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

FARRIERS REGISTRATION COUNCIL

-V-

DANNIELLA LOUISE GRAY

DECISION ON APPLICATION FOR RESTORATION TO THE REGISTER

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1. The Applicant, Miss Gray, applies for restoration to the Register of the Farriers Registration Council. She attended and was not represented.

2. Ms Curtis appeared on behalf of the Council.

3. On 11 May 2023, Miss Gray was removed from the Register following a Direction of the Disciplinary Committee, in accordance with section 15(1)(a) of the Farriers (Registration) Act 1975, having been found guilty of serious misconduct in a professional respect.

4. On 15 December 2024, Miss Gray submitted an application for restoration to the Register.

APPLICATION FOR PARTS OF THE HEARING TO BE IN PRIVATE

5. Ms Curtis made an application under Rule 11 of The Farriers Registration Council Disciplinary Committee (Procedure) Rules 1976 (the Rules), for parts of the hearing to be in private. She explained that she was aware that Miss Gray may reference her health and other personal matters during the course of the hearing. Miss Gray supported the application.

6. The Committee was satisfied that it was justified to hold in private, those parts of the hearing which related to Miss Gray's health or other personal circumstances in order to protect her private life.

FACTS UNDERLYING THE ORIGINAL PROCEEDINGS LEADING TO REMOVAL

7. Miss Gray was originally admitted to the Register on 24 May 2016. As part of the requirements for registration, she was required to complete an annual return and submit it to the Council every year. The returns ask Registered Farriers to disclose any unspent police cautions or

criminal convictions received since the previous return. The returns also require the Registered Farrier to check that the contact information held by the Council was correct and to confirm that they held professional indemnity insurance. As a Registered Farrier, the Applicant was also required to keep her skills and knowledge up to date, by undertaking Continued Professional Development (CPD).

8. The charges which led to the Applicant's removal were as follows:

   (1) between 19 April 2022 and 4 October 2022, she had failed to respond, adequately or at all, to reasonable requests from the Council in relation to her CPD; and

   (2) between 30 August 2018 and 4 October 2022, she had failed to send Annual Returns to the Council, and that she had further failed to provide an Annual Return when asked to do so within 28 days of 6 October 2022.

9. The Applicant failed to attend the hearing in May 2023 and the Council successfully applied for the hearing to proceed in her absence. The Disciplinary Committee heard evidence from two Council employees. Mrs Denise Woodward gave evidence in respect of the charge of failing to respond to reasonable requests about her Continuing Professional Development (CPD) and Mrs Tracy Woudberg gave evidence in respect of the charge of failing to send annual returns to the Council. The Disciplinary Committee accepted both witnesses' evidence and found the facts proved in respect of both charges. In the written determination, the Disciplinary Committee stated:

   "Ms. Woudberg confirmed the contents of her witness statement and in particular that consideration of the Council's electronic records revealed that there had been no correspondence from the Respondent in relation to her Annual Returns and no Returns submitted between 30 August 2018 and 4 October 2022. Nor was there any response to a request from the Council, made on 6 October 2022, for an Annual Return to be completed and returned within 28 days.

   Ms. Woudberg's evidence confirmed that the purpose of submitting an Annual Return was to enable the Council to assure itself that it had up to date contact details for registered farriers, that any new convictions or cautions had been declared to the Council and that Professional Indemnity insurance was in place.

   Ms. Woodward produced correspondence from herself and from the Registrar seeking details of CPD undertaken by the Respondent. Letters seeking these details were sent on 19 April 2022, 9 May 2022, and 30 May 2022. On 29 June 2022 Ms. Woodward also left a voicemail message on the Respondent's telephone asking her to submit these details. A further letter from the Registrar was sent on 11 August 2022. No response to any of this correspondence was received before 4 October 2022 when the Investigating Committee met and decided to refer the matter to the Disciplinary Committee.

10. The Disciplinary Committee went on to determine that the facts it had found proved, amounted to serious misconduct in a professional respect. In the written determination, it stated:

    "*The Committee concluded that the Respondent's failures amounted to a blatant and wilful disregard of the FRC and the systems that regulate the profession. Regulation becomes impossible if regulated persons choose to ignore correspondence received from the regulator. The public thereby loses the protection given by effective regulation and the reputation of the profession is undermined. The facts which the Committee has found proved amount to serious misconduct in a professional respect."*

11. At the sanction stage, the Committee was informed that the Applicant had no previous Disciplinary Committee findings against her. It imposed the sanction of removal, directing that the Applicant should not apply for restoration to the Register before the expiry of 18 months from the date of its decision. In the determination, the Disciplinary Committee stated:

"The Committee considered that there were a number of aggravating factors. The Committee has already referred to blatant and wilful disregard of the systems that regulate the profession. In addition, the Committee considered the Respondent's conduct to be reckless, premeditated and sustained and repeated over a significant period of time. In the Committee's assessment the Respondent had shown no insight into the implication of her misconduct.

The Committee was unable to find any mitigating factors.

The Committee considered that this was much too serious a case in which to take no action, to postpone sanction or to issue a reprimand or warning.

The Committee next considered a suspension order. However, there was no evidence to suggest that the Respondent had any insight into the seriousness of her misconduct and the risk of repetition was high. The Committee could not be satisfied that the Respondent would be fit to return to practice after a period of suspension. Further, the Committee did not consider that a period of suspension would be sufficient to meet the seriousness of this case.

The Committee concluded that the only appropriate and proportionate sanction in this case is removal from the register.

The Committee directed, pursuant to its power under section 15(7) of the Farriers Registration Act 1975, as amended, that no application for restoration to the register may be made by the Respondent until 18 months has elapsed from the date of this direction. If and when any such application is made, it will be considered by the Disciplinary Committee in the normal way, based on an assessment of the merits of such an application at that time."

SUBMISSIONS OF THE PARTIES

12. Ms Curtis set out the background of the case and underlying facts which led to the finding of serious misconduct in a professional respect and ultimately the sanction of removal. She also identified the relevant law and factors for the Committee to have regard to in reaching its decision of whether or not to restore Miss Gray to the Register. Ms Curtis informed the Committee that the FRC was neutral on whether or not Miss Gray should be restored to the Register.

13. Ms Curtis drew the Committee's attention to the following relevant legislation:

Farriers (Registration) Act 1975, section 15(7):

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

The Farriers Registration Council Disciplinary Committee (Procedure) Rules 1976 (the Rules), Rule 9:

Where an application is made in accordance with section 15(7) of the Act by a person whose name has been removed from the register in pursuance of a direction made under section 15 of the Act, the following provisions shall have effect:—

(i) the Committee shall afford the applicant an opportunity of being heard by the Committee and of adducing evidence;

(ii) the Committee may require such evidence as they think necessary concerning the identity or character of the applicant or his conduct since his name was removed from the register, and for this purpose may receive written or oral evidence;

(iii) subject to the foregoing provisions of this rule and to Part VI of these Rules, the procedure of the Committee in connection with the application shall be such as they may determine.

14. Documentary evidence relevant to Miss Gray's application for restoration was provided to the Committee, including:

    a. Miss Gray's completed application form for restoration, dated and signed by her on 15 December 2024;

    b. A character reference, dated 7 March 2025, from a former client who used Miss Gray's farriery services before removal and subsequently supported her when she was obtaining her British Horsemanship qualifications and Equestrian Coaching (Showjumping) qualification;

    c. Copies of certificates in Horsemanship training (awarded 15 December 2022), Equestrian Coaching (awarded 14 February 2024) and the British Horseracing Authority's Introduction to Safeguarding in the Horseracing Industry (awarded 18 January 2024).

15. Miss Gray also gave evidence on affirmation to the Committee. Her evidence included her understanding of the seriousness of the misconduct, her understanding of the importance of communication with the FRC, her understanding of the importance of the Annual Returns and the need to provide this information to the Council, information about her health and what she has been doing in the period since removal.

COMMITTEE DECISION

16. The Committee heard and accepted the advice of the Legal Assessor. She advised that the procedure for a restoration application was by way of a hearing on evidence. She advised in accordance with section 15(7) of the Farriers Act 1975 and Rule 9 of Rules. The Legal Assessor advised that the onus was on an Applicant to demonstrate that they should be restored to the Register, by demonstrating that they were capable of practising farriery safely and that their character and conduct since removal were such that they were effectively a fit and proper person to practise as a Registered Farrier.

17. The Committee noted that the application form completed by Miss Gray, included the following guidance for applicants seeking restoration:

It will be for the applicant to satisfy the DC (Disciplinary Committee) that they are fit to be restored to the register. Some of the factors that a DC may consider relevant when considering an application for restoration are as follows (this list is not meant to be exhaustive):

a. The seriousness of the findings of the Committee at the original hearing;

b. Any potential risks to equine or animal welfare were the applicant to be restored;

c. Protection of the public and the public interest, including maintaining public confidence in the profession and upholding the reputation of the profession;

d. The extent of any insight into the conduct which led to removal from the register;

e. The length of time since the Applicant was removed, taking into account any time period directed by the Committee before an application may be made (bearing in mind that there is no automatic right to restoration after that period);

f. The Applicant's conduct since removal from the Register;

g. Evidence of efforts by the Applicant to keep up to date in terms of knowledge, skills and developments in practice since removal from the Register (accepting that she must not practise as a farrier);

h. The level of support from any members of the public and any former/prospective clients.

18. The Committee adopted the approach of considering how Miss Gray had addressed each of these relevant factors.

The seriousness of the findings of the Committee at the original hearing;

19. The Committee considered that the original findings leading to removal of the Register were serious. The original Committee had determined that Miss Gray's conduct had amounted to a "*blatant and wilful disregard of the systems that regulate the profession,"* which had been *"reckless, premeditated and sustained and repeated over a significant period of time."* This Committee did not disagree with that characterisation, although it noted Miss Gray's oral evidence today regarding the personal circumstances which she had been experiencing at the time. The Committee was of the view that Miss Gray had not attempted to minimise or justify her lack of cooperation with the FRC, noting that she both apologised and accepted that her lack of communication had been unacceptable.

Any potential risks to equine or animal welfare were the applicant to be restored

20. Whilst the Committee noted that there had not been any direct equine or animal welfare issues involved with the original decision to remove Miss Gray from the Register, it bore in mind that she had not yet provided any information to demonstrate that she had kept her knowledge of farriery up to date or that she had a plan to ensure that she had not become de-skilled over the nearly two year period since her removal from the Register.

Protection of the public and the public interest, including maintaining public confidence in the profession and upholding the reputation of the profession;

21. The Committee considered that at this point in time, there would be ongoing concerns in respect of maintaining public confidence in the profession and of upholding the reputation of the profession. The Committee bore in mind that Miss Gray had not provided Annual Returns over a four-year period, and so for the whole of that time, the FRC was not in a position to know whether she retained indemnity insurance or whether her character status had changed. The Committee considered that clients and the public needed to have confidence that a Registered Farrier had the appropriate insurance and was of appropriate good character. The way of ensuring this was through effective communication with the FRC and of submitting Annual Returns with the necessary declarations to that effect. At this stage, the Committee was not sufficiently satisfied that Miss Gray had reassured it that she understood the fundamental importance of submitting Annual Returns so as to maintain public confidence in the profession and to uphold the reputation of the profession or that she had an effective plan to ensure that there would be no repetition of her failures to communicate with the FRC.

The extent of any insight into the conduct which led to removal from the register;

22. In terms of insight, the Committee considered that Miss Gray's insight was developing, but was not yet at a sufficient level to reassure the Committee that there would not be a future risk of repetition of failing to cooperate with the FRC. The Committee acknowledged that Miss Gray was unrepresented and had perhaps not fully appreciated what evidence would assist her in demonstrating to the Committee that she could safely be restored to the Register. It was also apparent to the Committee that Miss Gray's insight was continuing to develop through the course of this hearing and her oral evidence. In answer to Committee questions, she had been able to articulate that the FRC needed to know that a Registered Farrier "could stick to their Code of Practice," "was not a criminal" and "was capable of working as a professional." Nevertheless, the Committee did not consider that Miss Gray yet had sufficient insight into the impact of her misconduct on her clients or public confidence in the profession, or how communicating with her Regulator in respect of Annual Returns and logging CPD was important for public protection.

The length of time since the Applicant was removed, taking into account any time period directed by the Committee before an application may be made (bearing in mind that there is no automatic right to restoration after that period);

23. The Committee bore in mind that this was Miss Gray's first application since removal, with her application form being submitted just after the 18-month direction made by the original Disciplinary Committee.

The Applicant's conduct since removal from the Register:

24. The Committee was mindful that there was no suggestion that Miss Gray had acted inappropriately since she had been removed from the Register. Furthermore, it noted that she had been working hard on her health, so as to ensure she would be in a better position to meet the physical and mental challenges farriery poses.

Evidence of efforts by the Applicant to keep up to date in terms of knowledge, skills and developments in practice since removal from the Register (accepting that she must not practise as a farrier):

25. The Committee considered that this was an area of concern at this time, which may have implications for equine welfare. Miss Gray, by her own acceptance had not undertaken any relevant CPD since she had been removed from the Register, stating that she had been too embarrassed to attend day courses due to her removal. The Committee acknowledged that as a result of removal and the limit on what skills she could undertake, there were challenges in keeping her knowledge and skills up to date. Nevertheless, she told the Committee that she had two farrier contacts near her who had offered to help her. However, she did not appear to have taken up those offers in any practical sense. The Committee was of the view that there were areas of practical CPD training which she could undertake, for example trimming horses' feet; forging and shaping horses' shoes and shadowing a farrier's work, none of which require registration. The Committee also considered that it was possible to undertake non-face-to-face CPD training which also does not require registration.

The level of support from any members of the public and any former/prospective clients:

26. The Committee noted that Miss Gray had provided one reference from a former client, who was supportive of her application for restoration. The Committee considered that it would have been open for Miss Gray to provide further independent evidence in support of her application from, for example, previous clients, farriers with whom she had worked and, if she undertook any practical CPD not requiring registration, farriers who she had shadowed or performed any trimming of horses' feet. The Committee considered that such evidence would have assisted it.

27. Having assessed all of these factors, the Committee did not consider that Miss Gray had, at this time, met the persuasive burden on her to satisfy it that she could safely be restored to the Register of Farriers. The Committee considered that there were further steps and reflections which she would need to take, before she could be restored. Accordingly, Miss Gray's application for restoration is refused.

DISCIPLINARY COMMITTEE

2 April 2025