

FARRIERS REGISTRATION COUNCIL

Bulletin

REGULATING THE PROFESSION OF FARRIERY



2025

Celebrating 50 years of Farriery Regulation

Foreword



2024 has seen a larger than usual volume of work to support approval of training providers and awarding bodies. In parallel, the statutory committees of the Council have dealt with a range of casework and reduced the number of cases awaiting disposal.

Approval of the Army School of Farriery, both as a training provider and an awarding body, was completed earlier this year and the approval report may be read on the FRC website. Work continues in respect of approval in respect of Warwickshire Group of Colleges (WCG) (a training provider) and the American Farriers Association (AFA) (an awarding body); work in respect of both approvals shall continue into 2025.

Readers of the Bulletin may recall that in 2023 the Continuous Professional Development (CPD) scheme was extended to include all Registered Farriers; the first audit of CPD achievement was carried out in 2024 (in respect of 2023) and required returns from all Approved Training Farriers (ATFs) and a 10% sample of the remainder of the register. Of that cohort, approximately 450, all bar six engaged constructively with the CPD audit and many produced evidence of good quality developmental activity. Further detail in respect of the CPD audit is carried elsewhere in this edition of the Bulletin.

After eight years as a Council member and 3.5 years as Chair, Tom Smith shall leave the Council at the end of December when his appointment finishes. Tom has made a significant contribution to the Council and provided leadership and insight in taking forward much significant regulatory business during his tenure of office. We welcome as Chair Dr James Sutton who has been Deputy Chair of the Council for the last three years. James has a wealth of experience as a Veterinary Surgeon specialising in equines, and as a farrier examiner for 25 years.

Finally in offering readers our best wishes for 2025 we invite you to note two key dates for the New Year:

- 27/28 September 2025 – Farrier Focus, Stoneleigh
- 7/8/9 November 2025 – Your Horse Live, Stoneleigh

David Greenwood
Registrar

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50 Years of Farrier Regulation



2025 marks 50 years since the *Farriers (Registration) Act 1975* came into force, with its purpose 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; and for purposes connected therewith.”

The History of the Act

Before 1975 farriery was not regulated although the Worshipful Company of Farriers (WCF) ran examinations in farriery, and the then trade association National Association of Farriers, Blacksmiths and Agricultural Engineers (NAFBAE) represented the interests of farriers. During the 1970s both the WCF and the NAFBAE concluded that professional regulation of the industry was in the best interests of horse welfare, and following its passage through Parliament and the receipt of Royal Assent the *Farriers (Registration) Act 1975* came into effect on 1 January 1976.

To implement the powers and duties of the Act, the legislation provided that a regulatory body be established called the Farriers Registration Council (FRC), and on 11 September 1975 the FRC met for the first time tasked with the following statutory functions:

- To maintain a list of Registered Farriers and determine who is qualified to register therein
- To make rules with respect to the form of the Register
- To approve courses, qualification and institutions required for registration
- To investigate and determine complaints
- To appoint a Registrar

While the Act made unlawful practise of farriery a criminal offence, the Act did not make the FRC a law enforcement agency nor a prosecuting authority; such functions are reserved to the Police and the Crown Prosecution Service and Procurator Fiscal.

Further amendments to the legislation took place in 1977 under *Farriers (Registration) (Amendment) Act 1977*, when the Act was updated to include modifications to the qualification requirements for entry to the Register. A further modification followed some 30 years later in 2007 by way of secondary legislation when the Act was extended to the Highlands and Islands of Scotland, bringing all parts of Great Britain under the jurisdiction of the Act.

The legislation remained unaltered for a further 10 years until 2017 when significant constitutional change was delivered by way of *Farriers (Registration) Act 2017*. This legislation delivered separation of powers between the Council, for delivery of regulatory policy, and the two statutory committees (the Investigating Committee and the Disciplinary Committee) for delivery of professional conduct casework. This evolution ensured the Council remained compliant with Human Rights legislation. In addition, the new legislation made provision for conditions for being a Council member.

The Act is currently inclusive of Great Britain (England and Wales, and Scotland); the Act does not extend to the Channel Islands, the Isle of Man and Northern Ireland.

Principal functions of the FRC

The FRC has the general function of carrying out the powers and duties conferred upon it by the Act with the requirement to deliver four principal functions and associated outputs; Registration, Approvals, Investigating and Disciplinary. To execute these functions the FRC consists of four committees:

- **Registration Committee (RC) (non-statutory)**

The RC is an advisory Committee of the Council with specific delegated powers. Its terms of reference include advising the Council on all matters relating to registration, qualifications for registration, the ATF system and CPD.

- **Approvals Committee (AC) (non-statutory)**

The Council is required to approve courses of training, qualifications and training institutions delivering persons eligible to join the register of farriers. The FRC discharges this responsibility through the AC.

- **Investigating Committee (IC) (statutory)**

The IC is required to investigate complaints made against Registered Farriers which may contain allegations of serious professional misconduct in any professional respect. The IC may reject a complaint, issue a letter of advice or a non-statutory warning or decide that the allegation is sufficiently serious for the matter to be referred to the Disciplinary Committee.

- **Disciplinary Committee (DC) (statutory)**

The DC is a properly constituted judicial tribunal operating in the civil jurisdiction and applying the civil standard of proof. Registrants may be removed from the register where judged to be guilty of serious misconduct in any professional respect, were not qualified for registration at the time they were registered or were found guilty of an offence involving cruelty to animals. Sanctions open to the DC include: to take no further action (i.e. no sanction is applied); postponement of sanction; reprimand and/or warning as to future conduct; suspension from the register and removal from the register.

The Future

The recent modernisation of the Act suggests that both Parliament and Public retain enthusiasm for delivery of equine welfare by way of statutory provision. Increasing public interest and media coverage suggest that approach may endure, and the Council stands ready to play its part in taking forward new provisions whether by function, by geography or both.

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.



Election Results 2024

The window for nominations of Registered Farriers to stand for appointment to the Council by way of the election scheme closed on Wednesday 3 July 2024. Four (4) Registered Farriers were nominated for appointment by election:

- Mr S Green AWCF (Rutland)
- Mr R A Kearn DipWCF (Leicestershire)
- Mr B J Howson AWCF (West Yorkshire)
- Mr C D McKell DipWCF (Wiltshire)

There being only four nominees, for four vacancies, the nominees are declared to have been elected to the Council having stood unopposed, for an appointment of four (4) years commencing 1 January 2025. There is therefore no requirement for a ballot to be conducted.

Successful Candidate Election Addresses

The election addresses of the four nominated candidates are presented below for information. The addresses represent the personal views of the candidates.

Mr S Green AWCF

Hello, my name is Sam Green. I have been shoeing horses for ten years, passing my diploma in 2019 and then my associate in 2022. I work as part of a multi-farrier practice shoeing various horses. I see every aspect of the industry, from leisure horses to top-level competition horses. I understand customer needs, both equine and human. And I know the pressures and responsibilities of the everyday working farrier.

I am young, enthusiastic, and passionate about the farriery profession and the people and animals in it. I am both a farrier and a horse owner, and I see several perspectives in the industry. No farrier goes out to do a bad job or to harm a horse. We are all human, and mistakes are human. However, through proper regulation, I know we can create an industry that allows us, as professionals, to grow for the benefit of the horses we dedicate our life to.

Horses are a huge part of my life. My love for horses drives me to do what I can to help drive the farriery profession forward. The more we put into the industry, the more we can expect to get back out of it. We can be more professional, with a higher level of work. We can be treated like professionals and be better off.

Regulation and continuing professional development (CPD) are crucial to Equine welfare. CPD is in its infancy in farriers. It has a long way to go. But it will benefit the industry, and we can work together to take it where we want it to go. I want to support farriers who are struggling mentally and professionally. CPD is the answer! CPD is an opportunity to collaborate and share skills, experiences, products, and approaches. CPD is an interactive platform for us to grow as an industry when effectively governed.

I would like to see more hands-on clinics as a requirement of CPD. As farriers, most of us learn best by doing. I benefited greatly from the journey of doing my associates and spending time with more experienced farriers to improve my skills. It has allowed me to provide a higher standard of work for horses. After all, that is what it's about. In the years to come, I feel we would benefit from assessments. These would not be just another exam and facing being struck off if you do not pass. These would be putting our skills and knowledge to the test and raising the bar constantly.

Our practice must focus on improving the industry. If we can improve our industry, we can help if someone is struggling. I do not want to see the apprenticeship lost. However, modernisation is needed to raise it to a standard that serves all parties. I do not have experience in sitting on a committee. But, I do have experience being a farrier, and I know I can put my experiences towards positive change.

If elected as an appointee of the Farriers Registration Council, I am willing to put the time and effort into learning the system to be an active member of the FRC. It is a way of life for me, as I know it is for you. We must work together to move forward and grow for the benefit of people and equines alike.

Mr B J Howson AWCF

Dear Colleagues,

With over 20 years of experience as a farrier, I have dedicated my career to the health and well-being of horses, continuous professional development, and the advancement of our profession. I am committed to representing our interests and ensuring the continued growth and integrity of our profession.

Throughout my career, I have worked with a diverse range of equine disciplines both in England and around the world. Spending time expanding my knowledge and skills to achieve my Associate of the Worshipful Company of Farriers. My extensive hands-on experience has given me a deep understanding of the practical challenges we face daily. My goal has always been to foster excellence and professionalism in our field.

Upholding high standards is crucial for our credibility and the welfare of the horses we care for. I will work to ensure that regulations are not only maintained but also evolve to meet new challenges. This includes stricter oversight to maintain the integrity of our profession. Education is the cornerstone of professional development in farriery. I am a passionate advocate for high standards in training and ongoing education for farriers.

Farriers often work in isolation and face unique pressures. I aim to create a support network where farriers can share knowledge, seek advice, and gain peer support. This includes mental health

resources, professional advice, and support when needed. The role of a farrier is often underappreciated. I will work to raise public awareness about the importance of our work, ensuring that our contributions to equine health and welfare are recognized and valued.

Together, we can advance our profession, uphold the highest standards of practice, and ensure that every farrier in England has the recognition they deserve.

As a farrier, I have witnessed firsthand the evolution of our profession. While we have made significant strides, there is always room for improvement. My vision for the future of the Farriers Registration Council is one where we continue to lead with integrity, adapt to emerging challenges, and uphold the highest standards of excellence.

I am deeply committed to serving the farriery community and believe that my experience, dedication, and passion make me an ideal candidate for the Farriers Registration Council. I humbly ask for your support in this election, and I look forward to the opportunity to contribute to the future success of our profession. Thank you for your consideration.

Ben Howson AWCF

Mr R A Kearn DipWCF

Dear Sirs,

I wish to nominate myself for the role of council member of the Farriers Registration Council (FRC). I have been a practicing, qualified farrier since 1992, having served my apprenticeship in Shropshire I set up my own business in Leicestershire and have been working continuously since. I have owned and been around horses all my life and have an extensive understanding of the needs and welfare of equines in many disciplines, including riding schools, carriage driving horses, stud farms as well as domestic horse ownership. I understand the needs and demands of the different types of horses and their owners.

I was first interested in the trade of the Farrier from the age of thirteen, having always watched our farrier at work. After leaving school I worked in farming before joining the Army where I served in the RAVC for a short while before securing an apprenticeship with Peter and Michael Handley at their forge in Shropshire. I have a deep respect for the farrier profession and the people that work in it. I have first-hand experience of the day-to-day concerns, risks and demands of the farrier as well as the satisfaction and pride we feel at providing an excellent service and doing a good job. I believe that good customer relations and a professional service are most important when upholding the principles of the trade. Indeed, I have had many customers stay with me as their chosen farrier from my very early days as we have developed a mutual trust. They know that their horse is receiving the best treatment and diagnosis, based on my training and long experience.

I have many friends and acquaintances in the profession, young and old. I enjoy attending the CPD events to meet up with fellow farriers and discussing latest developments in the trade. I am coming towards a point in my career when I would like the

opportunity to give something back to the profession that I have enjoyed being a part of for so many years. With this in mind I hope to be elected to the FRC in the next term.

Yours faithfully,
Richard Kearn DipWCF

Mr C D McKell DipWCF

Dear Registered Farrier,

I am writing to you seeking your vote for the forthcoming Farriers Registration Council election.

I have been a registered farrier since 1998, following my apprenticeship with Phillip Perryman in Wiltshire, where I continue to run my own business working with a diverse array of horses, ponies and donkeys. I am married with two teenage sons and my youngest son is a keen horse rider. My brother-in-law is also a registered farrier.

My interest in farriery began when I was fourteen years old, having grown up spending the majority of my childhood, riding in the New Forest and a keen member of the Pony Club, with Showjumping being my favourite, but being fascinated at watching my horses being shod, I knew that's what I wanted to do.

During my working life in the past, I have sourced other means of employment due mostly to back injuries sustained as a farrier, this includes time spent working for global companies in sales and marketing, and I have also served as a Police Officer in Wiltshire. Farriery has always been my passion, and I have returned to the profession where I now maintain a continuous business and have done for several years.

Aside from work, my interests have taken me into politics where I have been fortunate to have been a political chairperson for a Party Association and in 2012 and 2021, I made selection for candidacy as a prospective Police and Crime Commissioner in Wiltshire. I didn't win, but I had a good run. I am no longer involved in any political organisation.

I wish to stand for election for the FRC, because public service and helping others is very much in my core beliefs. I have a passion for the farriery industry, with over twenty-five years' worth of experience in the profession. Furthermore, I wish to use my knowledge and skills gained in other areas to add value to the council, where I have experience in making a difference and I wish to support the interests of the farriery profession in the future.

The equine industry has changed over the years, particularly recently, and as a result I think it's fair to say that so has the farriery profession, with its own set of challenges and changes presenting themselves. But one thing I know about farriers, is that we are adaptable when required and resilient in facing challenges, as this is actually what we do on a daily basis. I strongly believe the FRC is well placed to support these issues and continue to ensure that equine welfare is key.

I ask for your vote, so that I can be a part of farriery regulation in the future.

Kind Regards,
Chris McKell DipWCF.

Becoming an Approved Training Farriers - the re

By Tom Smith AWCF GradDip ELR

Writing an article on being an Approved Training Farrier (ATF) presented me with quite a challenge. At face value we all know what it is to be an ATF; an employer, a trainer and mentor, a farrier running a business that is busy enough to pay wages and also have enough horses on the rounds to have regular work. Looking deeper at being an ATF I soon realised that it is so much more than that. Being an ATF today is a privilege, a burden and a responsibility, it often becomes a friendship alongside the training and mentoring that can sometimes get complicated. The tension between your apprentices' needs, your own needs, profitability, efficiency, quality of work, customer perception, not to mention the legal responsibilities of being an employer made me realise what a juggling act life as an ATF can be at times.

I have been an ATF since 2010 and took my first apprentice on in 2011. Over those 13 years the requirements placed upon me as an ATF have changed quite substantially, as have the training styles I have used, plus the needs and wants of the apprentices over that time. I think back to some of the teaching styles and methods used with Joe, my first apprentice, and I am equally surprised and impressed how we figured it out between us somehow!

There are certain requirements placed upon an ATF, some legally and some regulatory. The ATF policy is operated by the FRC, it is not a statutory policy but one operated out of choice by the Council. The main aim of the ATF policy is to ensure ATFs are well-trained and well-placed to teach our future farriers, and more importantly, to protect the apprentices as part of the over-arching care in place from all stakeholders including the Colleges. Legal responsibilities include having an employment contract, paying wages at the correct rate and Health and Safety (H&S) requirements. Contracts in particular may seem, to the uninitiated, as not important; however, the requirement is not just to satisfy the government, but to lay out the relationship between both parties. When things are going well no one ever thinks to look at a contract, it is in the unfortunate event of misunderstandings that the contract can remove any confusion and hopefully set the relationship straight again by reminding everyone of the agreement.

The Approved Training Farrier (ATF) List Policy and the Approved Training Farrier (ATF) Guide set out the route to becoming an ATF, how to maintain ATF status and also provides provisions for suspension of the ATF in cases where it might be argued an apprentice is at risk. The responsibility is

firmly on the ATF to meet the criteria required, a responsibility that some might misunderstand but all points are in fact there for good reason; mostly to protect the apprentice. Some people are ATFs on 'grandfather' rights but most now are required to hold a higher qualification. The expectation that the teacher should have a better level of knowledge, skills and (now) behaviours is self-explanatory and can only be for the good of the apprentice and the future of the profession. The Train the Trainer Farrier Award (TTFA) or equivalent gives valuable insight into both learning and teaching methods. No two apprentices are the same in my experience and having as many tools in your teaching arsenal is important. The requirement to have been qualified for at least two years is simply to allow the ATF to have gained meaningful experience that they can pass on, and to build a business that is busy and resilient enough to provide secure employment for a new member of the team.

Complicity with the policies of the FRC is important. The FRC is the regulator of the profession and, as a regulated professional, there are responsibilities upon all Registered Farriers. CPD, annual declarations/returns, timely payment of the retention fees - these are all expected of farriers as the minimum level. Failure to comply with any of these might suggest to the regulator that you do not take your responsibilities as a regulated professional seriously and therefore might not convey the right message to an apprentice. The amount an apprentice learns from an ATF is enormous, they don't just learn farriery, they often develop opinions, thoughts and beliefs that align with their ATFs too.

Being an ATF today also comes with other demands that are not statutory in nature. Providing an environment that enables learning can be a challenge, especially when that environment costs money and needs to therefore make money. Horses to work on provides the necessary practice, the experience and also the income. Customers own these horses and will have a very large say in what your apprentice can or cannot do. Building trust in customers is very multi-factorial; helping your apprentice do the same can be even more challenging. Whilst I do not like it, the truth is often that a customer will form an opinion of an apprentice (or anyone else for that matter) within the first few seconds of meeting them. Appearance, attitude, language used, approach, horse skills, the horses' reaction, the outcome and sometimes just demeanor can have a lasting effect - good or bad. Personally, I find this element one of the hardest at the start of an apprenticeship, particularly if the

responsibilities, the challenges and the rewards

apprentice has poor communication skills initially.

Attitudes have changed, I will make no comment as to whether good or bad; just different. Communication skills have changed, lives are lived on social media and on the smartphone and face to face conversation is not so common. Respect is also a changing and fluid phenomenon; it is earned and given for very different reasons now - a challenge when different age groups work together, and often for an older clientele. Education systems have changed massively, what is called common sense is valued in very different ways between generations - this includes problem solving and observation skills. These are some of the issues that an ATF can have to navigate, and to be brutally honest some ATFs have found this too much of a challenge.

I spend a lot of time talking to other farriers and one regular comment I hear is that apprentices now are much 'softer' than in the 'golden days', much more entitled than 'we' were and that attitudes are so much 'worse' now. Whilst I do hear what is being said, and I must admit to voicing similar opinions at times, I would now respectfully challenge this view. Every generation changes; often the generation is largely a result of the upbringing and environment; we need to admit as a profession that both have changed dramatically. Expectations have been shifted, we have told younger generations they can do anything - and they can, just now on their terms. Just because the older generation endured sometimes grueling practices and came through them does not necessarily mean that the newer apprentices must endure the same. Horse shoeing is always going to be a hard job, there will always be difficult days, but why not let them try to reduce those hard days, why not let them endeavour to find an easier or 'better' way? If this can be achieved whilst still looking after horses and achieving the business aims and objectives then maybe the younger generations might just be on to something?

Apprentices are a great asset to a business that is structured well, this cannot be denied. The first few years might present poorly in the profit/loss column but should certainly turn that around for the second half of the apprenticeship. Money is not the only measure that you can apply to having an apprentice. Time is valuable, investing some time early in the apprenticeship will certainly repay the investment. Having multiple horses on the same yard with an apprentice can turn from a body breaking challenge to an efficient use of time if the apprentice has been taught well. That nerve wracking

day when they first go off to complete some work unaided is almost certainly rewarded with the pride both they and you feel when they return, satisfied they did it all on their own.

Being an ATF has also been one of the most rewarding things I have had the pleasure of undertaking. I have been fortunate to work with several apprentices that I consider great friends. The pleasure of watching them grow up and develop, not just as farriers but as people has given me a massive amount of pride. Turning a young person who does not know which hand to hold a hammer in into a skilled farrier that develops a business to support them and their family is phenomenal to watch. I have had the privilege of being the best man for one, and the celebrant at the wedding for another. I have enjoyed the company of some very good people simply through working alongside them. I have become a better person for working alongside each and every apprentice and despite the occasional struggle I would not change that for anything and am grateful to all of my apprentices, past and present.

To summarise, being an ATF nowadays is not something that can be entered into lightly, but if done well can be immensely rewarding. Prospective apprentices, and apprentices alike are demanding a change in the culture within the profession and that can be difficult to accept. If we are to effectively train our future hoof carers we need to work with them to create a positive environment that works for the horse, the business, the owner and the apprentice - only then will the profession be attractive to the right people.



Council Meeting Minutes >>>

Minutes of the Council Meeting held on 16 October 2024

1. Welcome and Apologies for Absence

There were no apologies for absence.

The Chair welcomed Council members to the last programmed meeting of the Council in this 49th year of the FRC and thanked Council members for maintaining the confidentiality of meeting papers issued on the intranet ahead of the meeting. Council members were reminded that the Chairs of the Investigating and Disciplinary Committees would be joining the meeting to provide updates, and that any discussion relating to specific statutory proceedings was to be avoided. Those in attendance virtually were reminded of the video call etiquette circulated ahead of the meeting.

2. Declarations of Interest

Council Members declared possible conflicts of interest as follows:

Mr T Smith – working farrier, member of BFBA

Mr Y Breisner – BHA appointee, recipient of farriery services from Mr Elliott, Trustee of British Horse Foundation

Mr A Charlwood – appointed by the WCF and WCF Court Honorary Assistant

Operations Superintendent K Colman – appointed by RSPCA and horse owner

Mr T Daniels – working farrier, member of BFBA and Field Officer for Herefordshire, Ludlow and North Shropshire College

Mr I Davidson – appointed by Scottish Enterprise

Mr G Elliott – working farrier and Contractor for British Equestrian

Mr D Gardner – working farrier and member of BFBA

Mr D Harman – WCF Liveryman, member of BFBA and BFBA Executive Committee

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

Mr M Peaty – appointed by the RCVS, BEVA member and horse owner

Mr M Potter – Appointed by and CEO of Lantra

Dr J Sutton – appointed by the WCF, Liveryman of WCF, FEI Anti-Doping Official and Equine Insurance Underwriter and recipient of farrier services

Mr M Weston – employed by BHS, appointed by BEF

Mr D Mountford – appointed by RCVS, Chief Executive of BEVA, Chair of British Horse Council and recipient of farrier services

Mr J Sim – working farrier, member of BFBA and BFBA Executive Committee

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

One item for discussion had been submitted ahead of the meeting by Mr J Sim concerning the ATF system; the matter would be considered under Agenda Item 8.6 'Report of the Approvals Committee'.

4. Approval of Minutes

The minutes of the AGM and Council meeting held on 24 April 2024 were noted for reference purposes only; the minutes had previously been approved by Council members out of committee.

5. Matters Arising which are not Agenda Items

There were no matters arising to be considered.

6. Council Membership 2025 and Election of FRC Chair

The Council noted that following the election to appoint four Registered Farriers to serve as members of the Council four valid nominations had been received; the four registrants were declared to have been elected to the Council having stood unopposed for an appointment of four (4) years.

Council **ENDORSED** the appointment of the following Registered Farriers elected to the Council from 1 January 2025:

- Mr S Green AWCF (Rutland)
- Mr B J Howson AWCF (West Yorkshire)
- Mr R A Kearn DipWCF (Leicestershire)
- Mr C D McKell DipWCF (Wiltshire)

It was noted that inductions had been scheduled during November for the new appointees. The Chair recorded his gratitude to the newly elected candidates for putting themselves forward and joining the Council.

Notice of Election for new Chair of the FRC

Council members were given formal notice that an election for the appointment of a Chair of the FRC was to be held on 13 December 2024. The timeline for the election was as follows:

- **Friday 29 November 2024** – Nomination Day: nominations and vision statements from Council Members who wished to stand as candidates were to be submitted by 1200hrs midday.
- **Friday 13 December 2024** – Polling Day: votes to be cast by 1200hrs midday.
- **After 13 December 2024** – Name of successful candidate promulgated to Council members by e-mail;

appointment to be published thereafter and to take effect from 1 January 2025.

Council members who wished to stand for the appointment of Chair of the Council were advised to contact the FRC Office to request a nomination form for submission, together with a vision statement by 1200hrs midday on Friday 29 November 2024.

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

7.1 Minutes of the Registration Committee (RC) Meeting of 4 September 2024

The Council noted the minutes of the RC held on 4 September 2024. Mr Breisner, Chair of the RC, recorded his gratitude to the FRC staff concerning their work on restorations to the Register and the continued publicity and advertising undertaken throughout the year. Council Members discussed the 'State of the Register' and in particular the number of Apprentices in training and the availability of ATFs, numbers of horses and possible future trends. This subject was to be considered in further detail at Agenda Item 8.1 'Entry to the Profession'. The Chair noted that audit of the first year of compulsory CPD had been reported as a positive outcome and was encouraged that the majority of farriers had met the requirements. *[Mr P Grant, Chair of the IC joined the meeting at 10.55am]*

7.2 Update on the Independently-Operated Investigating Committee (IC)

Mr P Grant, Chair of the IC, joined the meeting virtually to report the business conducted by the IC over the last 12 months. Mr Grant reported that the IC had met on three occasions during 2024 and had considered a total of 19 complaints. Of the 19 cases considered, 6 had been referred to the Disciplinary Committee (DC) as possible cases of serious professional misconduct. The remaining 13 cases were either closed or had been dealt with by way of a Letter of Advice or a Non-Statutory Warning. The IC had also considered 6 cases referred due to farriers' non-compliance with the Council's CPD requirements; it was noted the number of referrals for this reason had reduced when compared with previous years and it was to be hoped that this represented the profession's acceptance that CPD was a regulatory requirement and enabled registrants to develop their knowledge, skills and behaviours.

Mr Grant reported that there was some committee membership rotation underway to preserve the

experience base of the IC and recorded his gratitude to those leaving the IC. The IC had completed Autism Awareness and Equality, Diversity and Inclusion training during 2024.

In summary, Mr Grant concluded that the change to the standard of proof had not generated a significant increase in referrals to the DC during 2024, and it was noted that the annual number of cases referred had reduced when compared to the numbers for 2023.

The Chair thanked Mr Grant and his team for their continued hard work and assurance that cases were considered solely on their merits.

[Mr Grant left the meeting at 11.12am]

[Mr J Anderson joined the meeting at 11.12am]

7.3 Update on the Independently-Operated Disciplinary Committee (DC)

Mr J Anderson, Chair of the DC, joined the meeting virtually to provide his report on the activities of the DC over the last 12 months. The DC had considered 9 cases and the outcomes were: 1 registrant removed from the Register; in 3 cases the registrants were suspended from the Register for 5 months, 6 months and 12 months respectively; in 3 cases the registrants were reprimanded and/or warned as to their future conduct; in 1 case the charges did not amount to serious professional misconduct and in 1 case an Application for Restoration to the Register was approved.

Mr Anderson reiterated that cases were judged on the facts only and while it would not directly impact the outcome of any case, it was widely accepted across the regulatory field that there was a potential disadvantage to the registrant if they failed to attend proceedings to put their side of the case. For these reasons there were comprehensive procedures adopted to give registrants every opportunity to engage.

Council members were pleased to note comments recorded as part of a recent High Court judgement that commended the Legal Assessor, the DC and Council's DC manual and Code of Conduct and recorded that the processes applied by the DC on behalf of the FRC had been undertaken fairly and proportionately.

The Chair thanked the DC for their work during 2024 and their very thorough written determinations and decisions which were published after each hearing.

[Mr Anderson left the meeting at 11.24am]

[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, 8.8, 8.9, 8.10 and 8.11 WERE CONDUCTED IN CLOSED SESSION OF THE COUNCIL TO CONSIDER MATTERS OF POLICY DEVELOPMENT AND COMMERCIAL SENSITIVITY

8.1 Entry to the Profession

8.2 Position Statement – Use of Shoeing Stocks

8.3 A Guide to Getting the Best from your Farrier

8.4 Annual Return Policy for Registered Farriers and Apprentices

8.5 Unlawful Farriery Policy

8.6 Report of the Approvals Committee

**The Army (Training Provider and Awarding Body).
Warwickshire College Group (WCG) (Training Provider).
American Farriers Association (AFA) (Awarding Body).
[Operations Superintendent K Colman left the meeting]**

Worshipful Company of Farriers (End Point Assessment Organisation).

[Mr M Weston left the meeting]

8.7 Minutes of the Finance Committee (FC) Meeting of 25 September 2024

8.8 Operational Plan 2025

8.9 Intranet Cookie Policy

8.10 Website Cookie Policy

8.11 Website Privacy Policy

9. Any Other Business:

9.1 2025 Meeting Dates

Council members noted the provisional Council and Committee meeting dates for 2025. The dates would be confirmed once the new Chair of the Council had been elected and appointed.

9.2 Valedictory

The Chair took the opportunity to record his gratitude to the Council members appointed by way of the election scheme completing their terms of office on 31 December 2024; Mr T Daniels BSc (Hons) Dip HE Farriery, Mr G Elliott AWCF GradDipELR and Mr D T Gardner AWCF. The Chair acknowledged each of the Council members' hard work, friendship and diligence during their terms of office. The Chair also recorded his thanks to other Council member colleagues and the Council staff for their support and guidance during his time as Chair.

Mr Breisner expressed thanks on behalf of the Council to the Chair Mr T Smith FWCF GradDip ELR who was

completing his second term of office on 31 December 2024, having served 3.5 years as the Chair of Council. These sentiments were echoed by other Council members. The Deputy Chair, Dr Sutton, spoke on behalf of the Council and the staff in recognising Mr Smith's great clarity of thought and leadership which had earned him significant respect throughout the industry.

The meeting concluded at 2.38pm

Date of Next Meeting – tbc

Annex A: FRC Policy, Guides and Reports APPROVED during this meeting

- Position Statement – Use of Shoeing Stocks
- A Guide to Getting the Best from your Farrier
- Annual Return Policy for Registered Farriers and Apprentices
- Unlawful Farriery Policy
- Approvals Report - Army School of Farriery (ASF)
- Budget 2025
- Schedule of Charges 2025
- Risk Register
- Staff Handbook
- Operational Plan 2025
- Intranet Cookie Policy
- Website Cookie Policy
- Privacy Policy

Approved: 20/11/2024

Council Meeting Dates for 2025

The Farriers Registration Council (FRC) meets twice a year.

The Council meetings for 2025 are scheduled for **Wednesday 30 April 2025** and **Wednesday 22 October 2025**.

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



A successful year's CPD

2024 saw the first audit of CPD submissions take place following the extension of the CPD programme to include all Registered Farriers from January 2023. Responses to the audit revealed a positive uptake of CPD learning with the majority of registrants responding quickly to the request for submissions and demonstrating CPD learning that achieved the mandatory requirements. Audited records showed that the majority of individuals were undertaking a variety of learning and that these were a mix of organised events/activities, points gained 'on the job', either by shadowing specialist farriers or veterinary surgeons, or by undertaking private study. Where registrants fell short of the programme's requirements it was most often by failing to achieve the required amount of time spent learning over the year, or by failing to give an explanation of what learning benefit a recorded CPD activity delivered. In such instances registrants were sent a letter of advice suggesting what improvements might be considered in future. In a very small number of cases individuals were referred to the Investigating Committee for non-compliance and this was as a result of failing to respond to the FRC's request for CPD records.

While it is clear that many individuals have understood the requirements, the audit indicates that a small number of registrants are still unclear about the process and what might constitute a satisfactory CPD learning record. To assist registrants we take this opportunity to detail the requirements and provide a few examples from this year's audit of both suitable and unsuitable CPD information.

- All registrants must undertake CPD regardless of qualification, experience or current farriery activity.
- Registered Farriers must maintain an annual record of CPD entries for the review period (January to December). These must be legible and may be kept online either via the FRC's website (www.farrier-reg.gov.uk), or electronically on a computer, or as a hardcopy on paper. Registered Farriers must submit annual CPD records to the FRC when requested to do so.
- The requirement is to obtain a minimum of 20 hours CPD activity during a year, with demonstration of 60 hours over the last 3 years accepted when the annual requirement is not achieved. CPD points may be allocated on a formula of 0.5 points per hour of learning. Registrants are encouraged to complete more than the minimum amount of CPD activity each year.
- There is no necessity to attend 'paid for' organised events. Registered Farriers may plan their own learning and undertake self-directed study or similar activities if they wish.
- CPD returns must include a good description of the activity, time invested in learning and a short description of the learning benefit. By way of example, an activity or event titled 'shoeing' will not be considered to have enough detail. It is important that you provide sufficient detail about what was learned by taking part in the activity. Registrants may find it helpful to use the phrase "By taking part in this activity I learnt" in describing their CPD activity.
- An activity can only be claimed once although modules of a course may be claimed individually. You are encouraged to include a variety of activities, and this will be taken into account if your submission is selected for audit.
- Where you are teaching a subject that is new which necessitates learning and preparation, this may be considered a learning activity and therefore valid CPD. Subsequent repetitions of that same activity may involve preparation but not learning and therefore does not constitute CPD. Teaching others also will not necessarily constitute CPD learning.
- When participating in a competition if the farrier is required to do something they have not done before, perhaps with feedback being provided, and there is a learning benefit then this may be recorded as CPD. The key criteria is learning benefit; where a farrier makes a shoe they have made many times before and receives no learning benefit then this may not constitute CPD.
- CPD has to be relevant to you as a farrier and to the running of your business; therefore, there may be opportunities to gain CPD that is not equine based. This might include activities such as learning a new accounting system, updating yourself on Health and Safety, First Aid, or employment legislation.
- A random sample of the Register is audited each year. However, all ATFs are subject to audit on an annual basis. If you are selected for audit you will receive written notification with a request to make your CPD submission if you have not already done so.
- The Farriers Registration Council does not endorse or approve any particular event or activity for CPD or award CPD points. Any activity may be considered suitable as CPD as long as it relates to your profession as a farrier or to the running of your farriery business.
- There may be some repetition of the type of activities over time but we would not expect to see the same learning benefit each time the activity is undertaken. We would also not expect to see identical submissions for the same activity from different registrants.

- Any time spent working alongside another a farrier or a veterinary surgeon will be considered CPD if you learnt something from the time spent.
- The My FRC area of the FRC website at www.farrier-reg.gov.uk provides information about CPD including the FRC's Guide to Continuing Professional Development (CPD) for Registered Farrier. The website also provides users with the facility to record CPD events or activities throughout the year and complete a submission as necessary.

Examples of CPD activities submitted in the audit with satisfactory learning benefit provided	
<i>Keeping feet in great shape – webinar</i>	<i>Introduced the potential of using the alternatives to steel shoes. I'll take the learning forward with support and training into products available and practical demonstrations</i>
<i>Farriery CPD Tour - lecture</i>	<i>Gained experience of different techniques relating to remedial shoeing. Main learning outcome was the application of these techniques in foals.</i>
<i>Foot Focus Webinar Series - Week 1 - From Shod To Barefoot</i>	<i>Gained knowledge of the benefits of alternatives to traditional shoeing which prepared me to support customers with their decision making.</i>
<i>ATF training day at a College</i>	<i>Keeping up to date with the latest training and assessment provided by college and bring that into my business practice.</i>
<i>Eastern Counties BFBA Modern materials at World Horse Welfare</i>	<i>The application of Glue on shoes different types of Crack repair with various acrylics and polyurethane repair materials.</i>
<i>Worked with vet on laminitic pony</i>	<i>Increased understanding of metabolic laminitis .</i>
<i>Watched an online course on business</i>	<i>Taking the clients perspective, how to self-motivate, serving the audience, finding common ground, problem solving sometimes isn't as effective as problem finding.</i>
<i>Spoke with a vet about a foal with tendon contracture</i>	<i>I learnt more about the use of physiotherapy for treatment of tendon contracture in foals, I then researched myself on some articles on the internet.</i>
<i>Steel and alloy welding lessons</i>	<i>Learning about the difference in welding steel to alloy for use in the workplace on bar shoes.</i>
Examples of CPD activity submissions which may not be suitable CPD due to relevance, lack of information and suitable learning benefit.	
<i>IHCS</i>	<i>Educational content from Farriers and veterinarians relating to hoof care.</i>
<i>Farriers CPD tour</i>	<i>There was a presentation and talk in the morning and a practical session in the afternoon.</i>
<i>Podcasts.....</i>	<i>Listening to podcasts everyday in the van while on the road.</i>
<i>Double lecture to horse owners/farriers</i>	<i>My time at the Olympics.</i>
<i>Farrier Focus</i>	<i>I went to Farrier Focus.</i>
<i>Thrush on Willow Learning Outcomes</i>	<i>Willow had thrush and I've cleared it in 3 visits.</i>

Farriers Registration Council

Regulating the profession of Farriery

Making use of online CPD tools

In September this year the FRC were pleased to launch a new styled website aimed at providing the online user with a better experience. The improved website provides registrants, horse owners and the public easy access to information about farrier regulation and a streamlined **Find a Farrier** tool. There are digital application forms for those wishing to join the Register upon qualification as well as for those interested in applying for registration from overseas, and a number of online tools and registration information specific to registrants within the My FRC area.

One main area of improvement has been the CPD tools within My FRC, and Registered Farriers are encouraged to manage CPD records by using these tools to maintain records of learning and make annual CPD submissions direct to the FRC.

Accessing the website

- Go to www.farrier-reg.gov.uk
- Click on **My FRC** at the top right of the website's Home Page.
- If you have a current My FRC account and know your password, sign in when prompted.
- For those who have yet to register to use My FRC click **Not yet registered for My FRC?** and enter your Computer Number, date of birth and your preferred email address. Enter a password according to the listed requirements and click Register to receive an email to complete your account activation. (You may need to check your Junk folder if no email appears in your Inbox.)
- If you have previously set up an account on My FRC but do not know your password click **Forgotten your password?** and follow the instructions.
- Once you have signed in, navigate to the **My CPD** tab to read all about CPD, access tools to record and submit activities and retrieve details of previously completed CPD submissions.



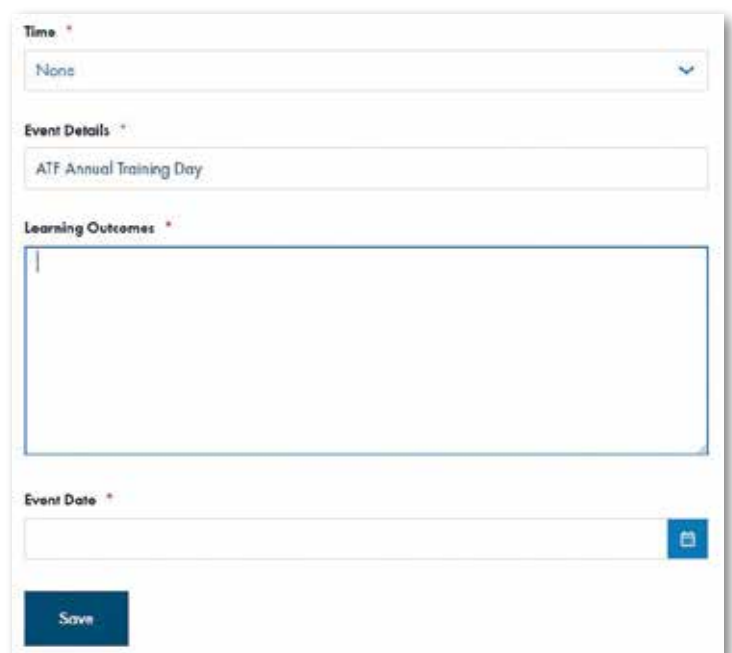
Record & submit CPD

The Record & submit CPD page provides users with the tools to log all CPD learning activities undertaken and is a secure personal record.

Activities can be added throughout the year and an annual submission made to the FRC when the year's activities are completed. There is no need to wait for a request by the FRC to make a submission of the year's CPD learning. CPD submissions should be made to the FRC no later than 31 January each year for the previous calendar year.

To record a CPD activity

- Within **Record & submit CPD** select the relevant year that the activity you wish to record relates to.
- Click the Record CPD button and complete the details and click **Save**.



Guidance >>>

- The entry will then appear on the Record & submit CPD page under the relevant year. To add further activities repeat this process. All recorded activities for a particular year will appear on the Record & submit CPD page until submitted as part of the whole year's Annual CPD Submission.

Choose a year to add activity to or submit

2024

Record a new CPD activity: [Record CPD](#)

Your CPD activities for 2024. Do not press 'Submit' until all activities have been recorded for this year.

> ATF training day at Warwickshire College, 4.0 points [edit](#) [Delete](#)

2024 Status: Not submitted

1 activities, total of 4 points

Your entries are under 10 points. Please enter your reason here below:

[Submit](#)

- When all activities have been added for the year and no amendments are required click the **Submit** button at the bottom of the Record & submit CPD page. **Do not click Submit until all CPD activities undertaken for a particular year have been added.**

Viewing your CPD History

To view full details of completed CPD submissions (ie those year's already submitted to the FRC via the website) go to **Previous CPD submissions** via the My CPD tab.



A list of all your completed CPD submissions is available to view with the facility to generate a downloaded PDF for your records

Previous CPD submissions

To view and download details of your previous CPD submissions click below:

Year	Points total	Download
2023	0.5	Download PDF
2022	4	Download PDF

If you experience any problems accessing My FRC or need assistance to use the online CPD tools please contact the FRC on 01733 319911 or at frc@farrier-reg.gov.uk



Disciplinary Committee Hearings

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

THE CHARGE

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

1. *On 26 August 2021, at the Cambridge Crown Court, were convicted, following a guilty plea, of assaulting a person thereby occasioning them actual bodily harm, in relation to which offence you were sentenced to 6 months' imprisonment suspended for 18 months, and required to carry out unpaid work for 200 hours;*
2. *Failed to submit Annual Returns to the Council for the following periods:*
 - a. 2017;
 - b. 2018;
 - c. 2019;
 - d. 2020;
 - e. 2021; and
 - f. 2022
3. *Your actions at 2f above were dishonest, in that you deliberately failed to submit an Annual Return to the Council in an attempt to conceal your conviction whilst the sentence was still active and/or you believed the conviction to be unspent under the Rehabilitation of Offenders Act 1974".*

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

Preliminary matters

Mr Michael Collis appeared on behalf of the Council. Mr Matthew Corrie appeared on behalf of Mr Walker, who was also in attendance. The case was listed for one day on 13 November 2023.

Mr Walker admitted Charge 1. He also admitted Charge 2 on the basis that he sent his Annual Returns to the wrong place (the FRC changed premises in July 2017), while accepting that it was his responsibility to make sure they went to the right address. Mr Walker denied Charge 3.

The evidence

The Committee's bundle of papers included a copy of the Certificate of Conviction, issued by the Cambridge Crown

Court, which stated that on 26 August 2021 Mr Walker was convicted of assault occasioning actual bodily harm and sentenced to 6 months' imprisonment suspended for 18 months, and required to carry out unpaid work for 200 hours.

The background of the offence as taken from the transcript from the Crown Court is as follows:

"On 15 August 2020, the Respondent had been at the [redacted] in [redacted] with some friends. The Respondent was at the bar shortly after midnight with two of his friends. They were ordering whiskies and coke and KB, a barman, asked if they wanted coke. One of the Respondent's friends replied to this saying, "He doesn't as he is fat enough as it is. Do you - do you have diet?" The Respondent appeared to believe that this had been said by Mr B as he, the Respondent, took another man's drink, downed it in one, and then threw the empty glass at Mr B who was standing behind the bar. The glass hit Mr B breaking and cutting the side of his head, causing three injuries which required stitching.

The Respondent then walked out of the pub with his friends asking him why he had just done that. The Respondent returned inside the pub and was asked if he was going to apologise. He then said to Mr B, "Are you okay? But next time you shouldn't call me fat." It was pointed out to the Respondent that the comments had, in fact, been made by one of his friends but he did not appear to accept this. The Respondent was heard to say, "If you keep quiet, I'll give you some hush money." The Respondent was subsequently arrested and made full admissions in his police interview. He became emotional when he saw exactly what he had done, as captured on CCTV. Someone else in the pub who knew the Respondent remarked that he has never seen the Respondent be violent, describing him as always "very chilled and calm." He had never seen the Respondent argue with anyone and described it as very out of character.

Mr B provided a victim personal statement which contained the following passage, "This has affected me physically as I had to attend A&E where I was x-rayed and received stitches. I was in a lot of pain at the time and still have some bruising around my eye now."

In the course of mitigation that was advanced, the following points were made on behalf of the Respondent: He has no memory of the incident and he's certainly been very reckless indeed in consuming an amount of alcohol that has forced

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him to behave in this way, which is so out of character for him. He is a family man with a young son and a partner that relies on him. He's the main breadwinner in the household. He's been running his own business as a farrier and he's looking after his father. He purchased his parents' home and there are those stabilising factors in place ...;" and, "He has effectively abstained from alcohol since this incident. He has not set foot in another pub and he will ensure his rehabilitation." Until this matter, the Respondent had been a man of good character."

In passing sentence, the Judge made the following comments:

"You are a man who is now 37 years old with no previous convictions. I accept what has been said, that you are a hardworking man, running your own business, and you are also the main breadwinner in the house and also have other team responsibilities such as looking after your father and it seems that this offence was completely out of character. I am told as well that you have abstained from alcohol since this incident. I can only hope that's the case because, clearly, when you have consumed too much alcohol, you are at risk of doing something similar again."

Mr Walker accepted the fact of this conviction both in his 2023 Annual Return form that was submitted to the Council and in the course of his 18 April 2023 email that was sent to the Council. In that email, Mr Walker stated:

"I went out 14th August 2020 around 5-5.30 pm for a friend's birthday drinks. I hadn't been out since before December when my son was born and Covid hit. I was in rounds with few friends and a couple I didn't know. I remember going to the toilet at 9 pm and getting my pint off the table and then remember nothing from evening from then onwards. A couple of months passed possibly longer. A policeman knock on my door and asked if I would go and give a statement/interview the following week. I went to station to be interviewed and was shown CCTV footage which showed I had thrown a glass and it had hit someone on the cheek after midnight. I don't recall any of this happening. I was in complete shock as this is completely out of character for me. I've never been in trouble before. I asked if the person was okay. The officer said he had a small cut and a bruise on his cheek. I pleaded guilty and it went to court and was charged and sentenced." [sic]

The Committee heard oral evidence from Mrs W, at the Farriers Registration Council who confirmed the contents

of her witness statement. Mrs W informed the Committee that, since 2016, Registered Farriers have been required to complete an Annual Return, which included a declaration of any police caution or conviction received in the preceding year. Mr Walker did submit an Annual Return for 2016, but thereafter from 2017 to 2022 failed to provide any. This alleged failure involved Mr Walker not replying to letters sent to his home address on a number of occasions, as follows:

5 September 2016 - a letter attaching a Cautions and Convictions Notification Form to be returned by 7 October 2016

24 April 2017 - an Annual Disclosure Reminder letter attaching a Cautions and Convictions Notification Form to be returned by 12 May 2017

27 September 2017 - a letter enclosing an Annual Return Form to be completed and returned by 20 October 2017

26.4.18 - an Annual Return Reminder enclosing an Annual Return Form, to be completed and returned by 11 May 2018

20 August 2018 - a letter enclosing an Annual Return Form for 2019 to be completed and returned by 14 September 2018

15 April 2019 - an Annual Return Reminder enclosing an Annual Return Form to be completed and returned by 10 May 2019

30 August 2019 - a letter enclosing an Annual Return Form for 2020 to be completed and returned by 13 September 2019

3 September 2020 - a letter enclosing an Annual Return Form for 2021 to be completed and returned by 30 September 2020

18 August 2021 - a letter enclosing an Annual Return Form for 2022 to be completed and returned by 31 August 2021

1 September 2022 - a letter enclosing an Annual Return Form for 2023 to be completed and returned by 15 September 2022

As stated, the FRC did not receive anything from Mr Walker as a result of the letters sent to him above.

On 1 March 2023 the Council wrote again asking Mr Walker to submit an Annual Return and, on this occasion, Mr Walker replied by submitting an Annual Return for 2023, in which he declared his conviction but stated that it had been received in August 2020, rather than 2021. That response was sent by post to the FRC's address in Swan Court and received on 15 March 2023.

Mrs W wrote to Mr Walker on 4 April 2023, and asked him to provide details of the background relating to his conviction. Following some further email correspondence Mr Walker stated that under section 15(d) of the Code of Professional Conduct he was not required to disclose spent convictions. The relevant section of the Code states that “farriers must confirm details of any police caution or criminal conviction awarded since their last declaration. There is generally no requirement to disclose spent convictions.”

Mrs W wrote again to Mr Walker on 14 April 2023 pointing out that under the terms of the relevant legislation his conviction would not in fact become spent until 25 February 2024, that date being two years after the end of the custodial sentence being imposed.

It was the Council's case, as set out in Charge 3, that Mr Walker deliberately, and therefore dishonestly, failed to submit an Annual Return in 2022, the first Annual Return that became due following the conviction at Cambridge Crown Court, to avoid disclosing his conviction while the sentence was still in force and/or whilst he believed it remained unspent under the Rehabilitation of Offenders Act 7 1974. Mr Walker denied this allegation.

With regard to Charge 2, Mr Walker admitted this charge but maintained he had sent his Annual Returns in, albeit to the wrong address. The FRC had been based at Sefton House, Adam Court, Newark Road, Peterborough. However, on 13 July 2017, the FRC moved premises to 14 Swan Court, Forder Way, Cygnet Park, Hampton, Peterborough. The FRC Registrar provided a statement detailing the change of address and indicating that a Royal Mail re-direction service was utilised for a period of one year. After that time the FRC relied on the new occupants of Sefton House to contact them if any mail arrived for the FRC.

The Registrar gave evidence to the Committee. He confirmed the content of his statement. He was asked if there was any log kept of post received as part of the redirection service and he said he did not believe so. He also confirmed that no record was kept of the post that was received at Sefton House and then collected by the FRC. The Registrar was unable to confirm if Mr Walker had paid his annual fee between 2016 and 2023, but confirmed the letters seeking fees were separate to the letters seeking the annual declaration. When asked if he had seen any particular correlation between not paying and not

declaring, the Registrar said, *“I can't say that I have.”*

At the conclusion of the FRC's case, Mr Corrie made a submission of no case to answer in respect of Charge 3. That submission was rejected and is dealt with in Annex 1, attached to this decision.

Mr Walker then gave evidence. He confirmed the content of his witness statement. He said he qualified as a farrier in 2007, is a sole trader and has approximately 150 customers. He referred to the incident that led to his conviction, as detailed in paragraph 6 above. He said the incident was completely out of character, he was sorry for what had occurred, that he was not the sort of person to get into trouble, this being the one and only time, and he does not have any alcohol issues. In relation to the Annual Returns, in the years up to 2023, namely 2017 - 2022, Mr Walker said, *“I posted them through the letterbox at the old address of the Farriers Registration Council namely at Sefton House, Adam Court, Newark Road, Peterborough, PE1 5PP. They were all hand posted by me through the letterbox. I paid my annual retention fees via the FRC online payment system as usual each year without any issues being raised.”*

Mr Walker said he was not aware that the FRC had moved offices until he read online roughly in “2022-ish” about the farrier retention fee going up. He said before learning that, he had declared the details of his 2021 conviction on the 2022 Annual Return and he had posted that through the letterbox at Sefton House. He said there was no deliberate attempt by him, or any dishonesty on his part, in withholding details of his conviction.

Mr Walker said he had not kept copies of his Annual Returns and he did not remember receiving any ‘red reminders’ that they had not been received. He added that, *“nothing has ever been received by me that the returns were not received. I have not moved house, or changed my address in the period from 2017.”* Mr Walker said he did recall receiving ‘red reminders’ from the FRC for the time to pay the FRC retention fees, but he could not remember receiving any for the Annual Returns.

Mr Walker said, *“I pride myself in being a member of the farriers profession. If I had been told that the FRC had not got my Annual returns, I would have sorted matters. I am sorry for what has occurred in relation to being convicted and also in relation to the returns. I hope that the FRC will be lenient with me so far as this Hearing is concerned as a loss of my licence would have a*

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devastating impact upon my partner, our young family and the wider horse owners who depend on me for looking after their horse welfare."

Mr Walker added that his practice when he received letters from the FRC was to fill them in and send them back. By sending them back he explained that he would deliver them by hand to the FRC offices. He said he believed he completed most, if not all, of his Annual Returns but said that he was not great with paperwork.

With regard to his conviction and sentence on 26 August 2021, Mr Walker was asked what his understanding was of whether or not it needed to be declared to the FRC, he said *"At that time, I just thought when an annual return came round, fill it in to notify them."* He was asked about how he felt making a declaration to FRC about the conviction and he said *"It's what you have to do, but I'm ashamed of what happened and it's not right."* He was asked what, if any, impact did he think the conviction would have on his registration as a farrier. He responded saying he honestly did not know what effect it would have. In response to a question about his understanding of spent convictions in 2021-2022, Mr Walker said he did not know anything about spent convictions at that time and he just thought all convictions went on the Annual Return.

With reference to the date of 2020 rather than 2021 being recorded on the form for 2023, Mr Walker said that was a misprint and should have been 2021. He said it was a mistake and was not deliberate. He was asked why he had not mentioned his suspended sentence on the form, to which he replied, *"I honestly do not know. I thought I had put it on."*

Mr Walker said that the FRC sent to him the Code of Professional Conduct at the same time as the letter dated 4 April 2023 asking for more information about the ABH conviction. He said he read the Code before sending his response on 10 April 2023, referring to point 15.d stating he did not need to disclose spent convictions. He said that reading the Code was the first time he turned his mind to whether the conviction was spent or not. He said he had never read the Code before that time as he had not received one. He said he did not really understand what 'spent' meant and he had to look it up on the internet. He said he still did not understand the provisions around spent convictions *"a hundred per cent."*

Mr Walker maintained that he had declared the ABH conviction

in the Annual Return he completed for 2022. He said he did not accept that he deliberately failed to submit the form in order to conceal his conviction whilst he still had an active sentence.

Mr Walker said that as well as posting his Annual Return forms by hand he would also drop off the cheques for his annual retention fee, until such time as the FRC stopped accepting cheques, although he did not know what year that was. He said his Dad would drive them to the FRC office at Sefton House on their way to play darts at a local pub, or on the way home after.

Mr Corrie asked Mr Walker about his drinking since the incident in 2021 and he said he has not really drunk alcohol since. He considered that his behaviour that night was not befitting of a farrier and he was ashamed of the way in which he had conducted himself. Going forward, he said he would always fill his Annual Return forms in online. He said being a farrier was *"my job, it's my life, I love it."* He said what happened in the pub that night should never have happened and it would never happen again.

When cross-examined, Mr Walker said he may have not completed one or two Annual Returns. He said he would complete the Returns within a couple of weeks of receiving them and that it always seemed to be dark when he posted them through the door at Sefton House. It was pointed out to him that if he posted the Return for 2017, sent to him on 5 September 2016, within a couple of weeks then the FRC would still have been in Sefton House as they did not leave until July 2017. He was asked how he missed the change of address on the letters sent to him after 2017 and he said he had not noticed the change in address. He said *"... it's my mistake that I haven't read the letter properly."*

Mr Walker said he did not recall seeing any of the reminder letters that were sent to him. He said that when he paid his retention fee and phoned the FRC they never mentioned anything about the absence of his Annual Returns. He was asked to account for why he received the letters asking him to complete his Annual Returns but not the three reminder letters sent to the same address. His response was that if a letter came with the Annual Return attached to it (as was the case with the reminder letters) he would have filled in the form and sent it back. He said he would not have looked at the letter attached, he would just have filled in the form, so this

meant he may have returned two Annual Return forms for the three years where he was sent reminders, but if this had been the case he did not realise.

With regard to the 2023 Annual Return that Mr Walker did complete and send in to Swan Court, Mr Collis noted that it was received at the FRC on 16 March 2023, 15 days after the reminder letter that was sent on 1 March 2023. He thus asked Mr Walker whether he submitted the 2023 Return as a result of the reminder rather than the initial request sent on 1 September 2022. Mr Walker said he just presumed it was the initial request and not a reminder.

Mr Walker was then taken to the Annual Return letter that was sent to him on 18 August 2021 to cover 2022. It was pointed out that he would have received that after his guilty plea in the Magistrates' Court, but before his sentence hearing in the Crown Court eight days later. It was suggested that this Return would have been more significant as it was the first one where he would actually have had to declare a conviction. Mr Walker agreed and said he put the similar information on that form as he had put in the 2023 Return.

Mr Collis asked Mr Walker if he thought it strange that the FRC were asking for more information about his conviction in April 2023 when, if his account were to be believed, he had informed them of the conviction 18 months earlier. Mr Walker said he did not know how it all works and that was why he did not query it.

With regard to the Code, Mr Walker said he did not receive a copy of the 2021 Code when it came into force. He remained adamant that he had hand posted the Annual Returns through the letter box at Sefton House. He denied the suggestion that he waited until 2023 to disclose his conviction because he thought at that stage it would be safe to do so.

Following Mr Walker's evidence there was no time left in the day to complete the hearing and it was therefore adjourned until Friday 8 March 2024.

Resuming Hearing

On Friday 8 March 2024 the case resumed. The same persons were present save for a change of Legal Assessor.

L H, Mr Walker's partner, gave evidence. She said she has been in a relationship with Mr Walker since 2018 and they have two

children. She said she believes she knows Mr Walker "*extremely well and know him to be a kind, caring, honest person.*" She went on to say how out of character the incident in August 2020 was and how upset Mr Walker was that he had hurt someone and how ashamed he was of his behaviour. With regard to the FRC Annual Returns, Ms H said that she could recall Mr Walker completing every return as they arrived and returning them by hand. She added, "*I believe that any returns you are missing may have been completed and returned by Lewis in error to the old address.*"

Ms H said she knew Returns had arrived because of the Farrier stamp on the envelope and she would say to Mr Walker he had a letter from the FRC. If still there in a couple of days she said she would remind him that the letter was there. Ms H said that "*normally they would be on the side and then he would fill the form in pop it back in the envelope and he would normally say just he was going to return it on the way out tonight as he would normally do it by hand on the way to darts.*"

She went on to say, "*I believe they were completed and returned and the reason I believe they went to the wrong address is because probably a year ago Lewis said the FRC had moved address, so the only thing I could think for any Returns not received is that they had been hand delivered to the old address because he was unaware of the address change.*"

With reference to the conviction, Ms H said, "*There was no discussions about it being declared because it would be. Although it is something that he is embarrassed about, it is something that he would not ever not disclose, he would not try and hide it. Although something he is not proud of unfortunately it happened and of course he has to own it.*" She said, "*He asked me to read the form just to make sure he had documented it correctly and the conviction was declared.*" She said she remembered looking at two forms where Mr Walker had declared his conviction.

When cross-examined she was taken to the form received by the FRC on 16 March 2023 and asked about the fact that it made no reference to the suspended prison sentence, so was not in fact accurate. She said that was an oversight on her part and she was quite shocked at it. She was asked if the other form on which she had seen the conviction was also wrong and she replied, "*Without having the form in front of me I don't think I would miss the information twice so I believe the form would have been completed correctly.*"

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Ms H said they had been living together since about April 2019, so she could not comment on what happened to post from the FRC before that time. With regard to the post received when they were living together, Ms H said she never actually saw the contents of the envelopes, nor did she see Mr Walker actually completing the Annual Returns, apart from the Annual Returns she was asked to check with the details of the conviction. Ms H was asked about when they became aware of the FRC moving address. Initially she said that was when Mr Walker received the letter from the FRC saying he was being investigated and that the FRC had not received any Annual Returns for many years. She described that as a "light bulb moment" and they thought the missing Returns was due to them being taken to the wrong address. However, it was then pointed out that in March 2023 Mr Walker had sent his Annual Return to the new office and that was before the letter about the investigation, so it cannot have been that letter that alerted them to the change of address. Ms H then struggled to provide an explanation, but eventually said they must have seen it on a forum. She accepted they were reliant on Mr Walker's income and she was aware the outcome of this case could impact upon Mr Walker's ability to practise as a farrier. However, she denied trying to assist her partner or exaggerating or mis-stating the facts.

The Committee also heard evidence from the Respondent's father, Mr W W. He said, "Myself and Lewis play darts on a Tuesday and Wednesday evening together. I recall on a minimum of 5 occasions, that we have driven past the FRC building and posted Lewis' annual returns. When you arrive there is a barrier and we would park down the street. I can remember that it was always dark when we would do this, I think it was about January or February time. There is a post-box to the left of the door, which I believe is red."

Mr W W said he did not look at the forms or know what they actually were. He said they had delivered post to the FRC on a yearly basis from around 2007 to 2019. He said there might have been the odd occasion when his son went without him. He was sure it was either January or February as it was dark on their way to darts. In his statement he had said he recalled a minimum of five occasions when they made a delivery, but when being cross-examined he said it was a minimum of five times he did not go. He said he could not say exactly which years they went.

Mr W W said he did appreciate the seriousness and significance of this case and that he was not exaggerating or

mis-stating matters to try and assist his son.

The Committee was provided with a number of testimonials from friends who spoke of Mr Walker's honesty, integrity, loyalty and professionalism. He is described as a dedicated professional, reliable and conscientious, completely trustworthy, kind caring and honest, a man who has pride in all that he does. There was also a reference from a client who has relied on Mr Walker to carry out work on their horses since 2008, and who said:

"He has worked on every type of my horses from the young to the old to the remedial and everything in between.

Lewis has always been polite, peaceful, a good communicator and kind. He has a quiet demeanour and has no bravado. He is particularly good with the young and the nervous horses.

I feel completely and entirely safe with Lewis on my yard, with my horses, my family and my staff.

There are a couple of horses on the yard which are undergoing medical treatment. He always listens to the vets and completes the different shoeing methods in line with the advice provided. He has helped massively with these horses, in preventing conditions from worsening.

I am really sad about all of this happening to Lewis as he is such a genuine and kind-hearted person.

Farriers are not easy to come by and if we lost him, I would not be able to just simply pick up another. There is one particular horse on the yard who is dangerous and most farriers would not even attempt to go near him. However, Lewis has such a way with him. I would be simply lost without him."

DECISION OF THE DISCIPLINARY COMMITTEE ON THE FACTS

The Committee took into account all the evidence both written and oral, together with the submissions made by Mr Collis on behalf of the FRC and those made by Mr Corrie on behalf of Mr Walker. The Committee accepted the advice of the Legal Assessor and bore in mind that it was for the FRC to prove its case on the balance of probabilities. It was not for Mr Walker to disprove the disputed allegations.

In relation to Charge 1, the Committee accepted the admission made by Mr Walker, as supported by the evidence, and found

this Charge proved.

In relation to Charge 2, although admitted, this really depended on the Committee's view of the account given by Mr Walker that he had in fact completed the Annual Returns and had posted them in the letterbox at Sefton House. It was for the Council to prove, on the balance of probabilities, that the Respondent did not submit Annual Returns between 2017 and 2022. He said he completed them and posted them through the door at Sefton House. Elements of his account appeared, at first blush, to be supported by Mr W senior, who said he recalled driving past the FRC building on at least five occasions and Mr Walker posting the Annual Returns, and also Mr Walker's partner, Ms H, who said he would complete every Return as they arrived and return them by hand. On closer analysis, however, it became questionable whether their accounts did in fact support Mr Walker's account, as detailed below.

For the Committee to accept, or at least not reject, Mr Walker's account, it would have to believe, on the balance of probabilities, that the FRC had failed to disprove he was telling the truth about hand delivering the Returns to the wrong address. This would involve him being unaware for nearly six years that his professional Regulator had moved premises despite the address for the FRC changing on all correspondence sent to him in that time. The FRC moved addresses on 13 July 2017. The first letter that it is alleged Mr Walker did not respond to was sent to him on 5 September 2016 asking him to complete a Cautions and Convictions Form and to respond by 7 October 2016. Had he responded to that by hand delivering his form to the FRC at Sefton House, as he said he did, the FRC would have received his response since at that time they were still in situ at Sefton House. No form was received.

When cross-examined Mr Walker said he may not have completed one or two Annual Returns. If that change of account was to be believed then it was possible that this was one of the ones he failed to return. However, this appeared to the Committee to be no more than a late change in evidence as a convenient way to try and explain the absence of this Return.

The next letter he was sent asking for a response was a reminder letter for the form not received by 7 October 2016. That was sent on 26 April 2017 and asked for the completed

form to be sent by 12 May 2017. Again, had he responded to that and hand delivered the form as requested by 12 May 2017 the FRC would have received it since they were still in situ. No form was received.

The Committee considered it implausible to suggest that this too may have been one of the forms he said in evidence that he may not have returned. For one of these first two to have been missed was arguably possible, but for both to be missed was, in the Committee's view, unlikely. Furthermore, the Committee considered it was not plausible that Mr Walker would not have read the reminder letter and thought to himself 'why have they not received the Return that I posted through their letterbox?' Or, even if he did not read the reminder letter, to have thought 'why am I filling in another Annual Return when I have already done this a few months ago?'

Mr Walker's evidence was that he would not read the letters attaching the forms but would just complete the forms and hand deliver them to the FRC at Sefton House. This may have meant he responded to the same form on occasions twice. If that were true then the FRC would have received not one but two Cautions and Conviction Forms for 2017 and yet they received none. This seriously undermined Mr Walker's account.

The next letter he was sent was on 25 September 2017, asking him to complete an Annual Return and submit it by 20 October 2017. By this time the FRC had moved and the new address was on the letter sent to Mr Walker. It was Mr Walker's case that he would complete the Annual Returns and hand deliver them to Sefton House within a couple of weeks of receiving the letter. He gave evidence about how it was always dark when he did so.

No Return was received by the FRC and so a reminder was sent on 26 April 2018. Again, on Mr Walker's account he would not have read the letter accompanying the reminder and would simply have filled the form in and hand delivered it to Sefton House. That would mean there should have been two completed Returns for 2018 sitting at Sefton House waiting to be forwarded to the FRC. No forms were forwarded.

This same pattern was repeated for the 2019 Return, with a letter sent on 30 August 2018 and a reminder on 15 April 2019. Again, either there should have been two completed Returns waiting at Sefton House or none if this was one of the years

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that he missed both letters. In any event none were forwarded on to the FRC.

For the next three years letters were sent to Mr Walker and no Returns were received by the FRC.

As a matter of undisputed fact the FRC did not receive the Annual Returns referred to in Charge 2. On that basis the allegation is found proved. However, the Committee went on to decide whether it accepted Mr Walker's account of having hand delivered the Returns to the wrong address, since this was clearly relevant to the question of whether or not he was dishonest, as alleged.

The Committee was not persuaded by Mr Walker, and his witnesses, of his account of having hand delivered the Annual Returns to the wrong address for some five years. He submitted a Return for 2016 and so was clearly aware of the requirement to do so. If his account were true then the FRC would have received the 2017 Annual Return since this was sent at a time when the FRC was still at Sefton House. The same is true of the reminder for the 2017 Return. None were received. The Committee considered this significantly undermined his account of hand delivering the Returns to Sefton House. The Committee also considered it implausible that so many Returns were delivered to Sefton House and yet none made their way to the FRC's new premises, despite the arrangements in place for the exiting tenants to forward mail.

Mr Walker relied on his partner and father to support his account. In the Committee's view they did not really assist Mr Walker. On closer examination it was apparent that Ms H could not speak to the post received from the FRC before April 2019, when they began to live together. She could not therefore support Mr Walker's account of what he was doing in 2017 and 2018. Thereafter her evidence was that she did not actually see what was in the envelopes arriving from the FRC, nor did she see Mr Walker completing the Returns; she was just aware that whatever post he had received from the FRC he would respond to it and return forms to the FRC by hand, on the way to darts. She talked of a 'light-bulb' moment when they realised the Returns must have been going to the wrong address, as a result of receiving the investigation letter on 4 April 2023 and yet was then shown that could not have been the 'light-bulb' moment she claimed, since it post-dated the time when Mr Walker sent his 2023 Return to the FRC at its correct address. She then visibly struggled to come up with an explanation, before saying they had seen it on some forum.

Mr W W's account was equally unhelpful. From saying there were at least five occasions when he had been with his son dropping off post at the FRC, that became a period of 12 years from 2007 to 2019 and then at least five occasions when he said he had not been with his son dropping post off. In any event he was not aware of what was being dropped off, just that they would stop by the FRC offices on their way to darts to drop post off. He was adamant that this took place in January or February as it was after Christmas and dark. This was contrary to the evidence of Mr Walker who said he would deliver them within two weeks of receiving them, so in September or October and at a time when it may not have been dark, or if responding to the reminders then it would have been in May, when it most certainly would not have been dark. The two accounts were, therefore, wholly inconsistent.

Having not accepted Mr Walker's account of hand-delivering the Annual Returns to Sefton House, the Committee went on to consider whether he had acted dishonestly in relation to the 2022 Return. The Charge reads:

"Your actions at 2f above were dishonest, in that you deliberately failed to submit an Annual Return to the Council in an attempt to conceal your conviction whilst the sentence was still active and/or you believed the conviction to be unspent under the Rehabilitation of Offenders Act 1974."

This required the Committee to be satisfied, on the balance of probabilities, of the following:

- that he deliberately failed to submit an Annual Return;
- in an attempt to conceal his conviction;
- whilst the sentence was still active; and/or
- he believed the conviction to be unspent under the relevant provisions.

In considering these matters the Committee took into account the fact that Mr Walker has no previous convictions for dishonesty and no previous adverse disciplinary findings. It also took into account the character evidence and considered the inherent improbability of him behaving in this way in light of his character.

The Committee had already dismissed Mr Walker's account about hand-delivering his Annual Returns, but the Committee could not know his motives for doing so. However, in 2021 matters changed significantly in that he had been convicted of a criminal offence. The most significant aspect of the Annual Returns is the declaration of any convictions. Had he submitted his 2022 Annual Return he would have been required to declare his 2021 conviction.

When he did notify the Council, in his 2023 Annual Return, that he had a conviction, he said it was in 2020 when in fact it was in 2021 and he failed to mention the most serious part of his sentence, namely a suspended prison sentence. Mr Walker said getting the year wrong was a mistake and he thought he had put the full sentence on the form. The Committee found these answers far from satisfactory, but were concerned with the reason for not submitting the 2022 Annual Return, not the accuracy with which he had completed the 2023 Return.

The Committee has decided, in relation to Charge 2, that Mr Walker was a serial non-returner of his Annual Returns. Had he submitted all his Annual Returns except for 2022 that would have looked highly suspicious. However, to have not submitted for 2022 when he had not submitted for the previous five years either, looked far more like a continuation of the pattern of not submitting Returns. Furthermore, if it was Mr Walker's intention to conceal the fact of his conviction until it was spent (even assuming he knew what that meant and the Committee was far from persuaded that to be the case) and so did not announce it in 2022 so that it would become spent and he would not have to declare it, then why declare it at all in 2023? That made no sense to the Committee, indeed it would have been entirely counter productive since if Mr Walker had believed in 2023 that his conviction was spent then he would not have had to declare it at all. Had he not declared it his deceit would have been complete, so the completion of his 2023 Return undermined the Council's case that he had acted dishonestly.

In all the circumstances the Committee was not persuaded, on the balance of probabilities, that Mr Walker had deliberately failed to submit his Annual Return for 2022 in an attempt to conceal his conviction, whilst the sentence was still active and/or he believed it to be unspent.

Accordingly, the Committee found Charge 3 not proved.

Resumed hearing

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

The case resumed on 22 July 2024 following the decision of the Committee on the facts dated 8 March 2024.

Mr Collis appeared on behalf of the Council and Mr Corrie appeared on behalf of Mr Walker, who was also in attendance.

Mr Collis submitted that Mr Walker's conviction amounts to serious misconduct in a professional respect. He drew the Committee's attention to the Code of Conduct and in particular the guiding principle that registered farriers are expected to:

- Uphold the good reputation of the Farriery profession;
- Understand and comply with your legal obligations; and
- Avoid situations both within and outwith the professional context which could be in breach of criminal law, or may call into question your fitness to practice.

Mr Collis also referred to paragraph 94 of the Code that provides guidance in respect of criminal convictions as follows:

"..serious criminal offences will usually amount to a matter of serious misconduct, but not every offence shall be viewed as serious. Not every criminal offence will necessarily be notified to the FRC or referred to the DC, but rather only those which are likely to affect the farrier's ability or fitness to practise, call their honesty and integrity into question, endanger the public or bring the profession into disrepute – these examples are not exhaustive – may amount to serious misconduct"

Mr Collis submitted that the conduct in question does not have to occur directly from farriery duties in order to amount to serious misconduct in a professional respect. He referred to the case of R (on the application of Remedy (UK) Ltd v General Medical Council [2010] EWHC 1245, where the Court described a form of conduct *"of a morally culpable or otherwise disgraceful kind which may, and often will, occur outwith the course of professional practice itself, but which brings disgrace on the doctor and thereby prejudices the reputation of the profession"*. Conduct of this nature does not need to be directly related to the exercise of professional skills.

Mr Collis submitted that the conduct underlying the conviction, although not directly linked to Mr Walker's professional practice, can properly be characterised as disgraceful and attracting opprobrium. Mr Collis highlighted:

- The fact that the Respondent received a sentence of six months' imprisonment, albeit that this was suspended for two years (the Committee noted that the sentence was suspended for 18 months);
- The fact that this offence caused injury to a member of the public; and
- The level of intoxication of the Respondent at the time of the offence, which was treated as an aggravating factor.

Mr Collis submitted that the failure to submit annual returns

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also amounted to serious misconduct in a professional respect. He referred to paragraph 84 of the current Code which states:

“As from 1 January 2016 Registered Farriers must complete an Annual Return”

Mr Collis submitted that by failing to submit Annual Returns Mr Walker frustrated the Council’s efforts to ensure that it had up-to-date information on personal details, existence of any convictions and cautions, and professional indemnity insurance.

Mr Collis referred to all three versions of the Code which were in force for the timeframe covered by Charge 2 which make the point that whilst minor breaches of the Code’s contents might not amount to serious misconduct, repeated minor breaches could well do so. Mr Collis submitted that even if the Committee were to take the view that a solitary failure to supply an Annual Return would not amount to serious misconduct, a failure to do so for six years would cross that threshold.

Mr Collis submitted that although the Committee concluded that Mr Walker’s omission to submit the 2022 return was not a deliberate omission to conceal the 2021 conviction, a consequence of the failure to submit the return was that the Council was not aware of the 2021 conviction until the Suspended Sentence had expired.

Mr Corrie submitted that Mr Walker acknowledged that the conviction and the failure to submit annual returns crossed the threshold for serious misconduct in a professional respect. He submitted that Mr Walker’s acknowledgement demonstrated his insight.

The Committee took into account the submissions made by the parties and accepted the advice of the Legal Assessor, who referred to the principles to be applied when considering serious misconduct in a professional aspect. Her advice included reference to the cases of [Remedy](#).

The Committee considered whether this was a case where the conviction was such that it either impacted upon Mr Walker’s fitness to practise as a farrier, called his honesty and integrity into question, endangered the public, or brought the profession into disrepute, in accordance with paragraph 94 of the Code.

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

- actual harm to a member of the public
- reckless behaviour

The Committee was of the view that a conviction for causing actual bodily harm, is a serious offence. The conduct which underlies the conviction involves an unprovoked attack on an innocent member of the public who was working at the bar. The conduct caused actual harm to a member of the public who required stitches and also suffered emotional harm. There was a risk that the injuries could have been more significant. Mr Walker’s behaviour was reckless and aggravated by the consumption of excess alcohol.

The Committee considered such behaviour brought disgrace upon Mr Walker and thereby prejudices the reputation of the profession. Accordingly, although this conduct occurred in his private life and was not related to the exercise of his professional skills, the Committee nonetheless decided it was sufficiently serious to amount to serious misconduct in a professional respect.

The Committee was also of the view that the repeated failure to submit annual returns to the FRC over a period of six years was serious. Mr Walker’s failure to provide the returns impeded the FRC’s ability to perform its regulatory functions. The provision of the annual return is an important professional responsibility for every farrier, ensuring that the FRC is provided with information, including information on any recent conviction. The panel has found that Mr Walker’s failure to provide the returns was reckless rather than dishonest, but it was a dereliction of Mr Walker’s responsibilities as a registered farrier. In repeatedly failing to submit the annual returns Mr Walker chose not to submit himself to the regulatory requirements. Mr Walker’s conduct had the effect that he was not effectively regulated for a period of six years and the regulator was unaware of his conviction at the time that it should have been notified.

The Committee concluded that the repeated failure to submit annual returns was sufficiently serious to amount to serious misconduct in a professional respect.

DECISION OF THE DISCIPLINARY COMMITTEE AS TO SANCTION

Mr Collis referred the Committee to the Indicative Sanctions Guidance and identified some aggravating and mitigating factors. He informed the Committee that Mr Walker was first registered with the Council in 2007. He has no previous disciplinary findings recorded against him. Mr Walker is also up to date in the submission of annual returns and there has been no repetition.

On behalf of Mr Walker two character witnesses gave oral evidence to the Committee by Microsoft Teams.

S S W confirmed the content of his testimonial dated 22 October 2023. He stated that he was aware of Mr Walker's conviction and of these proceedings.

Ms D confirmed the content of her statement dated 29 February 2024. She is the owner of a professional yard and she described the reasons for her continuing confidence in Mr Walker and the quality of the farriery services he provides for her.

In Mr Corrie's submissions he highlighted mitigating factors and he stressed the importance of the Committee applying the principle of proportionality. Mr Corrie also referred to personal mitigation. Mr Walker is the father of two young children and there would be a devastating impact if he were unable to practise. Mr Corrie submitted that the case was not the most egregious case such that Mr Walker was fundamentally unsuited to being on the register. He submitted that the Committee might consider a reprimand, or alternatively that a suspension order would be appropriate. He suggested that a period of suspension of two months would be appropriate and would strike the appropriate balance between the public interest and Mr Walker's interests.

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

The Committee first considered the conviction. It considered that Mr Walker had demonstrated some insight. His insight

was not apparent in the immediate aftermath of the events, but he had subsequently and in these proceedings demonstrated some understanding of the seriousness of his conduct. At this stage of the case the Committee had not had the opportunity to explore with Mr Walker the level of his insight, but the Committee took into account his plea of guilty in the criminal court and the content of his witness statement.

The Committee considered whether there was a risk that Mr Walker might repeat violent conduct. In its assessment the Committee took into account the court transcripts from the criminal case which indicated that Mr Walker's conduct was out of character. The Committee also took into account some insight demonstrated by Mr Walker, the fact that there has been no repetition, and the salutary effect of the criminal conviction, the sentence imposed by the Crown Court, and these proceedings. The Committee considered that the risk that Mr Walker would repeat similar violent behaviour was low.

In respect of the conviction the Committee identified the following aggravating factors:

- actual harm to a human
- risk of serious harm to a human including the potential for life-changing injury
- recklessness

In respect of the conviction the Committee identified the following mitigating factors:

- Guilty plea in the criminal court, remorse and some insight;
- Single isolated incident
- Long and unblemished career other than these proceedings;
- Lapse of time

Although the Committee identified the lapse of time as a mitigating factor, this factor carried limited weight. The Committee took into account that part of the time that has elapsed is due to Mr Walker's failure to declare the conviction at an earlier date in his annual return.

There was limited evidence before the Committee relating to Mr Walker's current level of insight in relation to the repeated failure to submit annual returns. The Committee did not accept Mr Walker's account of events at the facts stage and it did not receive any written reflections or oral evidence from him at this stage of the proceedings. The Committee noted that although there was little evidence of insight, Mr

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Walker has recently submitted annual returns on time. In the Committee's view Mr Walker has put in place steps to prevent a repetition in the future. He is now fully aware from these proceedings the likely consequences of such a repetition. The Committee considered that the risk of repetition was low. In respect of the repeated failure to submit annual returns the Committee identified the following aggravating features:

- Conduct sustained over a period of six years;
- Blatant disregard for the role of the regulator.

In respect of the repeated failure to submit annual returns the Committee identified the following mitigating factors:

- Mr Walker's long and otherwise unblemished career other than these proceedings;
- Mr Walker's subsequent efforts to ensure that he submitted annual returns on time.

The Committee also noted the positive testimonials provided by Mr Walker. Mr Walker is a skilled and experienced farrier who provides a valuable service to his clients.

The Committee considered each sanction in ascending order.

The Committee considered the case was too serious to take no further action.

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

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

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

A reprimand or warning may be appropriate where:

- the misconduct is at the lower end of the spectrum of seriousness and;

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

This was not a case involving animals, but rather relating to the reputation of the profession. As a registered professional, farriers are expected to conduct themselves in a way that upholds the reputation of the profession, both in their professional and their private lives. The Committee did not consider that a reprimand would be sufficient to mark the gravity of Mr Walker's misconduct and to maintain public confidence in the profession. The conviction involved violence and actual harm to a human, and it could not be described as at the lower end of the spectrum of seriousness. The conviction was compounded by Mr Walker's repeated failure to submit annual returns.

The Committee next considered the option of a suspension order. The Council's sanctions guidance states:

"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 some or all of the following apply:

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

Suspension may not be appropriate where the Registered Farrier is convicted of a serious criminal offence and should not be permitted to practise until the satisfactory completion of that sentence"

This is a case where Mr Walker has satisfactorily completed his criminal sentence. Nevertheless, the seriousness of the criminal offence was reflected in the sentence imposed, and this was relevant when considering the sanction that would be sufficient to reflect the gravity of the misconduct.

The Committee considered that a suspension order might potentially be sufficient to mark the gravity of the Registrant's conduct, but that it should first consider whether the conduct was so serious that it required removal from the register.

The Council's sanctions guidance identifies that removal may be appropriate where behaviour is fundamentally incompatible with being a Registered Farrier, and it gives examples of such conduct including "offences involving violence and/or loss of human life." Mr Walker's criminal offence did involve violence, which the Committee does not condone. Nevertheless, the Committee considered that in this case members of the public who were aware of all the facts would consider that this was not a case which required Mr Walker to be removed from the Register. The Committee noted that the sanctions guidance states that a Disciplinary Committee should not feel bound to remove from the Register.

"an otherwise competent and useful [practitioner] who presents no danger to the public in order to satisfy [public] demand for blame and punishment"

The Committee was of the view that Mr Walker does not present a risk to members of the public, and that the criminal offence, while very serious, did not reflect Mr Walker's character. The repeated failure to submit annual returns, was also not so serious that it was incompatible with continued registration. The Committee was of the view that a removal order would be punitive and that public confidence in the profession could be maintained by the imposition of a suspension order, which is a serious sanction.

The Committee considered that Mr Walker had demonstrated sufficient insight for suspension to be an appropriate sanction and that Mr Walker would be fit to return to practice after a period of suspension.

In reaching the decision that a suspension order was appropriate and proportionate, the Committee took into account the public interest in an experienced and skilled farrier being able to return to practice and provide services to members of the public.

The Committee therefore decided that the appropriate and proportionate sanction is a suspension order.

The Committee next considered the length of the order. It decided that the appropriate order was six months. This period was sufficiently long to mark the gravity of Mr Walker's misconduct. The Committee acknowledged that this order will have a detrimental impact on Mr Walker's financial and reputational interests, but it decided that his interests were outweighed by the public interest in maintaining public

confidence in the profession and upholding standards for members of the profession.

The Committee therefore decided to impose a suspension order for a period of six months.

Disciplinary Committee, 22 July 2024

Annex 1

LEWIS WALKER

At the close of the Council's case Mr Corrie, on behalf of the respondent, submitted that there was no case to answer in relation to Charge 3. His application was resisted by the Council.

Mr Corrie referred the Committee to the test in *R v Galbraith [1981] 1 WLR 1041* and submitted that the evidence which the Council had adduced was insufficient to enable a properly directed Committee to find the allegation of dishonesty proved. He pointed out that the Council relied upon a failure to submit an annual return in 2022 when the respondent had not submitted annual returns since 2016. He further submitted that it was inherently unlikely that the respondent, a farrier and not a lawyer, would have tailored his declaration of the conviction he had received in August 2021 to a time at which he considered the conviction no longer active or spent. Mr Corrie submitted that the Council was inviting the Committee to place too much weight on correspondence the respondent had had with Mrs W in which he had referred to his (in fact mistaken) understanding that his conviction had become spent in 2023, at which point he submitted a declaration on his annual return.

Mr Collis, on behalf of the Council, submitted that the evidence showed the respondent to have been a serial non-returner of annual returns to the Council from 2017 until 2023. Mr Collis submitted that the Committee could infer that something had changed in the respondent's mind in 2023 and that the Committee should have regard to the correspondence between the respondent and Mrs W from which, he said, it was clear that the respondent thought his conviction was spent in 2023. Mr. Collis said that the Committee could properly draw an inference from this sequence of events that the reason the respondent had not returned his declaration in 2022 was to avoid declaring his conviction.

The legal assessor reminded the Committee of the test set out in *R v Galbraith*. In particular, he emphasised that if the

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Committee concluded there was some evidence in support of the charge, the question was then whether a properly directed Committee could, not would, find the matter proved.

In considering the submissions advanced, the Committee was careful to remind itself that at this stage the question was whether, first of all, there was some evidence upon which the Committee could find the charge proved and then, if so, whether the quality of that evidence was such that no properly directed Committee could find the charge proved.

The Committee concluded that the respondent's declaration in 2023 and his correspondence about that declaration with Mrs W was such that a properly directed Committee could infer a dishonest intention in failing to return his declaration in 2022 so as to conceal the fact of his conviction whilst the sentence was still active and/or because he believed the conviction to be unspent under the Rehabilitation of Offenders Act 1974.

Accordingly, the Committee rejects the submission that there is no case to answer in relation to Charge 3.

Disciplinary Committee, 22 July 2024

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

THE CHARGE

The Respondent, Mr Brett, faced the following charges before the Disciplinary Committee:

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

1. Between 3 May 2023 and 3 October 2023, failed to respond adequately or at all to reasonable requests from the Council for details of your Continuing Professional Development ("CPD") record;

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

Preliminary matters

Mr Collis appeared on behalf of the Council. Mr Brett did not attend and was not represented. The Committee was informed that a telephone call was made to Mr Brett at approximately 9.25 a.m. but that there was no response and the call went to a voicemail facility. The Committee delayed the start of the hearing until 10 a.m. to allow Mr Brett additional time to attend.

Service

The Committee was provided with a service bundle which included correspondence with Mr Brett and telephone attendance notes from 5 October 2023 to 22 July 2024.

The Notice of Inquiry dated 8 April 2024 referred to the date, time and venue of the hearing and included the charge. The notice was sent to Mr Brett's registered address.

Mr Collis submitted that the Notice of Hearing had been properly served.

The Committee accepted the advice of the Legal Assessor. She referred the Committee to the requirements of the Farriers Registration Council Disciplinary Committee (Procedure) Rules 1976 (the "Rules"), particularly Rule 2 and Rule 15.

The Committee was satisfied that good service had been effected in accordance with the Rules.

Proceeding in the absence of Mr Brett

Mr Collis submitted that it was in the interests of justice to proceed with the hearing in Mr Brett's absence. He referred the Committee to the numerous attempts to contact Mr Brett via letter and e-mail to which there was no response from Mr Brett. He also referred the Committee to successful attempts to contact Mr Brett by telephone on 28 February 2024 and 3 April 2024. In these calls Mr Brett gave the impression that he would be attending the hearing. On 3 April 2023 Mr Brett was informed of the likely date for his hearing being 22 or 23 July 2024, and he confirmed that he had no objections to these proposed dates.

The Legal Assessor advised the Committee on the principles it should apply when deciding whether it should exercise its discretion to proceed in the absence of Mr Brett. Her advice included reference to the case of General Medical Council v Adeogba [2016] EWCA civ 162.

The Committee was satisfied that all reasonable efforts had been made by the Council to inform Mr Brett of the hearing and that he was or should be aware of the hearing. The Committee inferred that Mr Brett's absence has waived his right to attend the hearing. Mr Brett has not applied for an adjournment of the hearing and the Committee considered that an adjournment was unlikely to secure his attendance. The Committee considered that there is a public interest in the expeditious conclusion of this case. There may be disadvantage to Mr Brett in not attending the hearing to put forward his case and any mitigation, but the Committee decided that his interests were outweighed by the public interest.

The Committee therefore decided that it was fair and in the interests of justice to proceed with the hearing in the absence of Mr Brett.

Background

Mr Brett was first registered as a farrier with the Council on 6 January 2017 and he was therefore subject to mandatory CPD requirements throughout the period of his registration. Farriers who first registered with the Council after 1 January 2016 are subject to a requirement to complete a minimum of 10 CPD points annually, with demonstration of 30 points over the last three years accepted if the annual 10 point requirement is not met.

On 3 May 2023 the Council wrote to Mr Brett at his registered address and made a request that he should provide copies of his CPD record for 2023 by 17 May 2023. A reminder letter was sent on 25 May 2023 and Mr Brett was warned that a failure to provide CPD records on request could be deemed as serious professional misconduct and might be referred to the Council's Investigating Committee. There was no response to this letter. There was similarly no response from Mr Brett to a further reminder letter dated 9 June 2023 and Mr Brett did not respond to voicemail messages left with him on 21 June 2023 and 1 July 2023. On 4 August 2023 a further letter was sent to Mr Brett reminding him of the previous correspondence and informing him that his failure to respond would be referred to the Investigating Committee.

On 5 October 2023 Mr Brett was informed that the matter was being referred to the Disciplinary Committee. The letter was sent by first class post and by Royal Mail "signed for." The tracking information showed that the letter was delivered on 6

October and was signed for by "Brett".

The Council has no record of any phone calls, e-mails or letters from Mr Brett in relation to the 2022 CPD audit.

DECISION OF THE DISCIPLINARY COMMITTEE ON THE FACTS

The Committee was advised by the Legal Assessor that the burden of proving the facts rested with the Council, and that the standard of proof was the balance of probabilities, or that the matters were more likely than not to have occurred.

The Committee had regard to the documents exhibited to the witness statement of Ms W at the Council and found that the evidence established on the balance of probabilities that the requests made by the Council were reasonable. Paragraph 79 of the 2021 Code sets out a farrier's obligation to maintain a record of their completed CPD points as follows:

"CPD records should be kept online in the 'My FRC' section of the FRC website, or as a file on a computer, or in hardcopy in order to provide evidence of CPD completion, and these records must be available to the Council on request"

The obligation to provide CPD records on request is also confirmed in the Guide to Continuing Professional Development (CPD) Policy for Farriers.

The Committee also found that the evidence established that Mr Brett had failed to respond to respond to the Council's reasonable requests between 3 May 2023 and 3 October 2023. Accordingly Charge 1 was found proved to the requisite standard.

SUBMISSIONS OF THE PARTIES ON SERIOUS MISCONDUCT IN A PROFESSIONAL RESPECT

Mr Collis submitted that Mr Brett was guilty of serious misconduct in a professional respect. He drew the Committee's attention to the 2021 Code and in particular the guiding principle that Registered Farriers are expected to:

- *Uphold the good reputation of the Farriery profession*
- *Avoid situations both within and outwith the professional context which could be in breach of criminal law, or may call into question your fitness to practise*

Mr Collis also referred to the sections of the Code dealing with farriers' duties in relation to their regulator, namely

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15.c Farriers must respond promptly and constructively to any request from the FRC...

80. Failure to comply with CPD obligations may lead to a referral to the IC as a matter of serious professional misconduct. The fact that a Registered Farrier has not undertaken any CPD, or failed to provide proof that they have undertaken any CPD, may count against them in the event that they are subsequently referred to the Council's Disciplinary Committee (DC).

92 The circumstances in which serious misconduct in a professional misconduct in a professional respect may be considered to have occurred are so varied that it is impossible to catalogue to even envisage them all. Generally speaking, a minor breach of this Code of Professional Misconduct 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.

93. [examples] ..could amount to serious misconduct in a professional respect as could failure to respond to written requests from the FRC."

At this stage the Committee was provided with a decision of the Disciplinary Committee dated 21 October 2022. Mr Brett received a reprimand and warning from the Disciplinary Committee as a result of the following charge:

Between 18 August 2021 and 9 February 2022, failing to respond adequately to reasonable requests from the Council for a written response to a complaint; and

Between 25 September 2017 and 9 February 2022, failing to submit Annual Returns to the Council

The warning was in the following terms:

*"You must complete your Annual Returns to the FRC; and **reply promptly to all communications from the FRC.**" [emphasis added by this Committee]*

Mr Collis invited the Committee to conclude that Mr Brett's regulatory history aggravated the seriousness of the current matter, particularly as the 2022 matter also involved a failure to respond to requests from his professional regulator and a failure to provide documentation which would help ensure the Council was able to maintain proper professional standards.

Mr Collis submitted that while the failure to respond to an individual request to supply a CPD record might not be viewed as sufficiently serious to warrant a finding of serious misconduct in a professional respect, the Respondent's failure to respond to multiple requests, coupled with the aggravating feature of this demonstrating a pattern of behaviour, ensure that his case crosses the threshold. He submitted that the Council has implemented a system relating to CPD requirements in order to ensure that farriers keep their professional knowledge and skills up to date. This system forms part of the Council's important public interest duties to protect and promote equine welfare and to maintain public confidence in the profession.

Mr Collis submitted that Mr Brett's conduct fell far below the standard expected of a member of the profession, and amounts to serious misconduct in a professional respect.

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

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

The obligation to complete CPD is an important one as it ensures farriers keep up to date with their professional knowledge and skills, in the interests of animal welfare. As he qualified in 2017 Mr Brett has always been subject to the requirement to complete CPD as part of his membership of the profession and in this case there is no suggestion that he was unaware of his responsibilities. As part of its regulatory function the FRC has to ensure that registrants are complying with their CPD requirements and to do that Registrants must respond to reasonable requests for information. By not responding, Mr Brett was frustrating the ability of the FRC to carry out its regulatory functions. In the Committee's view this was a clear breach of paragraph 15c of the Code.

The Committee identified a number of aggravating factors as follows:

- recklessness
- conduct sustained over a period of time or repeated
- conduct contravening a warning given by the Disciplinary Committee
- blatant or wilful disregard of the role of the FRC and the systems that regulate the farriery profession
- Previous adverse finding of the Disciplinary Committee

The Committee did not identify any mitigating factors.

The Committee was of the view that the context of the previous disciplinary hearing and warning issued on 21 October 2022 was relevant. Mr Brett attended that hearing, made admissions, demonstrated remorse, and told the Committee that he had now fully understood the importance of responding to correspondence from the Council. Despite Mr Brett's reassurances to the Committee on 21 October 2022 and the insight that he appeared to demonstrate, there has been a repetition of similar conduct.

In the absence of any explanation for Mr Brett's conduct the Committee could only infer that he had no regard for the warning he had received from the Disciplinary Committee and no regard for the requirements of registration as a farrier.

The Committee considered that Mr Brett's conduct damaged the reputation of the farriery profession, particularly given that he had already received a disciplinary sanction for failing to respond to requests from the Council.

In the Committee's judgement Mr Brett's failure to respond to multiple reasonable requests from his regulator to provide details of his CPD fell far below the standard expected of a farrier and amounted to serious misconduct in a professional respect.

DECISION OF THE DISCIPLINARY COMMITTEE AS TO SANCTION

Mr Collis referred the Committee to the Indicative Sanctions Guidance and outlined aggravating and mitigating factors.

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

The Committee considered that the aggravating factors were those that it identified in its decision on serious misconduct in a professional respect.

The Committee considered the mitigating factors suggested by Mr Collis. The Committee did not consider the absence of personal gain to Mr Brett to be relevant, given the nature of

the charge. It noted the absence of any harm to animals or humans, but it did not give any weight to this factor. Mr Brett's conduct did impact on the ability of the Council to carry out its regulatory function and that function includes ensuring that farriers keep their knowledge and skills up to date in the interests of equine welfare.

While the Disciplinary Committee on 21 October 2022 found that Mr Brett had demonstrated remorse and developing insight, there was no evidence before this current Committee of any insight in relation to this matter. Following the hearing on 21 October 2022 Mr Brett can have been in no doubt of the absolute necessity of responding to reasonable requests from the FRC. The Committee noted the pattern of repeated behaviour of failing to respond to reasonable requests from the Council. Taking into account the context of the previous Disciplinary Committee finding on 21 October 2022 and the warning given to Mr Brett "you must reply promptly to all communications from the FRC", the Committee considered that there was a high risk of repetition of similar conduct.

In the absence of any explanation from Mr Brett for his conduct, the Committee inferred that he has a blatant disregard for the regulatory requirements of his profession and has chosen not to take steps to prevent any repetition.

The Committee considered that it would be inappropriate to take no further action in this case, since this would send out a signal to the profession that it was acceptable to ignore reasonable requests for information from the FRC and to ignore a warning given by the Disciplinary Committee.

The Committee did not consider that it would be appropriate to postpone sanction because Mr Brett has not attended the hearing and his level of engagement with the Council is insufficient.

The Committee next considered whether the case could be addressed by means of a reprimand or a warning. The Committee decided that a reprimand or a warning would be insufficient to protect the reputation of the profession. It would be wholly unacceptable for a farrier who is in breach of a previous warning given by the Disciplinary Committee and who has not complied with reasonable requests from the Council to be permitted to continue in unrestricted practice.

The Committee next considered the option of a period of suspension. It considered the Indicative Sanctions Guidance

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which states:

“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 some or all of the following apply:

- *the misconduct is serious, but a lesser sanction is appropriate;*
- *the respondent farrier has insight into the seriousness of his 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*

The Committee did not consider that this was a case where Mr Brett would be fit to practise after a period of suspension. The Committee was given no reassurance that in the future Mr Brett will comply with the requirements of registration as a farrier and it has concluded that there is a high risk of repetition of similar conduct. Mr Brett has not demonstrated insight into the seriousness of his misconduct.

The Committee was of the view that the lesser sanction of a suspension order would not send a sufficiently clear message to members of the profession and members of the public that it is entirely unacceptable for a farrier to disregard reasonable requests from the regulator and disregard a warning issued by the Disciplinary Committee. The imposition of a suspension would enable Mr Brett to return to practise as a farrier once that period of suspension expires without any reassurance that there will be no further repetition.

The Committee also considered the Indicative Sanctions Guidance in relation to a removal order. The guidance gives examples of behaviour which may be fundamentally incompatible with registration as a farrier. An example is *“evidence of a harmful deep-seated personality or attitude problem.”* The Committee was of the view that the information before it indicated that Mr Brett has an attitude problem in respect of his disregard for the requirements of regulation as a farrier. The Committee was also of the view that the warning given by the Disciplinary Committee was a significant aggravating factor.

The Committee considered the matter carefully because of the nature of the misconduct which is, in principle, capable

of being remedied if Mr Brett was able to demonstrate his commitment to complying with the requirements of registration. The Committee was saddened and disappointed to find itself in the position where there is no information to explain or mitigate Mr Brett’s conduct. The Committee reminded itself of the guidance in Bolton v Law Society that *“The reputation of the profession is more important than the fortunes of an individual member. Membership brings many benefits, but that is part of the price.”*

The Committee concluded that a period of suspension would be insufficient to maintain public confidence in the profession because it could not be confident that Mr Brett would not repeat similar misconduct after a period of suspension.

The Committee therefore decided that the appropriate and proportionate sanction is a removal order. In reaching this decision the Committee took into account Mr Brett’s financial and reputational interests but decided that they were outweighed by the need to maintain public confidence in the profession and uphold standards for members of the profession.

Disciplinary Committee, 23 July 2024

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

THE CHARGE

The Respondent, Mr Welch, faced the following charges before the Disciplinary Committee:

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

1. On 6 April 2023, failed to take adequate steps to seek veterinary attention for a cat named C and/or failed to take adequate steps to ensure that C received veterinary attention;

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

Preliminary matters

Mr Collis appeared on behalf of the Council. Mr Corrie appeared on behalf of Mr Welch who was also in attendance.

Admissions

Mr Welch admitted the charge and the Committee found it proved by admission.

Procedure to address disputed facts

Mr Collis informed the Committee that there was a disputed fact, which was the extent to which Mr Welch examined C. Although there were no Council witnesses who were able to comment on Mr Welch's actions, the Council's case was predicated on the assertion that had Mr Welch carried out an adequate check, the severity of C's injuries would have become apparent. The Council therefore takes issue with Mr Welch's description of the extent to which he performed checks on C.

Mr Collis submitted that the Council's position is that it is likely to assist the Committee to resolve the factual dispute so that the Committee has a clear view of the factual basis moving forwards. In criminal cases the resolution of such disputes would be by way of a 'Newton' hearing. Mr Collis invited the Committee to consider whether the determination of the factual issue might make a difference.

Mr Corrie agreed that the factual issue could be resolved by a hearing similar to a 'Newton' hearing. He submitted that the issue was a narrow one and that the Committee could proceed without determining the factual dispute. If the Committee agreed that it was not necessary to resolve the issue, the correct approach would be for the Committee to proceed on the basis of the facts set out in Mr Welch's statement.

The Legal Assessor confirmed that the option of proceeding and determining the factual issue was open to the Committee and that Mr Collis and Mr Corrie had correctly outlined the legal position.

The Committee decided that although the factual issue is a narrow one, it would be premature for the Committee to conclude that it would make no difference to any later stage of the panel's decision making. The Committee decided that to ensure a fair hearing for both parties the relevant witness evidence should be heard and the disputed facts determined.

Application to adduce hearsay evidence

Mr Corrie made an application to adduce an undated hearsay statement of Ms J O. The Committee decided to admit the evidence and the reasons for this decision are set out in Annex 1.

Background

Ms S and Ms M were users of and frequent visitors to a livery yard near Congleton (the "yard"). They were joint owners of a cat named "C" who resided at the yard. C was described by the owners as a clean and well-maintained pet cat. She was much loved by her co-owners and well-known to other users of the yard.

On 6 April 2023, Ms C-L, who was another user of the yard arrived at approximately 4 p.m. to tend to her horse. She was informed by a child that C had been attacked by Mr Welch's dog "S," and that C had been placed in the hay shed. When Ms C-L saw C in the hay shed at approximately 4.10 pm she was shocked at C's condition and initially thought that she might be dead. When she realised that C was still alive, she took photographs of C in the hay shed. She later discovered that C was bleeding. Ms C-L was of the opinion that C required medical attention and she sent a message intended to alert her mother and C's co-owners.

Ms C-L decided to move C to her tack room and following this move she realised that her hands and clothes had C's blood on them.

Ms C-L took a photograph of the location where C was attacked by the dog, as indicated to her by the child who had informed her of the incident.

Ms S-L, Ms C-L's mother arrived at the yard and saw C's condition, including her wet and matted hair. Ms S-L noted that there was blood on her daughter's leggings and that one of the children also had blood on them. She also saw the location of the attack on C and she could see blood on the ground and a ball of C's hair.

Ms S subsequently arrived at the yard and met Ms S-L and her daughter. Ms S described C's condition at that time as follows:
"...I could see C's fur was wet and she was muddy all over her body. I have never seen her coat in that condition before. The blood was mainly at C's back end of her body. One of C's legs was at a strange angle and it looked to be misaligned. C's

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pupils were very dilated. It was clear that C was badly injured, in shock and needed a vet urgently."

Ms S took C for emergency treatment at the [redacted]. C was assessed by a vet, Ms B. Ms B shaved C's coat to assess her injuries and Ms B noted "...a few puncture wounds to the thigh area of the left leg and on the back of the leg, as well as on the edge of her vulva." On further examination Ms B found that C's vaginal wall was torn. C's owners were advised that C would require specialist treatment and that, given her advanced age, it would not be in her best interests to put her through surgery. With the agreement of C's owners, C was put to sleep.

Before he left the yard Mr Welch left his contact number for C's owners and Ms M spoke to him on 7 April. When he received the information about C, Mr Welch was polite, calm, and apologised to Ms M profusely. Mr Welch also offered to pay the vets' bill. Mr Welch was provided with details of the veterinary clinic and made a telephone call to the clinic on 11 April 2023 requesting an invoice. He was still waiting to receive an invoice when he was informed of the complaint. Mr Welch confirmed that he continues to be willing to reimburse the owners for the veterinary bill.

DECISION OF THE DISCIPLINARY COMMITTEE ON THE DISPUTED FACTS

The Committee heard oral evidence from one witness called on behalf of the Council, Ms A B MRCVS. Ms B stated that her first record for her assessment of C was the consent form which was time stamped 16.39. She was not able to comment on C's condition before she saw her and she said that it was likely that C's condition would have deteriorated over time. Ms B described C as a long-haired cat and said that her wounds were not visible until the hair was shaved. She said that blood would not have been present on all of C's coat and that it would have been concentrated in the areas of her wounds. Ms B agreed that if a witness had not seen the cat stand or try to stand, that indicator of her injury would not be present.

The Committee heard oral evidence from Mr Welch. He described his arrival at the yard at approximately 3 p.m. and the unexpected incident of S scrambling out of the window of his van and darting into the centre of the yard. Mr Welch described that he saw S bite C and pull her from one side and then to the other and that this took place within 3-5 seconds. When he shouted to S she immediately released C and then ran to the van and Mr Welch secured her inside. Mr Welch told

the Committee that he was shocked by this event.

C was then carried into the hay barn and placed on her side. Mr Welch described C after the attack as appearing to be stressed and initially breathing heavily. At this stage he visually examined her. C did not move or try to stand up. Mr Welch stated that he did not see blood on the ground or on C. Mr Welch had no prior knowledge of C and did not know her personality traits. He judged that she was stressed and needed time to gather herself.

Mr Welch told the Committee that while C was in the hay barn he touched and checked her, but that it was difficult because the cat was unhappy to be touched. He said that he checked around the cat's belly and also felt down her legs. Mr Welch noted that C's fur was wet and that this was in patches. He thought that this was due to saliva from his dog's mouth and also the mud in the yard.

Mr Welch was asked if his examination included C's left hind leg. Mr Welch said that he possibly checked some of C's legs but perhaps not all of them due to C's position lying on her side. At the time he thought that the check he had carried out was adequate, but in hindsight he now realised that it was not.

Mr Welch stated that he never saw C try to get up or move. This did not raise alarm bells for him because every animal is different and he thought that C wasn't moving because she was stressed and because she felt safe.

Mr Welch said that he had not exaggerated the extent to which he had checked C. He was asked about the letter and statement he had provided to the Council in July 2023 which described that he had carefully checked the cat for injuries, but did not mention that the checks included physically touching the cat. Mr Welch acknowledged that he should have gone into more detail and said that he is not very good at explaining things in detail.

Mr Welch stated that when he was informed by Ms M that C was put to sleep he was extremely shocked and saddened. His response was to profusely apologise to Ms M and to offer to cover the veterinary expenses.

The Committee also heard evidence from two witnesses called on behalf of Mr Welch, namely Mr I P MRCVS and Dr A M C MRCVS, who testified as to Mr Welch's good character.

Mr Collis submitted that the issue for the Committee to determine was the accuracy of Mr Welch's account of his examination of C. The Council invited the Committee to conclude that it was more likely than not that the Registrant had not given a truthful account and that the checks that he had performed did not include a hands on physical assessment. Although there were no direct eyewitnesses called by the Council, Mr Corrie referred the Committee to descriptions of C's condition given by the Council's witnesses and by Ms B. He also referred the Committee to Mr Welch's previous accounts given in a telephone call on 7 April 2023, a letter dated 16 July 2023 and a witness statement supplied with the 16 July 2023 letter.

Mr Corrie submitted that the issue was very narrow and that the Council has not proved that Mr Welch has not given a truthful account. He submitted that the Council relied on weak inferences drawn from the nature of C's injuries and her condition as described by other witnesses some time after the event. He submitted that there were no inconsistencies between Mr Welch's account and the accounts given by other witnesses and that Mr Welch had given credible evidence.

The Committee was advised by the Legal Assessor that the burden of proving the facts rested with the Council, and that the standard of proof was the balance of probabilities, that the matters were more likely than not to have occurred. The Legal Adviser gave advice on evidential issues including the hearsay evidence of Ms O and opinion evidence given by Ms B.

The Committee noted that Mr Welch is of good character, as confirmed by the testimonial evidence. The Committee gave some weight to Mr Welch's good character, but it also made a careful assessment of the evidence when assessing the credibility of Mr Welch's evidence.

The Committee considered Ms O's hearsay evidence, but decided that it did not assist the Committee in respect of the narrow issue which it had to determine. In her statement Ms O did not describe the examination of C and did not resolve the issue of whether Mr Welch had exaggerated the extent of his examination.

The Committee had in mind the chronology of events. It bore in mind that none of the Council witnesses were present when Mr Welch was in the yard. Ms C-L was the first Council witness to arrive at the yard at approximately 4.10 pm and by this time

Mr Welch had left the yard. The Committee was not willing to draw an inference that the visible condition of C remained constant throughout the time from the attack by S until she was seen by Ms B at approximately 4.39 pm. Such an inference would be contrary to the opinion evidence of Ms B who told the Committee that C's condition could have deteriorated over time. The Committee gave limited weight to the opinion evidence because Ms B is not an expert witness, but her evidence was relevant to any inference that the Committee was willing to make.

In her statement Ms B commented on whether C's injuries would be obviously visible to someone else. She stated that the presence of blood on C's coat and the fact that she was not able to stand by herself would have suggested that she was clearly injured.

In relation to the presence of blood on C's coat Ms B clarified that this would have been in the location of C's injuries. There was evidence that other witnesses, who had blood either on their hands or clothes had moved. The Committee noted that Mr Welch said that he did not move C, and his touching of her was limited. Mr Welch's touching of C was focussed mainly on her belly area, and by his own account it may not have included her left thigh area. The Committee did not consider that there were inconsistencies between the accounts of other witnesses and Mr Welch's evidence. The extent of C's bleeding (if any), at the time Mr Welch examined C, was not described by any witness.

Although the Council witnesses noted and took a photograph of blood stains in the yard where the incident was believed to have occurred, the Committee did not consider that the staining was so obvious or extensive that it would be reasonable for the Committee to infer that Mr Welch must have seen it.

The Committee took into account the evidence of the photograph of C taken by Ms C-L shortly after her arrival. Although C visibly looked unwell in this photograph, there was no visible injury or bleeding.

The Committee did not consider that the fact that C was not able to stand by herself proved that Mr Welch's account was untrue. Mr Welch gave the Committee a credible explanation that he did not see C move or attempt to move at any time. His thinking at the time was that C was stressed and this explained

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why she was not moving.

The Committee next considered the statements that Mr Welch made in the telephone call on 7 April 2023, in his letter dated 16 July 2023 and in his July 2023 statement. Mr Welch described that he “*carefully checked C for injuries,*” but he did not describe in detail what the checks involved. The Committee was of the view that the lack of detail in the earlier account did not undermine Mr Welch’s credibility. Mr Welch did not have the benefit of legal advice in July 2023 and at that time he was aware of the complaint, but not of the FRC charge.

The Committee concluded that the Council has not proved on the balance of probabilities that Mr Welch’s account of his examination of C was untrue. Although the Committee was aware that Mr Welch does not have to prove anything, it was satisfied, that Mr Welch’s checks of C included a limited physical examination as he described in his evidence to the Committee.

SUBMISSIONS OF THE PARTIES ON SERIOUS MISCONDUCT IN A PROFESSIONAL RESPECT

Mr Collis submitted that Mr Welch was guilty of serious misconduct in a professional respect. He drew the Committee’s attention to the 2021 Code and in particular the guiding principle that Registered Farriers are expected to:

- Uphold the good reputation of the Farriery profession
- Avoid situations both within and outwith the professional context which could be in breach of criminal law, or may call into question your fitness to practise

Mr Collis also referred to the following sections of the Code:
16.c Farriers must not engage in any activity or behaviour that would be likely to bring the profession into disrepute

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. Generally speaking, a minor breach of this Code of Professional Conduct 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.

91. The Council shall consider as a matter of some gravity any offence by a Registered Farrier in respect of cruelty to any animal; such conduct may well bring into question the suitability of a farrier to remain on the register.

Mr Collis submitted that by failing to take adequate steps to ensure that C received veterinary attention following the attack by his dog, Mr Welch failed to act appropriately to protect the welfare of C. Mr Collis added that the public would expect a Registered Farrier, given the emphasis that is placed on the profession in terms of animal welfare, to ensure that a cat which has been attacked by a dog that they own is assessed adequately, and that arrangements are made for that cat to receive any veterinary care that it requires. Mr Collis submitted that in failing to react appropriately to the attack upon C, Mr Welch has failed in his obligations to animal welfare and such conduct would damage the reputation of the farriery profession.

Mr Collis also highlighted Mr Welch’s evidence to the Committee in which he stated that his conduct was serious and that he felt like he had let the side (his profession) down and that he was sorry for doing so.

Mr Collis submitted that Mr Welch’s conduct fell far below the standard expected of a member of the profession, and amounts to serious misconduct in a professional respect. In his submissions Mr Corrie stated that misconduct was not a matter of proof or admission. He confirmed the evidence given by Mr Welch to the Committee as summarised by Mr Collis. He invited the Committee to consider the high threshold for serious misconduct in a professional respect and referred to the case of [Khan v Bar Standards Board \[2018\] EWHC 2184](#). He submitted that although Mr Welch ought to have taken steps to ensure that C received attention, this should be considered in its context. The relevant context included: the origin of the incident which was an unexpected accident; Mr Welch carried out some checks on C; he did not leave C for dead but in the care of others; and the mistake involved a lapse of judgment.

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

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

The Committee did not identify any aggravating factors. The background to the case involved the very unfortunate accident of Mr Welch’s dog’s attack on C and the consequent significant harm to C. This resulted in the sad decision that she should be put to sleep which was distressing for her owners.

However, the Committee’s role is to assess the seriousness of

Mr Welch's conduct as set out in the charge, and it would not be appropriate for the Committee allow the seriousness of the outcome for C to sway their judgement when considering Mr Welch's conduct. The charge admitted by Mr Welch is limited to his conduct in the aftermath of his dog's attack and does not involve the attack itself. The Committee noted that the delay in C receiving attention from a vet as a result of Mr Welch's failures to take adequate steps was a short period of time.

The Committee identified the following mitigating factors:

- A single isolated incident;
- Mr Welch's mistaken belief that C was not moving due to the shock and stress caused by the accident;
- Mr Welch did not see signs of significant injury to C;
- Attempts made to check C visually and by touching her;
- C left in the care of others in a safe environment;
- Mr Welch provided his contact details to be given to C's owners.

The Committee considered the degree of Mr Welch's culpability. It accepted that Mr Welch did not realise that C was in need of veterinary attention. His action was not due to lack of care for the welfare of an animal or a decision to leave C for dead, but because he mistakenly believed that any injury to C was not serious. This was an error of judgement on his part, which he now accepts.

The Committee did not consider that Mr Welch's conduct was the equivalent of or similar to the gravity of the matters referred to in paragraph 91 of the Code which refers to convictions for offences involving cruelty to animals.

The Committee was of the view that paragraph 92 of the Code was relevant. The behaviour in this case was isolated and did not involve any repetition. The question for the Committee was whether the single breach of the Code by Mr Welch was sufficiently serious.

The profession of farriery is concerned with animal welfare, and the Committee agreed with the submission made on behalf of the Council that Mr Welch's failure to ensure that C received veterinary attention could be described as a failure in respect of Mr Welch's obligations to animal welfare.

In the factual circumstances as described by Mr Welch the Committee would have expected him to ensure that C received veterinary attention. C might have sustained serious injury as

a result of S's attack and the expertise of a vet was required to assess her. Mr Welch accepts and understands that he should have sought veterinary attention for C and that his failure to do so was serious. This acknowledgement was made with the benefit of hindsight. In the Committee's judgment Mr Welch's behaviour had the potential to bring the profession into disrepute, and his conduct fell below the standards expected of the farriery profession.

The Committee balanced these considerations with the mitigating factors and its conclusion about the degree of Mr Welch's culpability. The Committee also considered that the training of a farrier is specific and that farriers do not have expertise in all aspects of animal welfare. The Committee could understand Mr Welch's error of judgement and why it might have been made, given that at that time Mr Welch saw no signs of significant injury to C other than her stress. The absence of clear signs of injury to C does not excuse Mr Welch's behaviour and the Committee does not condone his failure to ensure that C received veterinary attention. Nevertheless, in the Committee's judgement, and considering all the circumstances, Mr Welch's conduct was not so serious that it crossed the threshold to amount to serious misconduct in a professional respect.

The Committee concluded that Mr Welch's behaviour fell below the standard expected of a farrier, but not well below that standard, and that it was not sufficiently serious to amount to serious misconduct in a professional respect.

Disciplinary Committee, 26 July 2024

Annex 1

APPLICATION TO ADMIT HEARSAY EVIDENCE OF MS J O

Mr Corrie made an application to admit in evidence a statement of Ms J O. He referred to Rule 12(2) of the Farriers Registration Council Disciplinary Committee (Procedure) Rules 1976 which states:

"The Committee may receive oral, documentary or other evidence of any fact which appears to them relevant to the inquiry into the case before them: Provided that, where a fact which it is sought to prove or the form in which any evidence is tendered, is such that it would not be admissible in a court of law, the Committee shall not receive evidence of the fact or in that form, unless they are satisfied that it is desirable in the interests of justice to receive it having regard to the difficulty and expense of obtaining evidence which would be so admissible"

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Ms O's statement was not dated, but was enclosed with a letter from Mr Welch to the Council dated 16 July 2023. Mr Corrie referred the Committee to documents relating to efforts made on behalf of Mr Welch to secure Ms O's attendance to give oral evidence. Mr Corrie also referred the Committee to evidence relating to Ms O's health.

Mr Corrie invited the Committee to admit Ms O's statement and made submissions with reference to the factors in the case of Thorneycroft v Nursing and Midwifery Council [2014] EWHC 1565. Mr Corrie submitted that the issue to be determined by the Committee is very narrow and that this would impact on the extent of the Council's challenge to the evidence.

Mr Collis opposed the application to admit the statement of Ms O as hearsay evidence. He submitted that it would be unfair to the Council to admit the evidence without the Council having the opportunity to cross-examine Ms O. He gave details of the areas for questioning that the Council would have explored. One area of questioning would have been whether there was animosity between Ms O and C's owners.

The Committee accepted the advice of the Legal Assessor. She referred to the case of El Karout v Nursing and Midwifery Council [2019] EWHC 28 and advised that there was an important distinction between the admissibility of hearsay evidence and the weight to be attached to hearsay evidence. At this stage, the Committee is making a decision on the admissibility of the evidence. In the balancing exercise the Committee should take into account the factors in the case of Thorneycroft, as adjusted to take into account that in this case the application to adduce hearsay evidence is made by Mr Welch rather than by the Council.

The Committee considered that the following factors supported the admission of the hearsay evidence.

- The statement was not the sole or decisive evidence in Mr Welch's defence. Mr Welch has given evidence to the Committee and the Council had the opportunity to cross examine him. Ms O was an eye-witness and her statement provided some support for Mr Welch's evidence, albeit with a lack of detail.
- While the charge in this case was not the most serious, adverse findings could have an impact on Mr Welch's career.
- Reasonable steps had been taken to secure Ms O's

attendance.

- Although there was no information from Ms O directly, it could be inferred from the evidence that there was a health reason for her non-attendance.

The Committee considered that the following factors did not support the admission of the hearsay evidence.

- The nature and extent of the challenge to Ms O's statement. Mr Collis highlighted inconsistencies between her evidence and the evidence of Council witnesses and a lack of detail.
- Mr Collis would have questioned Ms O about her reasons for providing a supportive statement for Mr Welch and asked her whether there was antagonism between herself and C's owners.

The Committee carried out a careful balancing exercise. It decided that it would be in the interests of justice to admit Ms O's statement as corroborative evidence in support of Mr Welch's evidence. The Council had a full opportunity to test Mr Welch's evidence in cross-examination. The Committee decided that the factors that supported the admission of the evidence outweighed those that did not.

The Committee noted the lack of detail in Ms O's statement and the nature of the Council's challenge to it. Although the Committee has decided to admit Ms O's statement in evidence, these matters would also be relevant when deciding whether it was appropriate to give weight to the statement.

Disciplinary Committee, 24 – 26 July 2024

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

THE CHARGE

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

1. *On or around 22 May 2023 posted disparaging and/or unprofessional comments on a social media post in relation to Ms KB, an equine podiatrist; and/or*
2. *Between around 25 June 2023 and 10 July 2023, posted*

disparaging and/or discourteous and/or unprofessional comments and/or "reactions" on social media posts in relation to Ms HK, a student equine podiatrist;

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".

Ms Nicole Curtis appeared on behalf of the Council; the Respondent was present and unrepresented. The Respondent did not admit any of the Charges.

Background

A complaint was received by the Council in July 2023 relating to various Facebook posts made by the Respondent. These posts contained comments about the level of professional knowledge offered by barefoot trimmers in general and the complainant in particular. The complainant alleged that the posts amounted to unprofessional online conduct and potential libel and were having a damaging effect upon her ability to build her business because of their influence on potential clients.

Evidence

Ms HK, the complainant, confirmed the contents of her witness statement. She is a student equine podiatrist, working towards a Level 5 Ofqual Diploma in Equine Podiatry. In June 2023 she passed the first year of a two-to-three-year course and so became permitted to trim horses. She was insured to do so. She maintained a business page on Facebook and posted on some local relevant Facebook groups. She produced extracts of messages from her Facebook account.

On 25 June 2023 she responded to a post from a pony owner seeking urgent assistance from a farrier:

"Hi....if your pony is barefoot I'm happy to help!", attaching a link to her business page.

The Respondent replied to this post by posting an emoji of an angry face and, when this was queried by Ms HK, posted an emoji of a laughing face. He also posted the following reply to the original request for help:

"E.B.[full name redacted] please don't use a bare foot trimmer, they have no idea what they are doing..

I think you are too far from me to come over..."

He added in response to a reply from EB:

" definitely doesn't know what they are doing"

Ms HK posted a response explaining her qualifications and experience to which the Respondent posted an emoji of a man covering his face with his hand in an expression of shock and dismay, and a further post stating:

"And... You are a student who knows nothing or very little..."

Ms EB then asked him not to be rude and pointed out that Ms HK had clearly explained her status and experience, to which the Respondent replied:

"This is true though from experience I've had to correct many problems caused by so-called bare foot trimmers. I would hate for your pony or horse to become another failed attempt... Sorry to offend this is my own opinion"

In response to Ms HK providing further details of her training and experience, the Respondent wrote:

"...as far as I concerned barefoot trimmers should be banned from this country as I've seen too many bad jobs created by them....Unfortunately I'm an old git who believes farriers should only do any form of work on horses feet along side vets....

44 years of work and knowledge behind me"

The Respondent later posted:

"As far as I'm concerned there are too many wannabes trimmers, I've never seen 1 job yet that you could say is worthy of my accreditation... most I've seen around my areas of work I've had to do some correction work..."

EB decided to use someone more experienced for the particular job which had brought about the various posts, but did engage Ms HK to trim her horse on another occasion.

Ms HK told the Committee that she had seen similar posts on Facebook from the Respondent in relation to barefoot trimming on other occasions. She produced a further post when she had offered her services, setting out the fact that she was undertaking a Higher National Diploma in equine podiatry was competent to trim and was fully insured, in response to which the Respondent had posted a laughing face emoji. Ms HK said that she was upset and angered by the Respondent's posts. She felt inhibited from offering her services because of the possible online reaction from the Respondent. She did not identify any specific instance in which a potential client had decided not to use her services as a

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result of the Respondent's posts.

Ms HK decided to make a formal complaint after seeing the exchanges, on Facebook, which the Respondent had had with Ms KB. She said that she felt frustrated by the Respondent's attitude, which contrasted with that of her own farrier. She considered that the Respondent was going out of his way to damage the reputation of equine podiatrists. In answer to questions from the Committee, she said that she felt that it was unprofessional for the Respondent to single her out for criticism when he had no specific knowledge of her skills and the training she had undertaken, and to persist in his criticisms after she had set out her qualifications.

Ms KB gave oral evidence by video-link. She confirmed the contents of her witness statement. She told the Committee that she is an equine podiatrist who maintains Facebook and Instagram pages on which she includes photographs and material which may be of interest to those who follow her on these social media channels. The photographs are designed to show beneficial changes in the hooves of horses she has treated. She produced extracts of messages from her Facebook account.

On 18 May 2023 she included an entry about problems that grass was causing at that time, advising those who followed her entries to be *"REALLY careful with the grass this week"* and referring to a horse with no history of laminitis who seemed to have been affected.

The Respondent posted the following comment on her post:

"It's not always grass that gives a horse or pony laminitis... learn more knowledge".

The Respondent pointed out that she had not stated that grass was the only cause of laminitis to which the Respondent replied:

"Are you qualified enough to make such comments... your only a supposed foot trimmer"

An exchange about their respective professional qualifications then ensued during which the Respondent wrote:

"So level 5,2 years ago... you have a lot to learn...I'd like to see how you'd deal with the issues....You can start on your own [horse emoji]"

after which he added:

"So come on how many years 4 or 5 Training where and by who. In America on a 2 week course..."

Ms KB pointed out that she had not trained in America and held an Accredited Diploma. She wrote that she felt the respondent was behaving unprofessionally in criticising her *"for sharing information that is true and correct"* and suggested that he revisit his professional Code of Conduct to which the respondent replied:

"my understanding my professional code of conduct is only towards other farriers and vets. Foot trimmers don't fall into that category".

Ms KB replied that the application of the Code was much wider than the Respondent had claimed and posted a screenshot of paragraphs 69-73 of the Code [*the Farrier, Approved Training Farrier & Apprentice Code of Professional Conduct*] in force at the time to demonstrate this. She also "tagged" the Registrar of the Council with a request:

"who can I contact to help this guy better understand the frc code of professional conduct?"

Ms KB did not intend to make a formal complaint to the Council herself. Her business was stable, and she did not think the Respondent's posts had damaged it. However, she was approached by the complainant and agreed to give evidence in these proceedings. She felt that the Respondent was goading her by posting comments that were incorrect and divisive. She did not consider that her own responses to the Respondent were in any way discourteous.

The Respondent submitted a written response to the Charges and gave oral evidence. He accepted that the posts referred to in the Charges were his and eventually accepted that he had also posted the emojis to which he was referred by Ms Curtis. He denied that the posts were disparaging, discourteous or unprofessional. He also denied that he had posted emojis on other occasions in response to posts by barefoot trimmers.

He said that his intention in posting as he did was to instigate a debate about barefoot trimmers. He told the Committee that his experience of their work had not been positive, and he had been called upon, on occasions, to correct the work they had done. He said that he was a plain speaker and wanted to have an open debate about the qualifications of barefoot trimmers for the work which they undertook. He said that he was seeking to promote the welfare of horses and that this took precedence

over the feelings of individuals.

He also maintained that some material was missing from the posts available to the Committee so that the Committee did not have the full context in which his observations had been made. He said that he was now unable to produce this missing material as it had been deleted.

In answers given in cross-examination, he accepted that he had no personal knowledge of either Ms KB or Ms HK. He said that he was unaware, when he posted, that barefoot trimmers could undertake an Ofqual accredited course; he had only become aware of this after Ms HK had made her complaint to the Council. He accepted that the emoji of a man holding his hand over his face, which he had posted in response Ms HK setting out her qualifications, was intended to express disbelief and frustration.

DECISION OF THE DISCIPLINARY COMMITTEE ON THE FACTS

The Committee accepted the advice of the legal assessor. He reminded the Committee that the burden of proof rested upon the Council and that the standard of proof was the balance of probabilities. In considering the words used in the Charges, the legal assessor suggested that the usual meaning of the word “disparage” was “to attach little worth” to something, perhaps with a suggestion of scorning the object in question. “Unprofessional” in this context could mean conduct that departed from the standards expected of a registered farrier, bearing in mind that the posts in question were made in a professional context.

The Committee considered the two charges separately.

1. *On or around 22 May 2023 posted disparaging and/or unprofessional comments on a social media post in relation to Ms KB, an equine podiatrist;*

The posts made in relation to this charge included the following phrases;

- *“learn more knowledge”;*
- *“your only a supposed foot trimmer”;*
- *“So level 5,2 years ago... you have a lot to learn...I'd like to see how you'd deal with the issues...You can start on your own [horse emoji]”;*
- *“So come on how many years 4 or 5 Training where and by who. In America on a 2 week course..;*
- *“my understanding my professional code of conduct is only towards other farriers and vets. Foot trimmers don't fall into that category”.*

Each of these remarks was made without any knowledge of Ms KB’s work or the qualification she had acquired. In the Committee’s judgment the observations were clearly intended to disparage both Ms KB and barefoot trimmers in general and were discourteous.

In the present case the Respondent’s disparaging and discourteous conduct took place within a professional context. He identified himself as a farrier and made the remarks he did from a position of ignorance, both in respect of Ms KB’s own level of expertise and in respect of the qualification that she had acquired. He showed no interest in creating an informed and constructive discussion but simply expressed his opinions in terms that were disparaging and discourteous. In making these remarks from a position of ignorance, and on a public platform was widely accessible, the Committee was satisfied that the Respondent’s conduct departed from the standards expected of a registered farrier. It was unprofessional.

The Respondent also asserted incorrectly that the professional code of conduct to which he was subject applied only to his relationships with other farriers and vets. He was corrected on this score by Ms KB. In the Committee’s assessment this assertion was a further example of unprofessional conduct on the part of the Respondent.

The Committee therefore finds Charge 1 proved in its entirety.

2. *Between around 25 June 2023 and 10 July 2023, posted disparaging and/or discourteous and/or unprofessional comments and/or “reactions” on social media posts in relation to Ms HK, a student equine podiatrist;*

The posts made in relation to this charge included the following phrases.

- *“E.B.[full name redacted] please don't use a bare foot trimmer, they have no idea what they are doing;...”*
- *“definitely doesn't know what they are doing”;*
- *“And... You are a student who knows nothing or very little...”*
- *“...as far as I concerned barefoot trimmers should be banned from this country as I've seen too many bad jobs created by them”;*
- *“As far as I'm concerned there are too many wannabes trimmers”*

These remarks were supplemented by expressive emojis. Ms HK’s initial offer of assistance attracted an angry face emoji and, on her questioning this, the Respondent posted a laughing face emoji. When Ms HK explained that she was

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currently undertaking a Level 5 Diploma in equine podiatry the Respondent posted a large emoji (properly described as a gif) of a man holding his hand over his eyes which, he accepted, was intended to suggest disbelief and frustration. Another offer of assistance from Ms HK which included details of her qualifications also attracted a laughing face emoji. In responding in this way the Respondent again showed no interest in creating an informed and constructive discussion but was rather concerned to attack Ms HK and bare foot trimmers in general.

The Committee is satisfied that each of the posts and emojis relevant to this charge were directed at Ms HK and that they were disparaging and discourteous. Ms HK told the Committee that she was upset and angry that she had been singled out in this way by someone whom she had never met and who had no knowledge of the qualification that she was working towards. It is noteworthy that, during the course of these exchanges, Ms EB wrote, in response to the Respondent's post which stated, *"You are a student who knows nothing or very little"*,

"Sorry, please don't be rude. People have to start somewhere. She's clearly said she is only qualified to trim certain horses".

In the Committee's assessment Ms EB's reaction was entirely justifiable, as was that of Ms HK.

The Respondent had no personal knowledge of Ms HK, or of the quality of her work or of the first year examinations which she had passed. Nonetheless, he gave it as his opinion that she had no idea what she was doing and knew nothing or very little. These observations were accompanied by more general observations about barefoot trimmers when the Respondent did not know what qualifications were now available by way of training for this role. In the Committee's assessment the emojis which were posted were clearly intended to belittle the Respondent, her work and the qualification she was working towards. In acting in this way, from a position of ignorance on a widely accessible platform, the Respondent departed from the standards expected of a registered farrier. His conduct was unprofessional.

The Committee therefore finds Charge 2 Proved in its entirety.

SUBMISSIONS OF THE PARTIES ON SERIOUS MISCONDUCT IN A PROFESSIONAL RESPECT

Ms Curtis referred the Committee to her written submissions

in support of a finding of serious misconduct in a professional respect. She referred to the applicable overarching principles of the 2021 Code (in force at the time), in particular its expectation that registered farriers would uphold the good reputation of the profession, behave professionally and maintain good relationships with professional colleagues. She submitted that there were specific breaches of obligations not to write disparagingly of colleagues, not to engage in activity which would bring the profession into disrepute and, in relation to the use of social media, to behave respectfully and to avoid activity which was offensive and might cause undue distress.

Ms Curtis submitted that the Respondent's behaviour was liable to have an adverse effect on the good reputation of the profession and consequently had the potential to undermine public confidence in the profession. The misconduct had occurred in a professional context and had the potential to cause harm to the reputations of Ms HK and Ms KB. Ms Curtis pointed out that Ms HK was particularly vulnerable to this kind of activity as she was a student.

The Respondent made no submissions in relation to this aspect of the proceedings.

The legal assessor reminded the Committee that its task was now to arrive at a judgment in relation to the seriousness of the Respondent's conduct. Not every departure from the principles of the Code would necessarily amount to serious misconduct in a professional respect; the Committee now had to consider whether the factual findings it had made should properly be characterised in this way.

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

The Committee considered the following factors to be of particular significance. The Respondent's posts were made on a widely accessible public forum, and they were directed at two young women (one of whom was still a student) of whom he had no personal knowledge. The posts were designed to belittle their knowledge and professionalism. The Respondent continued to post after a member of the public, Ms EB, had told him there was no need to be rude. The posts were aggressive and targeted.

The Committee had regard to the provisions of the Code. The following provisions were clearly applicable and had been breached:

Paragraph 14 c:

"Farriers must not speak or write, including online, disparagingly about professional colleagues or their work.

Paragraph 16:

Farriers must not engage in any activity or behaviour that would be likely to bring the profession into disrepute.

In relation to the use of social media in particular, Paragraphs 72c and 73 b were of particular relevance. These sub-paragraphs made clear that when using social media farriers should be *"respectful"* and avoid posting material which is *"offensive, false, inaccurate, misleading or unjustified."*

The Committee was satisfied that the Respondent's disregard of these principles amounted to serious misconduct in a professional respect.

DECISION OF THE DISCIPLINARY COMMITTEE AS TO SANCTION

Ms Curtis drew to the Committee's attention to a previous adverse finding of the Disciplinary Committee. On 25 January 2000 the Respondent was issued with a severe reprimand arising out of the mistreatment of two horses which he had kicked.

The Respondent indicated that he now accepted that his posts were inappropriate. In answer to a question from the Committee about how he felt in relation to the distress she had caused to KB and HK he said that he felt guilty. He said that he no longer posted and would not engage in similar activity in the future.

The legal assessor advised the Committee that it should give little or no weight to the previous reprimand on the ground that it had occurred a long time ago and was for conduct which was unrelated to the matters now being considered.

The Committee accepted the advice of the legal assessor. It had regard to its sanctions guidance, and it recognised that its function was to arrive at a proportionate outcome to the case which it had heard.

The Committee first had regard to aggravating and mitigating factors.

In relation to aggravating factors, the Committee noted that the Respondent's conduct was reckless and premeditated. It was also persistent in that the exchanges had occurred with more than one person and over a period of time. The Committee did not attach significance to the previous adverse finding in view of the passage of time and the fact that the previous finding was for conduct that was unrelated to the matters now being considered.

In relation to mitigating factors, the Committee noted that the Respondent had had a long career, many years of which were unblemished. There had been no repetition of the misconduct since the complaint and there was some evidence that the Respondent had now started to develop some degree of insight. The Committee did not consider there to be a significant risk of repetition.

The Committee did not consider this to be case in which it would be appropriate to take no further action. The case was too serious for that, and it was important that a clear message be conveyed that this type of online activity was unacceptable.

No purpose would be served by postponing sanction.

The Committee next considered a Reprimand and/or Warning. In all the circumstances of the present case the Committee concluded that this was the appropriate and proportionate sanction. It bore in mind that the case did not involve the mistreatment of a horse and that there was, in its judgment, no significant risk of repetition. In these circumstances the matter could, on this occasion, be proportionately dealt with by way of reprimand and warning, both of which were appropriate in this case.

The Committee therefore issues a formal Reprimand to the Respondent in relation to his serious misconduct in a professional respect.

The Committee warns the Respondent to be mindful of any future social media interactions and have particular regard to the guiding principles, and paragraphs 69-74 of the 2024 *Farrier, Approved Training Farrier & Apprentice Code of Professional Conduct*.

In addition, it considers it appropriate to warn the Respondent that if there is any repetition of this type of conduct, the Disciplinary Committee that considers the case will have

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regard to, and take into account, the Reprimand and Warning issued in this case when it considers the sanction that is appropriate.

Disciplinary Committee, 11 - 12 November 2024

DISCIPLINARY COMMITTEE (DC): Mr P LINFIELD Dip HE FARRIERY

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

THE CHARGES (AS AMENDED)

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

1. On 9 June 2022, at the Portsmouth Magistrates Court, were convicted following a guilty plea of two offences of assault by beating, in relation to which convictions, on 20 July 2022, you were sentenced to seventeen weeks imprisonment, suspended for 12 months, were subject to a curfew requirement for six weeks, ordered to carry out a directed rehabilitation activity, to abstain from alcohol for 50 days and to pay compensation of £250, a surcharge and costs;

2. Between 9 June 2022 and 6 April 2024 failed to disclose the above convictions to the Council;

3. Between 30 August 2018 and 31 December 2023, failed to submit Annual Returns to the Council for 2019 and/or 2020 and/or 2021 and/or 2022 and/or 2023;

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

Ms Nicole Curtis appeared on behalf of the Council; Mr Jonathan Buckle appeared on behalf of the Respondent.

Ms Curtis applied to amend the Charge to reflect the fact that the Respondent had received two convictions for assault by beating arising out of the same incident. Mr Buckle did not object to the amendment.

The amendment was allowed.

The Respondent admitted Charge 1 as amended.

The Respondent did not admit Charge 2.

The Respondent admitted Charge 3, save in respect of the alleged failure to submit a return for 2023.

The Respondent further admitted serious misconduct in a professional respect in relation to Charge 1 and Charge 3.

Background

On 9 June 2022 the Respondent was convicted of two offences of assault by beating at Portsmouth Magistrates Court. He was sentenced to seventeen weeks imprisonment, suspended for twelve months and was made subject to various ancillary orders including a curfew for a period of six weeks and a requirement to abstain from alcohol for 50 days. He was also ordered to pay compensation of £250.00. It is alleged that he failed to disclose these convictions to the Council before 6 April 2024 and failed to submit Annual Returns to the Council between 2019 and 2023.

Evidence

The Committee heard oral evidence from Mrs W at the Council. She told the Committee that, since 2016, Registered Farriers had been obliged to complete and submit an Annual Return which was required to include details of any criminal convictions or police cautions received since the previous return. This requirement is now set out at Paragraphs 15 and 84 of the Code of Professional Conduct. (2021 Edition, which came into force on 1 January 2021). Prior to that date the previous edition of the Code (2016), approved by the Council on 28 June 2017, required Registered Farriers to inform the Council, by means of an Annual Declaration, of any convictions or police cautions received.

Mrs W informed the Committee that the Respondent was first registered on 6 January 2017. He submitted an Annual Return on 5 January 2017 and declared a conviction received at Portsmouth Crown Court from "August 2014". He next submitted an Annual Return in November 2017 to cover the year 2018. In that return he declared a conviction from "Feb 16" received from Portsmouth Magistrates Court. The details were almost identical to the conviction declared in the Return of January 2017. It seemed likely to Mrs W that the Respondent was in fact referring to the same conviction which he had declared on his initial form as the details provided were very similar.

Mrs W informed the Committee that the Respondent did not submit any further Annual Returns until 21 February 2024. He did not respond to a number of requests to submit an Annual Return. These requests were sent annually, and an annual reminder, sent several months later, was also sent to farriers who had not submitted a Return. Reminders were not sent during the Covid pandemic. In the Return submitted in February 2024 the Respondent answered "No" in response to a question "Do you have any cautions or convictions to declare since your last declaration?"

In April 2024 the Respondent submitted an application, dated 6 April 2024, to become an Approved Training Farrier. In response to a question "Do you have any spent (other than protected) or unspent cautions or criminal convictions other than a fixed penalty notice or are any such criminal proceedings pending?" the Respondent stated that he had a Conviction dating from August 2014 for assault occasioning actual bodily harm and a Conviction dating from July 2022 for assault by beating. This was the first occasion on which the Council recognised that the Respondent had disclosed his "Conviction" dating from July 2022.

The Respondent gave oral evidence. He confirmed the contents of his witness statement. He told the Committee that he had not completed Annual Returns since 2017 and until the return for 2023 because nothing had changed in his circumstances, and he saw no point in filling in a Return each year. He accepted that he had received annual letters from the Council asking him to complete an Annual Return, but he denied receiving any reminders to do so.

The Respondent said that he recognised that his situation had changed in 2022 by reason of the convictions he had received in June of that year. He said that he therefore completed an Annual Return in the winter of 2022 for the year 2023 in which he disclosed his convictions. In his initial evidence to the Committee, he said that he recalled filling in the Annual Return at his mother's home, where he was then living, and putting it in the post. He did not recall what stamp he had put on it. He thought he had found a stamp at his mother's house. He said that he was not very good with paperwork. Towards the end of his cross-examination, he said that he was not sure whether he had completed the Annual Return for 2023 as he was by then rather confused by all the various dates which he had to remember.

In February 2024 he telephoned the Council to ask about becoming an Approved Training Farrier. He spoke to Mrs H at the Council. During that conversation she asked him whether he had any convictions, and the Respondent said that he told her that he did have convictions dating from 2014 and 2022. The Respondent said that there was no further discussion on the telephone, but Mrs H told him to put details of the Convictions on his application form for Approved Training Farrier status and he did so. He said that he thought that the Council already knew about his recent convictions because he had assumed that it had received his 2023 Annual Return.

DECISION OF THE DISCIPLINARY COMMITTEE ON THE FACTS

The legal assessor reminded the Committee that the burden of proof rested upon the Council and that the standard of proof was the balance of probabilities.

The Committee finds Charge 1 proved by admission.

In resolving Charge 2, the Committee had to decide whether the Council had proved to the requisite standard that the Respondent had not disclosed his conviction on an Annual Return for 2023 submitted in the winter of 2022.

The Committee was satisfied on the basis of the evidence of Mrs W that the Council had not received an Annual Return from the Respondent for the year 2023.

The Committee then considered the evidence of the Respondent. The Committee considered it highly unlikely that the Respondent received, as he accepted, annual requests for the submission of a Return but, as he asserted, never received any reminders to submit a return. The Committee recognised that reminders were not sent during the Covid pandemic but there were still a number of years before and after the pandemic in which reminders were sent. It was beyond credibility that none of these reminders found their way to the Respondent.

The Committee also considered the Respondent's evidence to be vague and confused in relation to the Annual Return that he said he had submitted. He could not remember what stamp, if any, he had put on it, whether there was a stamp upon the envelope and by the end of his evidence he admitted that he was not sure he had in fact sent an Annual Return for 2023. In view of the Respondent's very casual attitude to paperwork the

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Committee considered it more likely than not that no Annual Return for 2023 was submitted by the Respondent. This was consistent with his practice since 2017.

The Respondent accepted that he should have notified the Council promptly in any event following his convictions in 2022 but did not do so. There remained the question of his conversation by telephone with Mrs H in February 2023. Even if the Respondent's recollection of this conversation with Mrs H is reasonably accurate, the Committee does not consider that this discharged his duty to inform the Council of his convictions. On the Respondent's recollection, there was no detailed conversation in respect of his convictions and the matter was left upon the basis that detail would be supplied in the Respondent's application form for Approved Training Farrier status.

The Committee therefore finds Charge 2 proved.

The Respondent admitted all of Charge 3, save in respect of the failure to submit an Annual Return for 2023. For the reasons given in relation to its findings in respect of Charge 2, the Committee finds it to be more likely than not that no Annual Return was submitted by the Respondent for 2023.

The Committee therefore finds Charge 3 proved in its entirety.

SUBMISSIONS OF THE PARTIES ON SERIOUS MISCONDUCT IN A PROFESSIONAL RESPECT

Ms Curtis submitted that the Committee's findings of fact should lead to a finding of serious misconduct in a professional respect. She reminded the Committee that the Code of Professional Conduct [Farrier, Approved Training Farrier & Apprentice Code of Professional Conduct, 2021 Edition in force in 2022] makes clear that farriers have a duty to uphold the reputation of the profession. She submitted that Registered Farriers who were convicted of serious criminal offences damaged the reputation of the profession. She relied upon the principles outlined in *R (on the application of Remedy (UK) Ltd v General Medical Council* [2010] EWHC 1245 (Admin) to the effect that conduct outside a professional context which is disgraceful may be sufficient in itself to bring the profession into disrepute. She submitted that convictions for assault by beating which were sufficiently serious to attract a custodial sentence, albeit suspended, fell into this category.

In relation to the Respondent's failure to disclose convictions

received in 2022 until April 2024, Ms Curtis submitted that this was serious because it prevented the Respondent's regulator from deciding whether to take appropriate action. The consequence was that the Respondent had been practising while still subject to a sentence for a serious criminal offence. This was contrary to the general principle, outlined in *Council for the Regulation of Health Care Professions v General Dental Council (Fleischmann)* [2005] EWHC 87 that a member of a profession should not be permitted to resume practice until a sentence imposed by a criminal court had been satisfactorily completed.

Ms Curtis also submitted that a persistent failure to complete Annual Returns was also serious. The returns were a very important regulatory tool in that they provided the Council with updated information not only about convictions and cautions but also about insurance and contact details. Proper regulation of the profession was impossible if the obligation to complete Annual Returns was ignored.

Mr Buckle noted that the Respondent had accepted that his convictions amounted to serious misconduct in a professional respect.

So far as the failure to disclose his convictions in 2022 until April 2024 was concerned, Mr Buckle reminded the Committee that there was no suggestion that this failure was deceitful or dishonest. The Respondent was not good with paperwork and there was no doubt, in view of the email from Mrs H, dated 12 April 2023, which he had submitted to the Committee while it was deliberating, that the Respondent had disclosed his convictions to her in their telephone conversation of February 2023. Mr Buckle submitted that the failure to disclose convictions received in 2022 until April 2024 did not, in these particular circumstances, amount to serious misconduct in a professional respect.

In relation to the failure to submit a number of Annual Returns, Mr Buckle asked the Committee to bear in mind that reminders for these returns were not sent out until several months after the returns should have been submitted which suggested that there was no great urgency to collect the information contained in the Annual Returns. He said it was a matter for the Committee as to whether the Respondent's failures in this respect could really be said to amount to serious misconduct in a professional respect.

The legal assessor reminded the Committee that the issue of serious misconduct was a matter for its judgment. There was no burden or standard of proof to be applied. Not every departure from the Code would amount to serious misconduct. The Committee would need to decide whether any departures in this case were sufficiently serious as to be properly characterised as serious misconduct in a professional respect.

The Committee first had regard to the nature of the Respondent's convictions. They were serious. Two members of the public had suffered injury as a result of the Respondent's violent conduct, which occurred after he had consumed a very large amount of alcohol. The Committee noted the Guiding Principles of the Code which included the need to uphold the good reputation of the profession and to avoid situations both within and outwith the professional context which could be in breach of criminal law. Paragraph 16 c of the Code provides that:

"Farriers must not engage in any activity or behaviour that would be likely to bring the profession into disrepute"

The Committee considered that the Respondent's convictions were such as to bring the profession into disrepute. For this reason, they amounted to serious misconduct in a professional respect.

The Committee also considered that the Respondent's failure to disclose the fact of these convictions until April 2024 also amounted to serious misconduct in a professional respect. His failure to do so prevented his regulator from considering whether regulatory action was required at a time when he was subject to a suspended sentence of imprisonment.

The timely completion of Annual Returns enabled the Council to receive vital information (about contact details, criminal convictions and cautions and professional insurance cover) in respect of those whom it was entrusted to regulate. Without this information proper regulation of the profession would be impossible. The Respondent had simply chosen to ignore his obligation to complete Annual Returns over a period of more than six years. In the Committee's assessment this persistent failure amounted to serious misconduct in a professional respect. It evidenced an attitude towards his professional obligations which was unsatisfactory.

The Committee therefore concluded that the Respondent was

guilty of serious misconduct in a professional respect.

DECISION OF THE DISCIPLINARY COMMITTEE AS TO SANCTION

Ms Curtis told the Committee that the Respondent had an earlier conviction for assault occasioning actual bodily harm, received in 2014. He was first registered in 2017.

Mr Buckle noted that the Respondent had already been punished by the criminal courts in relation to his conviction. He submitted that the appropriate outcome to these proceedings was a reprimand or warning. He told the Committee that the Respondent was the sole earner in his household and that farriery was the only occupation for which he had been trained. He would therefore find it difficult to secure any other employment if he was prevented from practising as a farrier.

The legal assessor reminded the Committee that the principles applicable to sanction were to be found in its Indicative Sanctions Guidance. The function of any sanction was not to punish a Respondent but to arrive at a proportionate outcome to the case, taking into account relevant aggravating and mitigating factors.

The Committee first considered aggravating factors. As previously noted, so far as the convictions were concerned, injury had been caused to two members of the public. The Respondent's conduct had been reckless. There was a previous conviction for violent conduct, in 2014, but the Committee did not attach significant weight to this in view of the fact that the Council had chosen not to pursue that matter. So far as the failure to submit Annual Returns were concerned, this failure was persistent, extended over a period of years and the Respondent was aware of his obligation to submit Annual Returns but simply chose not to do so.

So far as mitigating factors were concerned, this was not a case involving the mistreatment of a horse. In relation to the convictions, the Respondent had been a very young man at the time of his earlier conviction in 2014 and a significant period of time had elapsed between his previous conviction and the convictions of 2022. He had expressed remorse in relation to his involvement in the matters that led to his convictions and had made early admissions in relation to those matters. He had also expressed remorse for his previous attitude towards completing and submitting Annual Returns. The Committee considered that he had developed some insight. He assured the Committee, through his witness statement, that he had

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taken steps to ensure that administrative failures would not recur.

The Respondent also provided the Committee with a number of supportive references which indicated that the quality of his work was highly regarded by those who had provided references. These included a veterinary surgeon as well as clients.

The Committee considered the available options in ascending order.

The Committee considered that it was necessary to take some action in view of the seriousness of the case.

No purpose would be served by postponing sanction.

The Committee next considered issuing a Reprimand and/or Warning. It concluded that such a course would not be a proportionate response to the seriousness of the misconduct. The Committee had to consider three separate matters, each of which amounted to serious misconduct in a professional respect. In these circumstances a more serious sanction was required.

The Committee next considered a period of suspension from the Register. It concluded that this was a sufficiently serious sanction to meet the seriousness of the case. It would also send a clear message as to the unacceptability of the Respondent's conduct. The Committee was conscious of its obligation to act proportionately. It decided that a period of suspension of four months was sufficient to meet the particular requirements of this.

The Committee therefore directs that the Respondent's registration is suspended for a period of four months.

Disciplinary Committee, 13 November 2024

DISCIPLINARY COMMITTEE (DC): Mr A S MARRIS DipWCF
Set out below is the determination and decision of the DC in respect of the application for restoration to the register of Mr Marris; the determination and decision may be read on the FRC website at www.farrier-reg.gov.uk

By letter dated 30 August 2024 the Applicant applied for restoration to the register. He was removed from the register on 22 July 2023 by a direction of the Disciplinary Committee following a hearing in June 2023.

Background

The hearing of the Disciplinary Committee which resulted in the Applicant's removal from the register took place on 20 and 21 June 2023. The Applicant faced charges of using unnecessary force towards a horse and failing to provide Annual Returns to the Council from 1 January 2016 - 6 October 2022. The Applicant admitted failing to provide Annual Returns but denied using unnecessary force.

The Disciplinary Committee found that the Applicant had used unnecessary force. He had struck a horse with a hammer. A photograph produced in evidence showed "a clear imprint of a hammer on the horse's hindquarters".

The Committee's direction for removal included a direction that the Applicant should not apply for restoration to the Register before the expiry of twelve months from the date of its decision.

In finding that the Applicant was guilty of serious misconduct in a professional respect the Committee stated as follows:
"The Committee found that during the course of the appointment on 15 August 2022, the Respondent deliberately struck Diana's Pride with his hammer with sufficient force to leave a visible imprint of the hammer on the horse's hindquarters. Such behaviour was directly contrary to the guiding principle that Farriers are expected to ensure that all horses under their care are treated humanely and with respect, as echoed in Code 12 (a), which emphasizes that the welfare of horses is the primary consideration. It is also a breach of Code 16 (c), namely Farriers must not engage in any activity or behaviour that would be likely to bring the profession into disrepute....."

The obligation to complete an Annual Return is an important one as it is designed to protect the public by providing

assurance that the Farrier has not been convicted of a criminal offence in the twelve months between the period of each Return and also that they have professional indemnity insurance in place”.

In determining sanction, the Committee focused on the harm caused to the horse. It noted that this was at the lower level of injury but that this was not the first time that the Respondent had appeared before his Regulator for striking a horse. He had received a warning from his Regulator in 2020 and yet had gone on to strike a horse a second time. The Committee considered that the Respondent had not expressed remorse or shown significant insight into the inappropriateness of such behaviour. He had not demonstrated any remediation so the Committee was concerned about the risk of repetition in future. It accepted that the incident was not pre-meditated but appeared to have been caused by a sudden loss of temper. It was concerned, in view of the previous adverse regulatory finding about the emergence of a pattern of behaviour.

The Committee determined that the Respondent’s misconduct was a serious departure from the professional standards set out in the Code, involved deliberate harm to an animal and showed evidence of a harmful deep-seated personality or attitude problem. For these reasons it did not consider that suspension was sufficient to satisfy the public interest and to protect horses. The Committee stated:

“This was the second time in a relatively short period that [the Respondent] had been found guilty of striking a horse. The first time had been with his hand but this time it had been with his hammer. He maintained it was an accident and little or no force was used, but the imprint of the hammer on the horse’s flank told a different story. This lack of insight suggests a harmful deep-seated personality or attitude problem, and in the Committee’s view such misconduct is fundamentally incompatible with continued registration. His behaviour is compounded by his disregard of the FRC’s system to regulate the Farriers’ profession by not completing his Annual Returns for five years.”

The Committee directed that no application for restoration should be made until 12 months had elapsed from the date of its direction. It considered this to be *“a proportionate period to reflect the seriousness of the case while having regard to the mitigating features identified”*. The principal mitigating features were the working conditions (a very hot day and insects) and the lack of premeditation; the incident, in the Committee’s

view, appeared to have arisen from a momentary loss of temper.

The background to the application for restoration was summarised for the Committee by Ms Curtis, who appeared on behalf of the Council. Ms Curtis also made available to the Committee an extract from *Horse and Hound* magazine which had been posted anonymously to the Council. The extract contained some observations which the Respondent had made about the Committee’s decision to remove him from the Register. The Committee did not regard this material as having any great significance.

Evidence

The applicant gave oral evidence to supplement his written application and the bundle of documents that he had prepared for this hearing. The Respondent told the Committee of the way in which he had spent his time since his removal from the Register. He said that he had had a great deal of time to reflect. He had occupied himself by considering the outline of a new contract between himself and his clients which would ensure that adequate and appropriate communication took place before any job was undertaken. He considered that this would help to minimise the risk of any untoward or unexpected event taking place during shoeing. He had also been engaged in trimming, undertaking CPD activities and helping with horses in his wife’s yard.

He told the Committee that he was passionate about farriery which was the only trade for which he was qualified. He had participated in shoeing competitions in Canada. He said that it had been difficult for him to acknowledge the circumstances in which he now found himself to a number of his referees and was grateful that many wished him to continue as their farrier.

So far as the previous decisions of the Disciplinary Committee were concerned, he maintained that he had tried to give honest evidence at his two previous hearings. He understood the reasons why the respective Committees had come to the decisions reached on those occasions.

In answer to questions from the Committee, he said that he was very upset that the horses involved in the events which led to his previous hearings had sustained injury. He did not accept that he had lost his temper; when asked what he would do if a challenging situation occurred in future, he said that he would take a break and that animal welfare was always the top

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priority. He said that he now realised that he had handled the episode that had occurred in 2018 very badly because he was young and inexperienced. He had now discussed the situation fully with the owner and she had wanted him to continue as her farrier.

In answer to further questions, he said that his communication skills had been helped by courses in cyber security which modelled office conflicts and also by his coaching of a boys' rugby team. He told the Committee that he understood the importance of the Council in regulating and policing the profession.

The Respondent's wife also gave oral evidence to the Committee. She told the Committee that her husband was a patient man who was excellent at reading the body language of horses. She said that he held himself to be highly accountable. She did not think that he had an anger management or attitudinal problem, and she did not think he would strike a horse in anger. She said that the Respondent had played a vital part in bringing up challenging horses in her care.

The Committee's decision

Ms Curtis indicated that the Council was neutral in relation to the application, as was always the case.

The Respondent referred the Committee to his bundle of supportive testimonials.

The legal assessor reminded the Committee that it was for the Respondent to demonstrate to the Committee that he should be restored to the Register.

The Respondent was removed from the Register as the result of a very serious departure from the behaviour expected of a registered farrier. He had hit a horse with a hammer. The case was made even more serious by the fact that the Respondent

had received a warning in 2020 for striking a horse with his hand.

The Committee considered the central question on this application to be the risk that the Respondent would again strike a horse if confronted with a challenging situation. In resolving that question the Committee attached considerable importance to the bundle of supportive testimonials produced by the Respondent. It was clear from those references that the Respondent was not only a highly regarded farrier but was also regarded as someone who could be trusted with horses that might, on occasion, be challenging. This was consistent with the evidence offered by the Respondent's wife and was a matter to which the Committee attached considerable importance.

So far as the Respondent himself was concerned, the Committee considered that there had been some positive developments in his thinking since his removal from the Register, albeit that there remained room for further positive development, in particular as to the extent to which the Respondent recognised that controlling frustration during difficult periods was an integral part of any farrier's practice. The Committee considered that the Respondent still had a little way to go in fully acknowledging to himself that this was a feature of his practice which required very careful reflection and attention. However, having weighed the totality of the evidence in the case, the Committee concluded that the risk of any repetition of the misconduct was now sufficiently low as to permit restoration to the Register.

Accordingly, the Respondent's application for restoration to the Register is allowed.

Disciplinary Committee, 14 November 2024



Notices >>>

New Registrations

The following persons have been entered into Part 1 of the Register of Farriers on the basis of meeting the requirements for registration to practise in GB.

Mr W Bagnall QFS	Mr B C Fry QFS	Mr B C Joyner QFS	Mr K E Rourke QFS
Mr S Barker QFS	Miss N Geula QFS Mr T	Mr H Jones QFS	Mr H P Serisier QFS
Miss K F Beaman QFS	Goldthorpe QFS	Mr J Long QFS	Miss L Smith QFS
Mr R Bonnett QFS	Mr J T Hall QFS	Mr Lower QFS	Mr C W Stephens QFS
Mr J L Bryan QFS	Mr A L Haworth QFS	Mr J A MacDonald QFS	Mr H J Targett QFS
Mr L M G Cordery QFS	Mr C G Hayward QFS	Mr M Manners QFS	Mr E L D Ticquet QFS
Mr R Cordery QFS	Miss L Heard QFS	LCoH L Marsh CMF	Mr F Warren QFS
Miss E M Crane QFS	Mr C L Hines QFS	Mr T E Martin QFS	Mr T Williams QFS
Mr J A Davies QFS	Miss L M Hornsby QFS	Mr R D O'Mahoney QFS	Mr A J T Willis QFS
Mr J A Dench QFS	Mr M D Horton QFS	Mr C Morley QFS	Mr O Wood QFS
Miss L Dey QFS	Mr Z Jones QFS	Mr B C I Patrick QFS	
Miss R Dobson QFS	Mr C K Lane QFS	Mr P O Rogers QFS	

Overseas Applications

The following persons have been entered into Part 1 of the Register of Farriers on the basis of holding a recognised farriery qualification achieved outside of GB prior to 6 October 2023.

Mr E J Giannotti DipWCF CJF Mr C A Gregory CJF Mr B Mullins DipWCF

Higher Qualifications Achieved

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

Mr M J Norton BSc (Hons) AWCf	Mr L R Hayes Dip HE Farriery	Mr L A Rosser Dip HE Farriery
Mr L J Bean Dip HE Farriery	Mr S L King Dip HE Farriery	Mr B J Tillett Dip HE Farriery
Mr J Black Dip HE Farriery	Mr T J McGlynn Dip HE Farriery	Mr S N Hewitt AWCf GradDipELR
Mr J Doheny Dip HE Farriery	Mr H J Morgan Dip HE Farriery	Mr T B Daniels MSc Equine Performance, Health & Welfare
		Mr E J Scales BSc (Hons) in Equine Sports Performance

Change of Surname

Mr S N Balmer BSc(Hons) DipHE Farriery
(previously Dyson)

Mrs A L Jay DipWCF
(previously Clarke)

ATF Approvals

The following farriers have had their names added to the list of Approved Training Farriers:

Mr E J Scales Bsc (Hons)

Restoration to the Register

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

Mr R A Adams DipWCF	Mr R L Harris DipWCF	Miss I Mogford DipWCF	Mr S J Wilkey DipWCF
Mr R S Brookfield DipWCF	Miss E E Hockney DipWCF	Mr J Partner DipWCF	Mr G B Williams DipWCF
Mr J P Buckland DipWCF	Mr S Janes DipWCF	Mr D A Picton DipWCF	Mr T J Wilson DipWCF
Mr L D T Cottier DipWCF	Mr D Macavoy DipWCF	Mr P G Popplewell DipWCF	
Mr C R Harris	Mr A S Marris DipWCF	Mr A W Sutcliffe BSc (Hons) AFCL	

Temporary Licence Applications

The Council has received Fixed Term Temporary Licence applications as follows:

- Mr M Abbink of The Netherlands was granted a temporary licence from 21 June 2024 to 23 June 2024 under the supervision of Mr A Smith DipWCF Hons.
- Mr N Koning of The Netherlands was granted a temporary licence from 21 June 2024 to 23 June 2024 under the supervision of Mr A Smith DipWCF Hons.
- 27 successful licence applications were received from competitors taking part in the BFBA International Team Horseshoeing Competition at Stoneleigh Park between 27 and 29 September 2024. Applications were received from competitors representing Canada, France, Norway, Sweden, Switzerland and the United States of America.

ATF Training Days and Train the Trainer Farrier Award - 2025

ATF Annual Training Days

The ATF List policy sets out that continued retention on the ATF list is dependent on annual attendance at one of the three College ATF training days irrespective of whether the ATF has an apprentice currently in training or not.

At the time of print the FRC have been advised of the following course scheduled for 2025:

Herefordshire, Ludlow and North Shropshire College (Holme Lacy)

Friday 7 March 2025

Please contact the College for further details and to book your place.

The FRC will publish information on further ATF training days scheduled in 2025 when details become available.

Please check back to the FRC website at www.farrier-reg.gov.uk for updates or contact the Colleges directly.

Train the Trainer Farrier Award (TTFA)

For registrants interested in applying to become an Approved Training Farrier (ATF) one of the requirements is successful completion of the Train the Trainer Farrier Award (TTFA) at one of the farriery Colleges or an equivalent coaching/training certificate by another provider.

For information on TTFA courses scheduled for 2025 please contact the Colleges:

Herefordshire, Ludlow and North Shropshire College (Holme Lacy)

www.hlcollege.ac.uk

Tel: 01432 870316

Myerscough College

www.myerscough.ac.uk

Tel: 01995 640611

Warwickshire College Group (Moreton Morrell)

www.warwickshire.ac.uk

Tel: 0330 135 6849

Registrants are reminded that the suitability of an equivalent coaching or training certificate or qualification will be a matter for the consideration of the FRC; please contact the FRC for further information.



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

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 I Davidson

Mr S Green AWCF

Mr D Harman AWCF GradDipELR

Mr B J Howson AWCF

Mr R A Kearn DipWCF

Mr R P May AWCF

Mr C D McKell DipWCF

Mr D Mountford MA VetMB MRCVS

Mr M Peaty BVSc CertEP CertES MRCVS

Mr M Potter

Mr J Sim AWCF

Mr M Weston

Appointing Body:

British Horseracing Authority (BHA)

Worshipful Company of Farriers (WCF)

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

Scottish Enterprise

Appointed by Election Scheme

The British Farriers and Blacksmiths Association (BFBA)

Appointed by Election Scheme

Appointed by Election Scheme

Worshipful Company of Farriers (WCF)

Appointed by Election Scheme

Royal College of Veterinary Surgeons (RCVS)

Royal College of Veterinary Surgeons (RCVS)

Lantra

The British Farriers and Blacksmiths Association (BFBA)

British Equestrian Federation

