of the Respondent, all of which indicated that he was a good farrier and spoke of his professionalism.

3.3 In its questions to the Respondent, the Committee explored the level of his insight. The Committee considered that the Respondent has an understanding of the seriousness of his misconduct and its relevance for his profession. The Respondent spoke about steps he would take in the future if faced with a similar situation, including his recognition of the potential dangers in the working environment if a horse is fractious. He said that he would in a similar situation take the horse to the stable to enable the horse to become calm before resuming his work. He also confirmed that in future he would ensure that he completes the Annual Returns and that he understands that this is part of his professional responsibility as a farrier.

3.4 The Committee recognised that the Respondent did not have

the benefit of representation, and that insight may be expressed in different ways. The Committee's assessment was that the Respondent had demonstrated some insight and that the risk of repetition of similar misconduct was low.

3.5 The Committee considered the personal mitigation presented by the Respondent and explored by the Committee in questions. The Respondent trained as a farrier on leaving full time education. He explained his commitment to his profession and its importance in his life. The Respondent also provided the Committee with details about his personal circumstances and the financial impact of any sanction that would prevent him from working as farrier.

3.6 The Committee considered that in relation to charge 1 the relevant aggravating circumstances were the risk of injury to the horse R, and the Respondent's reckless behaviour. The mitigating features were the circumstances of the incident (e.g., use of mirrors, working environment), a single isolated incident, and the Respondent's youth and level of experience. The Committee also noted that the Respondent had demonstrated some insight and that he described steps that he would take to ensure that there was no repetition in the future.

3.7 So far as charge 2 is concerned an aggravating factor was the Respondent's disregard for the role of the Council in his repeated failures to submit the required Annual Returns. By way of mitigation the Respondent admitted the charge, recognised the importance of completing Annual Returns and gave his reassurance to the Committee that there would be no repetition of this failure.

3.8 The Committee first considered whether it would be appropriate to take no further action or to postpone its judgment on sanction but decided that neither of these courses of action would be appropriate in the circumstances of this case as neither course would be sufficient to protect the welfare of animals or maintain public confidence in the profession.

3.9 The Committee then considered the option of imposing a reprimand and/or a warning. The Committee acknowledged that the Respondent was a man of good character, as evidenced by the testimonials and that he has an unblemished record in farriery of six years. The Committee considered that there were significant mitigating factors in this case. The Committee considered that these proceedings and particularly the stress of appearing before a Disciplinary Committee and representing himself has been a salutary lesson for the Respondent. The assessment of the Committee was that there was a low risk that the Respondent would repeat his misconduct. The Committee recognised that it is in the interests of the public for a good farrier to be allowed to work for the benefit of his clients.

3.10 The Committee considered the sanction of suspension. The Committee considered carefully whether the public interest

required the Committee to impose the sanction of a suspension to mark the Respondent's serious departure from the Code. The Committee also took into account the requirement of proportionality and the impact that a suspension order would have on the Respondent and family life. The Committee was of the view that the Respondent's action in striking R, while it was serious and not in any way to be condoned, was not at the high end in the scale of seriousness of violence towards horses. The Committee decided that in the circumstances of this case, the public hearing, together with the finding of serious professional misconduct and the imposition of the sanction of a reprimand and a warning, would be sufficient to maintain public confidence in the profession and to uphold the Code.

3.11 The Committee concluded that a reprimand combined with a warning would be sufficient to protect animals, the reputation of the profession, and the wider public interest.

3.12 Accordingly, the Committee reprimanded the Respondent for his misconduct. The Committee also warned the Respondent as to his future behaviour in the following terms:

"You must ensure that all horses under your care are treated humanely and with respect. You must complete your Annual Returns to the FRC and respond promptly to all communications from the FRC as required."

3.13 That concluded this case.

Disciplinary Committee

16 November 2022

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

1. DECISION OF THE DISCIPLINARY COMMITTEE ON THE FACTS

1.1 The Respondent, Robert Graham Harland DipWCF, appeared before the Disciplinary Committee (the "Committee") to answer the following charges:

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

1. On 24 November 2021, at the Leeds Magistrates' Court, you were convicted, following a guilty plea, of the following offence:
2. On 14 December 2020 at Carr gate, Wakefield you caused unnecessary suffering to a protected animal, namely Police Horse George, by attacking Police Horse George with a hammer and you knew or ought reasonably to have known that the act would have that effect or be likely to do so contrary to sections 4(1) and 32(1) of the Animal Welfare Act 2006;

3. And that in relation to the above, you were fined £3,000 and ordered to pay a surcharge of £190 to fund victim services and costs of £85 to the Crown Prosecution Services.

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 The Respondent admitted the facts of the charge.

The Council's case in relation to the facts underlying the conviction

1.3 The Council referred the Committee to a number of statements and exhibits gathered by the police, which set out the facts underlying the conviction.

1.4 On 14 December 2020, the Respondent attended the yard to shoe a number of police horses, including Police Horse George ("PH George"). Police Sergeant [redacted] explains that the Respondent had shod horses at the yard, including PH George, for many years by the time of this visit. PS [redacted] also explains that the Respondent was aware that George suffered stiffness to one of his hind legs, which made lifting the leg difficult, and that George would therefore be given a small amount of the analgesic and anti-inflammatory Phenylbutazone (Bute) the night before and the morning of a farriery appointment. PS [redacted] confirms that PH George was given Bute, both on the night of 13 December 2021 and in the morning of 14 December 2021, before he was shod. PS [redacted] also explains that the Respondent had previously stated that he did not like shoeing PH George.

1.5 The incident was witnessed by two police officers and was also caught on CCTV. The CCTV footage was destroyed after the Respondent's conviction. PS [redacted] watched the footage and made a witness statement describing what it showed.

1.6 PS [redacted] explained that the footage showed the Respondent shoeing PH George. He described how at one point PH George had his foot resting on a stand but took it away and placed it on the floor. He stated that the foot did not appear to make contact with the Respondent at any point. He stated that the Respondent then stood up straight and hit PH George, with full force, with the hammer he had been using, striking PH George's right hind quarter. He described that the Respondent then struck a further three blows in quick succession to PH George's right flank, again with full force and with the same hammer. He noted that at this point PH George was visibly distressed and was straining at his lead rope, trying to get away from the Respondent.

1.7 PS [redacted] went on to describe how the Respondent then approached PH George's head and waved the hammer at him in an aggressive manner before "smashing" it down on PH George's right shoulder with as much force as possible. PH George strained

with such force that his lead rope snapped. At that point, the Respondent threw the hammer at PH George, striking him to the shoulder.

1.8 Inspector [redacted], who at the material time was working in his office overlooking the yard, witnessed part of the incident. Inspector [redacted] heard a man shouting in the yard and so looked out of his window. He saw the Respondent strike PH George hard with a hammer to his side. He saw George try to move away, and witnessed the Respondent throw a hammer at him.

1.9 PC [redacted] also witnessed part of the incident from his desk overlooking the yard. PC [redacted] heard a commotion and when he looked out into the yard, he saw the Respondent strike George twice to his leg with "full force." He described George as being distressed as a result and trying to get away. He saw PH George pull away his rope, and saw the Respondent throw the hammer at PH George, seeing it strike him to the left front shoulder.

1.10 Inspector [redacted], PC [redacted] and others immediately went down into the yard. Inspector [redacted] asked what was going on and the Respondent told him that PH George had kicked him.

1.11 Later, PS [redacted] looked at PH George and saw that he had sustained swelling and small cut on his left shoulder. The following day, he took photographs of the injury. PS [redacted] stated in his witness statement with regards to the incident he viewed on the CCTV footage:

"My reaction to the footage was one of total disbelief, shock, and disgust. The sustained and repeated nature of the attack was further aggravated by the use of a hammer to strike the blows. There can be no rational justification or explanation for the actions of [the Respondent], whether he had been injured by PH George or not. His actions were so far removed from those I would expect of a professional farrier, and they cannot be condoned under any circumstances."

1.12 On 7 February 2021, the Respondent attended at [redacted] Police station for a voluntary interview in relation to this incident. A transcript of the interview was later prepared and was available for the Committee. During the interview, the Respondent explained that he had shod horses at the yard every fortnight for between 15 and 17 years. He admitted hitting George with his hammer "numerous times". He stated he had done so in response to being kicked in the knee by the horse. He said he hit George to the rib area and possibly the shoulder. He agreed he should not have reacted in this way.

1.13 The Respondent was shown the CCTV footage during the interview. He admitted he had probably caused George unnecessary suffering by his conduct and that George had been frightened by him. Towards the end of the interview, he stated: *"I wished I had just shouted at it though, even hit it with the palm of my*

hand would probably have been more of a standoff, the cup of your hand or something like that... just to make a noise but I have done what I have done."

1.14 The matter was reported to the Council and in December 2021 the Respondent wrote to the Council with his comments on the conviction. He stated:

"On this occasion whilst nailing on the horse pulled its foot from the stand and kicked sideways into my knee causing me considerable pain. As a result, I reacted instantaneously in shock and hit the horse on the shoulder a few times with the 8oz nailing on hammer which was in my hand at the time. The horse pulled away from the tie ring and as it turned away, I threw the hammer in its direction as it walked to another horse tied up close to it."

1.15 On 10 January 2022, the Respondent submitted a letter from his solicitors, which set out the mitigation that had been given to the Magistrates' Court.

1.16 The Council invited the Committee to find the facts underlying this charge proved on the basis of the certificate of conviction, the supporting documents and the admissions by the Respondent.

The Respondent's evidence

1.17 In advance of the hearing the Respondent provided a photograph of a hammer, and character references, obtained for the purpose of the criminal proceedings, in which the Respondent was described as a reliable, professional farrier who was patient with horses.

1.18 The Respondent gave evidence to the Committee under affirmation. He stated that there were extenuating circumstances on the day in question. He described PH George as a dangerous horse and that there had been five previous incidents when he had been floored by the horse. He described that PH George normally kicked backwards and, that to prevent this eventuality, he ensured that he had placed the horse's foot on a cradle. On this occasion the horse kicked out to the side and struck him on the knee, a knee he had previously broken. The Respondent reacted in the moment and accepted that he had struck the horse with an 8 oz hammer which he said he was holding half-way down the shaft. He did not believe that the mark on the horse was caused by his action, but that the horse had just been clipped and the mark was a clipping mark. The Respondent said that he did not hit PH George with massive force and that the horse was more frightened by his shouting than by the hammer blows. Immediately after the incident when the police officers arrived, the Respondent informed them that he had been kicked by the horse.

1.19 In answer to questions in cross-examination, the Respondent agreed that he had built up good relationships with people working in the yard, and that he had worked with PH George for two and a

half years. He knew of PH George's difficulties and that the horse was given Bute prior to shoeing. He said that PH George had not shown any sign of concern before the horse kicked him. He thought that when PH George kicked him, he reacted to the pain in his leg, but that there was no justification for hitting the horse with a hammer. He accepted that he had gone too far in striking PH George five times. He agreed that he had caused unnecessary suffering to PH George. In relation to harm to PH George he said that there may have been bruising.

The decision of the Committee as to the facts

1.20 The Committee accepted the advice of the Legal Assessor that the burden of proving the facts in dispute rested with the Council, and that the standard of proof was that the Committee was sure in respect of the relevant facts.

1.21 The Committee considered all the evidence, including the memorandum of conviction, and had regard to the opening submissions of Counsel for the Council.

1.22 The Committee found the charge proved by the Respondent's admission, the Respondent's evidence, and the memorandum of conviction from Leeds Magistrates' Court.

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

2.1 The Committee next considered whether the facts found proved in relation to the charge amounted to serious misconduct in a professional respect.

The submissions of the Council

2.2 The Council submitted that the facts underlying this conviction amounted to serious misconduct in a professional respect. This was a matter for the Committee's judgement, rather than there being any standard of proof to be applied.

2.3 There is no definition of serious misconduct in a professional respect in the Farriers (Registration) Act 1975 ("the Act"), but the Committee may refer to the contents of the "Farrier and Apprentice Code of Professional Conduct 2017" ("the Code") as the standard for conduct expected of Registered Farriers (Code p3). The 2017 version of the Code was in force at the time of the offence itself (December 2020) and is therefore the appropriate edition to apply.

2.4 The guiding principles set out at the beginning of the Code (p2) include the following, namely that Registered Farriers are expected to:

1. *"make horse welfare your first consideration in seeking to provide the most appropriate attention for horses committed to your care, including due regard to a safe working environment*
2. *ensure that all horses under your care are treated humanely*

and with respect...

3. *uphold the good reputation of the farrier profession"*

The purpose of the Act is set out at the commencement of the Code, as a reminder, including the following:

"An Act to prevent and avoid suffering by and cruelty to horses arising from the shoeing of horses by unskilled persons"

The Code also sets out the declaration made by farriers on graduating, which is stated to apply to all farriers. This includes a solemn declaration that *"...my constant endeavour will be to ensure the welfare of horses committed to my care."*

Within the section of the Code dealing with a farrier's responsibilities to horses, there is a provision that, *"Farriers must treat all horses humanely, with respect, and with welfare as the primary consideration."* The same section goes on to state that farriers must not cause any horse to suffer *"by employing excessive restraint or discipline"* (p8).

At the end of the Code there is a reminder as follows:

4. *"One potential criterion for assessing whether serious professional misconduct has occurred is to ask whether the act done or not done falls below the standards which might reasonably be expected of competent and experienced farriers."*

2.5 The Council submitted that Registered Farriers can be in no doubt that the welfare of horses must be their prime consideration, and that causing any unnecessary suffering to a horse is unacceptable. The Council submitted that the conduct in this case, involving a sustained assault on a horse during the course of shoeing, ran completely contrary to the fundamental principles of farriery, namely promoting equine welfare. The nature of the offence of which he was convicted – causing unnecessary suffering – was in direct contradiction of the very purpose of the Act, namely (as noted above) *"to prevent and avoid suffering by and cruelty to horses..."*

2.6 The Council submitted that the matter was aggravated by the fact that the Respondent used a weapon and that he administered numerous, repeated, blows to the horse, before finally throwing the weapon at the horse and striking him with it. It submitted that the conduct was further aggravated by the fact that the Respondent knew the horse well, was aware that he had issues with one of his legs, and that medication had been administered to George in advance to assist the Respondent with the shoeing. Finally, the Council submitted that the matter was aggravated by the fact that the assault was on a serving police horse.

2.7 The Council submitted that the Respondent's conduct was fundamentally incompatible with the principles that lie at the very heart of the profession of farriery, namely promoting and protecting equine welfare. It submitted that a member of the public would be – quite properly – appalled by the conduct. The Council

submitted that there could be no doubt that causing unnecessary suffering to a horse, with the aggravated features noted above (and in particular of the repeated use of a tool as a weapon) had the potential to bring the profession into disrepute and to undermine public confidence in the profession. The Council submitted that the offending fell far below the standards expected of a Registered Farrier, and clearly constituted serious misconduct in a professional respect.

The submissions of the Respondent

2.8 The Respondent accepted that his actions which led to his criminal conviction did amount to serious professional misconduct.

Decision of the Disciplinary Committee on serious misconduct in a professional respect

2.9 The Committee next considered whether the facts found proved in relation to charge amounted to serious misconduct in a professional respect.

2.10 The Committee accepted the submissions of the Council as to the relevant provisions of the Code. As to charge 1 the Committee considered that the action of the Respondent as set out in the criminal conviction fell far below the requirement in the Code to treat horses humanely, with respect, and with welfare as the primary consideration. The Respondent's behaviour was contrary to the principles of equine welfare which lies at the heart of the Act and the farriery profession. While the Committee acknowledged that the Respondent may have reacted to the pain of being kicked by PH George, such circumstances cannot excuse the Respondent's criminal behaviour towards a horse, and the Committee does not in any sense condone such conduct. The Committee considered that the aggravating features were the use of the hammer as a weapon, and the fact that the incident involved numerous repeated blows to the horse and throwing the hammer in the direction of the horse. The Respondent, an experienced farrier, also knew PH George and was aware of the stiffness in his leg.

3. DECISION OF THE DISCIPLINARY COMMITTEE AS TO SANCTION

3.1 The Committee went on to consider what sanction, if any, to impose. It accepted the advice of the Legal Assessor and bore in mind that the purpose of a sanction was not to punish the Respondent but to protect the welfare of animals, the public interest, and the reputation of the profession. It applied the principle of proportionality, bearing in mind the potential impact of any sanction on the Respondent.

3.2 In his submissions on sanction, the Respondent invited the Committee to impose a sanction which would not restrict his ability

to practise as a farrier. He spoke about his 36-year career and its development. He was an ATF and had trained a number of farriers, including five of his sons. His current apprentice was his youngest son who was shortly due to complete his training. The Respondent expressed his remorse to the Committee for his behaviour towards PH George, stating that he could not be more remorseful.

3.3 The Respondent explained the serious impact of the criminal conviction on himself and his family. There was an impact on his reputation, and he had lost clients, including the police contract. He said that if the Committee was to impose a sanction which restricted his practice as a farrier, his greatest concern would be the impact on his current clients. The financial impact would be less significant for him as he was now at the stage in his career when he was reducing the number of his clients.

3.4 In its questions, the Committee explored a number of issues including the Respondent's level of understanding of the seriousness of his conduct, its impact, and the potential risk of a similar reaction in similar circumstances. The Respondent said that his behaviour as described in the conviction sounded horrible, but also said that his behaviour was not as bad as it looked on the CCTV footage. When directly asked by the Committee about the impact of his actions on PH George, he said that he was sure it was horrible for the horse. He described his reaction to PH George's kick as a "split second" thing and he said that most farriers have such experiences.

3.5 The Committee recognised that the Respondent did not have the benefit of representation, and that insight may be expressed in different ways. The Committee's assessment was that the Respondent had demonstrated some insight as to the seriousness of his conduct. He had pleaded guilty to the criminal charge, he had made admissions in the disciplinary proceedings and accepted that his behaviour amounted to serious professional misconduct. The Committee was of the view that the Respondent appeared at times to be minimising his actions, for example by stating that his behaviour was not as bad as it appeared on the CCTV footage and suggesting that there was some level of justification for his actions, because he had been kicked by PH George and that he had reacted instantaneously. The Respondent had some awareness of the consequences of his actions and how they might be perceived by others, but the Committee was of the view that he had not demonstrated full insight into the seriousness of his actions.

3.6 The Committee identified and noted a number of mitigating circumstances. The circumstances, particularly the difficulty of shoeing PH George and that the Respondent described being in pain as a result of being kicked by the horse. The Committee also noted the positive testimonials and took into account the Respondent's admissions and his guilty plea. The incident was a

single isolated incident in a hitherto unblemished career spanning 36 years and the Respondent's actions were a reaction, rather than a decision taken with the opportunity for full reflection. The Respondent gave some examples of strategies he would adopt in the future to avoid repetition: for example, he said that in future he would walk away from a difficult horse or situation.

3.7 The Committee first considered whether it would be appropriate to take no further action or to postpone its judgment on sanction but decided that neither of these courses of action would be appropriate in the circumstances of this case: neither course would be sufficient to maintain public confidence in the profession and protect the welfare of animals.

3.8 The Committee then considered the option of imposing a reprimand and/or a warning. The Committee did not consider that the Respondent's conviction could be described as at the lower end of the spectrum of seriousness. Criminal conduct engages the public interest, and in this case the Respondent's criminal conviction directly related to animal welfare and was directly relevant to the farriery profession. For a farrier, a conviction for causing "*unnecessary suffering to a protected animal, namely Police Horse George, by attacking Police Horse George with a hammer and you knew or ought reasonably to have known that the act would have that effect or be likely to do so*" is so serious that a reprimand and/or a warning would be an insufficient regulatory response.

3.9 The Committee next considered the sanction of suspension, noting the guidance in the Indicative Sanctions Guidance:

"Suspension may be appropriate where the misconduct is sufficiently serious to warrant more than a reprimand but not sufficiently serious to justify removal from the Register.

Suspension may be appropriate where 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."*

3.10 The Committee also noted the Indicative Sanctions Guidance in relation to removal from the register.

"Removal from the Register may be appropriate where the behaviour is fundamentally incompatible with being a Registered Farrier, and may involve any of the following (the list is not exhaustive)

- *Serious departure from professional standards as set out in Farrier, Approved Training Farrier & Apprentice Code of Professional Conduct;*
- *Deliberate harm to an animal, or deliberately risking such harm;*
- *Causing serious harm, or causing a risk of serious harm, to animals or the public, particularly where there is a breach of trust*

3.11 Although the Committee was of the view that the

Respondent's departure from the Code was serious and that he had recklessly caused the risk of harm to an animal, it also took into account the mitigating circumstances, the Respondent's full engagement in these proceedings, and his expression of remorse. In the circumstances, the Committee decided that removal from the register would be a disproportionate sanction.

3.12 Although the Committee had some concerns about the level of the Respondent's insight, it was of the view that he had demonstrated sufficient insight into the seriousness of the misconduct for suspension to be an appropriate sanction. The Committee was also of the view that there was no significant risk of repetition of similar behaviour.

3.13 The Committee recognised that the conviction had already had a significant impact on the Respondent's reputation and business and that suspension from the register, which prevents the Respondent from practising as a farrier, would have an additional adverse impact on the Respondent, his reputation and business, and also on his family. However, the Committee reminded itself of the guidance of the Master of the Rolls in *Bolton v the Law Society* [1994] 1WLR 512 that the reputation of the profession is more important than the fortunes of any individual member and decided that the Respondent's interests were outweighed by the need to protect the reputation of the farriery profession.

3.14 The Committee therefore decided that suspension from the register was the appropriate and proportionate sanction.

3.15 The Committee next considered the length of the suspension order. The guidance in the Indicative Sanctions Guidance was that a suspension order would not usually exceed a period of two years. The Committee carefully balanced the need to protect the welfare of animals, the public interest, and the reputation of the profession against the Respondent's interests. The Committee decided that the appropriate length of the suspension order was six months. This sanction sends a clear message to members of the public and to other farriers that it is entirely unacceptable for a farrier to cause unnecessary suffering to a horse by attacking it with a hammer. This behaviour is contrary to the central principle of the profession of protecting equine welfare.

3.16 The Committee, therefore, decided that the appropriate and proportionate sanction was to suspend the Respondent from the register for a period of six months.

3.17 That concluded this case.

Disciplinary Committee

17 November 2022



Guidance/Notices >>>

Continuing Professional Development (CPD) from January 2023

Registrants will now have received a letter from the FRC outlining the CPD requirements for Registered Farriers from 1 January 2023, and a copy of the new Guide to *Continuing Professional Development (CPD) for Registered Farriers*.

Registrants are reminded that from 1 January 2023 CPD will be mandatory for Registered Farriers, with the first audit and assurance of the new scheme taking place in 2024 in respect of learning undertaken during the period 1 January 2023 to 31 December 2023.

The '*Guide to Continuing Professional Development (CPD) for Registered Farriers*' provides detailed information on CPD requirements and advice on how to maintain and submit records of CPD activities. A copy of the guide, further information and online tools for recording CPD are available at www.farrier-reg.gov.uk/myfrc/about-cpd

Diary Dates for 2023

ATF Annual Training Days 2023

Approved Training Farriers (ATF) are reminded of the requirement to attend a college sponsored ATF training day each year. These training days are held at each of the colleges every year; ATFs should be aware that, space permitting, they can attend a training day at any of the three colleges. Details for 2023 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 those Registered Farriers interested in applying to become an Approved Training Farrier (ATF) Myerscough will be running a Train the Trainer Farrier Award (TTFA) course in 2023. Details of the course will be published when available.

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.

Annual Return Reminder **Q&A**

The 2023 Annual Return was issued on 1 September 2022 and should have already been returned or submitted online. For those who have made your submission, thank you, for those who are yet to submit their Return, the following Q&A may help you to understand your obligations.

Q	Do I need to complete and submit, an Annual Return to the FRC every year?
A	<i>Yes, as from 1 January 2016, Registered Farriers must comply with their regulatory obligations to complete an Annual Return, and to respond to correspondence in this regard. From 26 June 2019, enrolled apprentices working towards registration in the Register of Farriers are asked to voluntarily complete an Annual Return.</i>
Q	Why do I need to complete an Annual Return?
A	<i>The Annual Return Policy was introduced to both safeguard the welfare of animals and to meet the increasing expectations of horse owners and the public that the farrier professional is registered and presents no danger to the equine or the public.</i>
Q	What information do I need to provide?
A	<i>The Annual Return seeks a registrant's annual confirmation of:</i> <ol style="list-style-type: none"> <i>1. personal data; address, telephone number, email address etc</i> <i>2. declaration that the Registered Farrier holds professional indemnity insurance</i> <i>3. declaration of any police caution or conviction not previously declared</i>
Q	Do I need to submit an Annual Return each year, even though my personal data has not changed?
A	<i>Yes, it is a requirement that all Registered Farriers, ATFs and new applicants complete an Annual Return annually.</i>
Q	What is the effect of my failure to provide an Annual Return, in terms of the public interest?
A	<i>There is the potential for loss of confidence, respect and reputation in Registered Farriers and the farriery industry by horse owners and the public.</i>
Q	What may be the consequence of my failure to provide an Annual Return, and failing to respond
A	<i>Failure to submit the information requested upon request, may, in itself be considered to be serious misconduct in a professional respect and could result in referral to the FRC's Disciplinary Committee for their consideration.</i>
Q	How do I submit my Annual Return?
A	<ol style="list-style-type: none"> <i>1. By completing and returning your Annual Return to the FRC by Post.</i> <i>2. Complete your return online in the 'My FRC' section of the FRC's website at www.farrier-reg.gov.uk</i>

Temporary Licence Applications

Since the last Bulletin the Council has received Fixed Term Temporary Licence applications from the following:

- 24 successful licence applications were received from competitors taking part in the BFBA International Team Horseshoeing Competition at Stoneleigh Park between 28-29 October 2022. Applications were received from competitors representing Canada, France, Sweden, Switzerland and the USA.
- 20 successful licence applications were received from competitors taking part in the World Clydesdale Show Shoeing and Shoemaking Championships held in Aberdeen between 20-23 October 2022. Applications were received from competitors representing Canada, Norway and the USA.



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 and having completed a period of apprenticeship:

Mr L Cato DipWCF
L/CoH J Chew DipWCF
Mr G C Dey DipWCF
Mr J S Hardy DipWCF
Mr B Harris DipWCF

Mr W Harland DipWCF
Mr W M Keeble DipWCF
Mr J McClurg DipWCF
Mr K D Sezek DipWCF
Mr A Sharam DipWCF

Mr K Smale DipWCF
Mr C W Stead DipWCF
Mrs M Talling DipWCF
Mr C J Welsford DipWCF
Mr B A Worrall DipWCF

Overseas Approval

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.

Mr S J Crosbie AWCF

Higher Qualifications Achieved

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

Mr A G Cooper BSc (Hons)
Mr J A Davies Dip HE Farriery
Mr C H Dyson AWCF
Mr J P Earey BSc (Hons)

Mr S Green AWCF
Mr D Jennings BSc (Hons)
Mr S Kielt BSc (Hons)
Mr D K Lowson Dip HE Farriery

Mr M J Norton Dip HE Farriery
Mr A Pivars Dip HE Farriery
Miss G B Swire BSc (Hons)
Mr C Taylor Dip HE Farriery

Change of Surname

Mrs K J Ridgeway DipWCF (was Miss K J Grose)

ATF Approvals

The following farriers have been recognised as Approved Training Farriers:

Mr J Cottam AWCF
Mr S Crompton BSc (Hons) Dip HE DipWCF

Mr D Jennings BSc(Hons) Dip HE

Mr N Johnson BSc (Hons) Dip HE DipWCF

Restorations

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

Mr T S Broadbridge DipWCF
Mr S Clubley DipWCF
Mr O M Connolly DipWCF
Mr C Davidson Kelly DipWCF
Mr L Deeley DipWCF

Mr G Halls DipWCF
Mr T G Hartgrove DipWCF
Mr C L Helliadis DipWCF
Mr J R Hoyle DipWCF
Mr J A Jones DipWCF

Mr R G Rush AWCF
Mr D R Spreadbridge DipWCF





Established under the Farriers (Registration) Act 1975



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

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

Service user number

6	3	0	1	8	0
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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:

Name(s) of account holder(s)

Bank/building society account number

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Branch sort code

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

Name and full postal address of your bank or building society

To: The Manager	Bank/building society
Address	
Postcode	

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

Reference

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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

Mr S Moore FWCF

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

