

Complaints About the Farriers Registration Council (taken from the 'Policy and Procedures for Council Meetings'

The Farriers Registration Council (FRC) was established by an Act of Parliament to prevent and avoid suffering by and cruelty to horses arising from the shoeing of horses by unskilled persons; to promote the proper showing of horses; to promote the training of farriers and shoeing smiths; to register persons engaged in farriery and the shoeing of horses; to prohibit the shoeing of horses by unqualified persons; and for the purposes connected therewith.

The Council aims to provide an excellent service. If you have contact with us and are unhappy with the way we have dealt with you, or you wish to challenge a decision we have made, we want to know. If we have got something wrong, we want to put it right, and we always welcome suggestions to help us improve our performance. If you cannot sort out the problem with the person you have been dealing with, you can make a complaint, in writing using the following guidance procedures:

- Complaints procedure against Council policy, procedures, Council Members and staff; or
- Complaints about a decision made by the Council.

Guidance for Complaints against Council Policy, Procedures, Council Members and Staff

The aim of the Farriers Registration Council (FRC) is to provide you with an excellent service at all times. However, should you feel you have reason to make a complaint you are invited to let us know as soon as practical and possible. We undertake to deal with it promptly while respecting confidentiality, and to provide you with our considered response without delay.

If you wish to make a complaint about Council policy, procedures, Council Members or staff of the FRC, you should submit the details in writing to the Deputy Registrar, Farriers Registration Council, 14 Swan Court, Forder Way, Cygnet Park, Hampton, Peterborough, PE7 8GX or email it to frc@farrier-reg.gov.uk.

Please include the following details in your letter:

- Your name and address;
- Which Policy, Procedure, Council or staff member you are complaining about;
- The details of the complaint; and
- What you would like done about it.

We will acknowledge receipt of your complaint within 5 working days and provide you with details of how your complaint will be dealt with. This will involve passing your complaint to the most appropriate person who will review your complaint; this will normally be:

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| • Against Council policy or procedures | - The Registrar |
| • Against a member of Council staff | - The Registrar |
| • Against the Registrar | - Chair of Remuneration |
| • Against a member of the Council | - Chair of Remuneration |

- Against the Chair of the Council
- Against the Chair of Remuneration
- Chair of Remuneration
- Chair of Finance (or another Council Member if the Chair of the Remuneration and the Chair of Finance is the same person)

The length of time it takes to investigate the complaint and inform you of the outcome will depend very much on the nature of the complaint. The FRC will ensure that you remain informed of progress while your complaint is being investigated.

The person appointed to investigate will write to you within 5 working days of being appointed to consider your complaint, to let you know that they have been appointed to deal with the matter and that they will respond to your complaint within 15 working days from the date of their letter to you. If they find that they may not be able to respond within 15 working days they will set a new date for their response and inform you of the change.

Their reply will set out:

- The nature and scope of the investigation;
- Their conclusion on each part of your complaint and the basis for this conclusion; and
- If they find that you are justified in your complaint, their proposals for resolving the complaint.

During the course of the investigation, the appointed person will:

- Inform the member of the FRC against whom the complaint is made or the person responsible for the policies and procedures against which the complaint has been made, and the nature of the complaint;
- Invite comments from that member of the FRC or person responsible for the policies or procedures against which the complaint has been made; and
- Allow a reasonable time for that member of FRC to provide their comments.

Confidentiality

Except in exceptional circumstances every attempt will be made to ensure that all conversations and documents relating to the complaint are treated as confidential and will only be disclosed to the extent that is absolutely necessary. However, the circumstances giving rise to the complaint may be such that it may not be possible to maintain confidentiality, consistent with each complaint being dealt with on its own merit. Should this be the case the situation will be explained to you.

Recording and Monitoring

All complaints will be entered in the Complaints Register held at the FRC.

The Registrar will on a regular basis, audit the Complaints Register to ensure all actions, enquiries and responses are being dealt with and that they are completed within the stated timescales.

Appeal

If you are not satisfied with the response to your complaint, you have the option to write to the individuals listed below within 10 working days of receiving the written response from the Appointed Person:

- For complaints about Council policy or procedures - Chair of the Council
- For complaints against a member of Council staff - Chair of Remuneration
- For complaints against the Registrar - Chair of the Council
- For complaints against a member of the Council - Chair of the Council
- For complaints against the Chair of the Council - Chair of Registration

Either the Chair of the Council, the Registrar, or their nominee, will respond within 10 working days to inform you of the actions which will be taken to investigate your appeal, as well as how and when you can expect to hear the outcome of the investigation.

Guidance for Complaints about a Decision made by the Council

You may make a complaint about decisions made by the Council under the terms of these procedures, less those matters subject to statutory provision, or for which there is an appeal mechanism established by way of policy. Decisions made by the statutory independently-operated committees include appeals against refusal to admit or to re-admit to the register, see the *'Investigating Committee Manual'* and the *'Disciplinary Committee Manual'*. Appeals against a decision not to admit to, or to remove from, the Approved Training Farrier List are subject to appeal to the Registration Committee, see the *'ATF List Policy'*.

In the course of its day to day work, the FRC makes regulatory decisions relating to the exercise of its functions and use of its powers. This guidance tells you what you can do if you are unhappy with a decision made by the Council.

The Farriers (Registration) Act 1975 prescribes the range of powers that the FRC may use to enable it to fulfil its statutory objectives:

- To prevent and avoid suffering by and cruelty to horses arising from the shoeing of horses by unskilled persons
- To promote the proper shoeing of horses
- To promote the training of farriers and shoeing smiths
- To provide for the establishment of a Farrier Registration Council to register persons engaged in farriery and the shoeing of horses
- To prohibit the shoeing of horses by unqualified persons
- For purposes connected therewith

Under the Act the Council has a range of powers to make decisions about: registration; approvals of courses of training, qualifications and training institutions; investigating of complaints and the conduct of disciplinary hearings.

We are committed to making decisions which are based upon the facts, the circumstances of the case, and are:

- Lawful;
- Reasonable;
- Proportionate, and
- Consistent with the delivery of effective regulation in the public interest.

We aim to get our decisions right first time on every occasion, but we are aware that sometimes we may make a decision which those who may be affected by the decision disagree with. If you consider that we have made a wrong decision you may request that the decision is reviewed through our decision review procedure. We will not carry out a review in all cases but this guidance sets out how the procedure is operated.

You may wish to challenge our decision through the Courts, either by way of Judicial Review or through the High Court. As set out earlier, the decisions taken by the FRC's Statutory Committees (the Investigating Committee and the Disciplinary Committee) may only be challenged through the Courts and such decisions do not therefore fall within the scope of this guidance.

Decision Review Procedure

We are committed to making our procedure a quick, easy and cost-effective way for you to challenge our decisions. If we agree to conduct a review, we will reconsider our original decision to determine whether it is lawful, reasonable, proportionate and consistent with the Council's role and purpose, and appropriate to the facts and circumstances of the case. At the end of our review we will explain our decision and what further action, if any, we will take.

If we agree to review a decision we will refer the matter to the Registration Committee.

If we find that the decision was wrong, or that new information or circumstances enable us now to substitute a different decision, we will take steps to put things right as quickly as possible.

An advantage of using our procedure is that it does not affect your right to take your objection to the Courts. However, you should carefully consider whether asking for a decision review will take you outside of the time limit within which you can make an application to the Courts.

If you are unsure if a decision review will disadvantage you in this way, please contact us at the Farriers Registration Council, 14 Swan Court, Forder Way, Cygnet Park, Hampton, Peterborough, PE7 8GX, telephone 01733 319911 or email it to frc@farrier-reg.gov.uk.

We may not be able to review a decision ourselves once you have referred it to the Courts.

Time Limit

There is a time limit to requesting a decision review. We ask that if you wish to challenge one of our decisions you tell us within 3 months of the date on which the notice of our decision was sent to you. If you are not the subject of the decision an application must be received within 3 months of the date of publication of the decision on our website.

How do I request a decision review?

To be certain that we have a full and accurate understanding of the decision you want us to review, we need your request for a decision review to be made in writing. Please let us know if there is any reason why you are unable to provide your decision review request in writing as it may be possible for us to offer assistance.

We will only normally accept an application for a decision review from someone who is eligible to apply to the Courts, i.e. a person who is or may be affected by the decision. An advocate or representative may request a decision review on your behalf, but if they are not a professional representative such as a lawyer, we may need to ask you for written confirmation that the person is acting on your behalf.

If the review is not a matter which is capable of challenge in the Courts we will usually only accept an application for review from the subject of the decision, or any person who has a sufficient interest in the matter to which the application relates.

Continuous Improvement

We are committed to developing and improving our procedures in the light of the results of our reviews and feedback from registrants and the public. If you use our procedure we welcome your feedback on how your case was handled and if you have any suggestions about how the procedure might be improved.

What happens next?

Once we have received your application for a decision review we will start the formal process to consider your request. If for any reason we think that the decision review process is not an appropriate way of addressing the issue we will tell you and explain what alternatives are available to you.

Step 1 – Eligibility

The first step will be to check whether the decision you wish to have reviewed falls within the scope of our procedure, and that you qualify as a person who meets our eligibility criteria. We will also take into account any reasons why the review should not go forward. We aim to complete this stage within 10 working days.

Step 2 – Decision Review

Once we have decided that a decision review should take place, we will appoint someone to review the decision. All reviews are carried out by a Council member or a member of the Council staff. Some reviews may be considered by a single reviewer, while others may be considered by a panel. The seniority of the people involved varies from case to case and is dependent on the nature of the decision to be reviewed and the level at which the original decision was made.

In cases where our decision directly affects the rights of an individual, the applicant will, unless exceptional circumstances apply, get the opportunity to speak to the reviewer to discuss any information deemed relevant and to ensure that the reviewer has a clear understanding of the facts and issues before making a decision.

In other cases we may also find it helpful to check that we have understood the points raised by decision review applicants and to clarify anything that is not clear from the information provided. Therefore the reviewer or panel members may contact you by telephone or in writing. You do not have to speak to the reviewer or panel if you do not wish to.

The amount of time a review takes can vary, depending on the characteristics of the case and its complexity. We may need to speak to other parties who have information or whose views it is necessary to take into account before a decision is reached. We aim to complete this step within 3 months of receiving your completed application, but in most cases we are able to complete our reviews more quickly. We will let you know at the outset how long we think the review will take and will let you know if that timescale changes.

Step 3 – The Decision

The decision maker(s) will take into account all the information that they have, to decide whether the original decision was correct or whether it should be changed either in full or in part.

Once our decision has been made we will write to you and let you know the result of our review. When we write we will let you know exactly what our decision is and the reasons for it.

Step 4 – Outcomes

When we review our decisions, there may be a number of outcomes:

- We may decide that our original decision was correct and appropriate in the circumstances; or
- We may decide that the original decision should be changed either in full or in part.

If we decide to change our decision, in full or in part, this does not necessarily mean that it was wrong; circumstances may have changed or new information come to light which has changed our perspective.

If we decide that our decision can be varied in any way, we will let you know what steps are required and what action we shall be taking.

In most circumstances, the outcomes described above will be appropriate for resolving the points you have raised. Very occasionally, we may decide that further work is needed before we can make a decision. If this is the case, we will refer back to the original decision makers who will, after further review, pass the case back to the reviewer to make the final decision.

Decisions which arise from reviews of our original decisions often have a wider interest and may have far-reaching consequences for the FRC and equine welfare in general. For this reason we may publish a summary of our decision review decision on the relevant section of our website. In some cases we will also publish the whole decision document in our news section if we think that it will serve the public interest.

The decision review process looks at whether a decision was the right one in the circumstances. If you are concerned about the way we have handled your case, rather than the decision, you may wish to use our complaints procedure.