



Department
for Environment
Food & Rural Affairs

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Consultation on a proposal to reform the governance, structure and operation of the Farriers Registration Council, the statutory regulator for the farriery profession

12 November – 23 December 2013

Summary of responses

March 2014



Llywodraeth Cymru
Welsh Government



The Scottish
Government

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This document/publication is also available on our website at:

<https://consult.defra.gov.uk/veterinary-services/reform-of-frc-statutory-governance-structure>

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Background

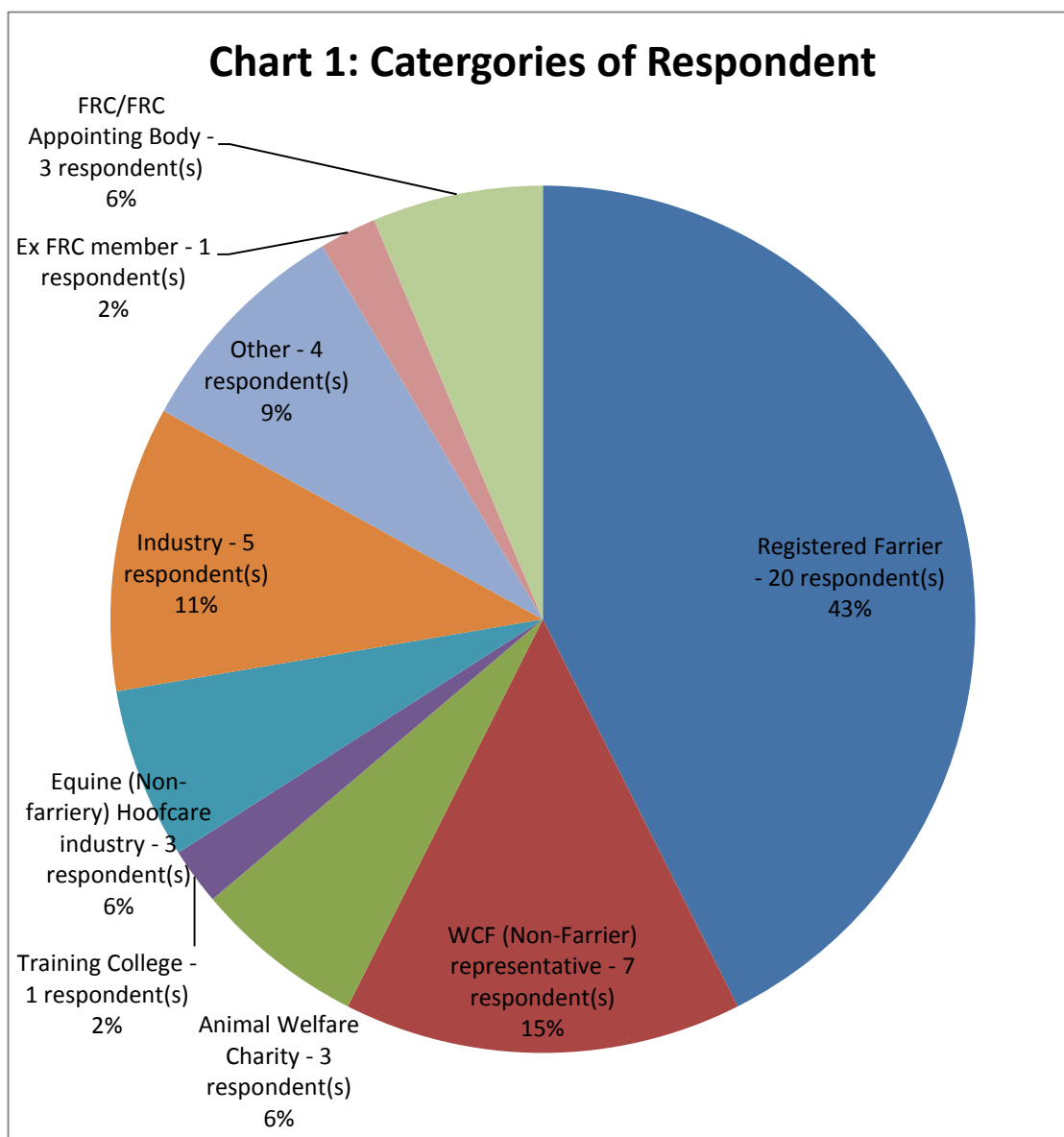
1. In November 2013 Defra consulted stakeholders, seeking views on proposals for reforming the governance, structure and operation of the Farriers Registration Council (FRC), the statutory regulator for the farriery profession; such reforms would include certain amendments to the Farriers (Registration) Act 1975 (FRA).
2. The outcome of the consultation will assist Government to formulate the final proposal regarding any necessary legislative change that could be put before Parliament. It may also be necessary for Government to encourage the Farriers Registration Council to change some administrative practices. The consultation sought responses on:
 - options for reforming the constitution of Farriers Registration Council;
 - options for reforming the constitution of Investigating and Disciplinary Committees;
 - options for introducing flexibility into the process of amending the constitution of Council and of its committees.

Objectives of the Proposal

3. The overall aim of the proposals for reform is to modernise the regulation of the farriery profession, maintain the public interest and reduce burdens upon the regulator while making continued improvement towards the welfare of horses. Any reforms should provide a better fit with the five principles of Better Regulation.

Analysis of the responses

4. The written consultation, which closed on the 23rd December 2013, had 47 responses. Not every respondent answered every question.
5. For the purposes of analysis, the 47 respondents have been categorised, by Defra, as below:



We have analysed the responses to see if there were any from specific “devolved” organisations or individuals; there were two from Scotland and none from Wales.

- None of the respondents requested that their comments be treated as confidential. Copies of all the responses received can be seen by contacting:

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 17 Smith Square,
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Brief summary of the views of respondents

Table 1: summary of responses to the individual questions

<p>Question 1: Do you agree to the suggestion that Lantra or Landex becomes the organisation mentioned in the Act, replacing CoSIRA, to appoint one of the lay members to Council?</p>	<p>Feedback: 44% of respondents chose Lantra alone while an additional 40% chose Lantra and/or Landex.</p> <p>Government response: Lantra to replace CoSIRA as a new appointing body within the Act.</p>
<p>Question 2: Have you any other specific suggestions on an appropriate body, with interests in training/ education of rural skills, to appoint a lay member to Council as a replacement to CoSIRA?</p>	<p>Feedback: alternative suggestions were made by respondents.</p> <p>Government response: none of the alternative suggestions are to be incorporated within the Government's final proposal.</p> <p>Lantra to replace CoSIRA as the appointing body within the Act.</p>
<p>Question 3: Do you agree to the suggestion of removing the distinction between employed and self-employed status of farriers in the election scheme?</p>	<p>Feedback: 83% of respondents supported the removal of the distinction.</p> <p>Government response: the provision regarding the distinction between the employment status of farriers elected onto Council should be removed.</p>
<p>Question 4: Do you have further views about removing the distinction between employed and self-employed status of farriers in the election scheme, for example if it would be more representative, or are there detrimental effects which we have not identified?</p>	<p>Feedback: alternative suggestions were made by respondents.</p> <p>Government response: none of the alternative suggestions need to be incorporated within the Government's final proposal. FRC to consider suggestions made to see if they need to be incorporated into its guidance documents and protocols.</p>
<p>Question 5: Do you think the size of Council should remain at 16, increase in size or decrease in size?</p>	<p>Feedback: 74% of respondents supported the Council remaining at 16.</p> <p>Government response: the Council size</p>

	should remain at 16.
Question 6: If you think that the size of the Council should change then please state what you believe is the optimum size and why.	<p>Feedback: there was no consistent view for the minority of respondents who had expressed that the Council should be a different size.</p> <p>Government response: the Council size should remain at 16.</p>
<p>Question 7: Do you think that a 50% mix of registered farriers to lay persons is the correct proportion or should it be different?</p> <p>Question 8: Do you think the proportion should be stated exactly in legislation or should the internal protocols and working practices of the Farriers Registration Council continue to operate in order to maintain the correct proportion?</p>	<p>Feedback: 67% of respondents to the first question supported the current 50:50 mix; 65% of respondents to the second question supported the use of protocols and working practices.</p> <p>Government response: no change is required to legislation. The FRC should ensure that their practices and any relevant documentation reflect the need to keep a 50:50 mix of registered farriers to lay persons.</p>
Question 9: Do you think that more, or less, Council positions should be available through the election scheme or does 25% remains the correct proportion?	<p>Feedback: 64% of respondents agreed that 25% was the correct proportion.</p> <p>Government response: the number of elected persons onto Council should remain at 4 (25%).</p>
Question 10: Do you think there should be more guidance and/ or structure around those Council members that are appointed by organisations, either by holding their own open competitions or by responding to a formal specific person specification?	<p>Feedback: 63% of respondents agreed that there should be more structure around Council appointments.</p> <p>Government response: we will work with FRC to ensure that it provides the organisations which appoint to Council more structure and guidance in order that they are able to appoint the most suitable members.</p>
Question 11: Do you have any suggestions, other than those above, for a process of constituting the Council? If so, please let us know and describe how the principles of better regulation would be met.	<p>Feedback: a number of comments were received.</p> <p>Government response: with the exception of flexibility, none of the comments received were persuasive enough to provide a new process to appoint to the Council.</p>

<p>Question 12: Using the points in paragraphs 3.42-3.44 of the consultation document as a guide please let us know any views which you have regarding which bodies should be those which appoint to the Farriers Registration Council.</p>	<p>Feedback: a number of alternative suggestions were received.</p> <p>Government response: none of the suggestions received were persuasive enough to completely rework the list of bodies which appoint to the Council</p> <p>Lantra to replace CoSIRA as an appointing body within the Act.</p>
<p>Question 13: Do you agree with the FRC view that the Chairman should continue to be appointed directly to that position by the Worshipful Company of Farriers (WCF)?</p>	<p>Feedback: 67% of respondents agreed that the Chairman should continue to be appointed by the WCF.</p> <p>Government response: the Chairman should continue to be appointed directly to that position by the WCF.</p>
<p>Question 14: Do you agree with the proposal to keep the legislative provision regarding the quorum for Council meetings as it stands currently?</p>	<p>Feedback: 86% of respondents agreed that the legislative provision regarding the quorum for the Council meetings should remain as it is currently.</p> <p>Government response: there should be no legislative change with respect to the quorum for Council meetings.</p>
<p>Question 15: Should there be a prescribed term of office for Council members?</p>	<p>Feedback: 84% of respondents agreed that there should be a prescribed term of office for Council members.</p> <p>Government response: there will be a prescribed term of office for all Council members.</p>
<p>Question 16: Do you think four years is an appropriate term of office (with the possibility of serving two terms) or have you a different suggestion?</p>	<p>Feedback: 80% of respondents believed that four years is an appropriate term of office (with the possibility of serving two terms).</p> <p>Government response: there should be a four year term (with the possibility of serving two terms) of office for all Council members.</p>
<p>Question 17: Do you think that all Council members should be required to abide by</p>	<p>Feedback: 95% were of the view that Council members should be required to abide by</p>

<p>conditions of office in order to serve on the FRC?</p>	<p>conditions of office in order to serve on the FRC.</p> <p>Government response: all members of Council should be required to abide by conditions of office in order to serve on the FRC.</p>
<p>Question 18: Are there any comments regarding the constitution of the Farriers Registration Council that you wish to add?</p>	<p>Feedback: a number of comments were received.</p> <p>Government response: with the exception of flexibility, none of the comments received were persuasive enough to require any further changes to the constitution of the Farriers Registration Council.</p>
<p>Question 19: Do you believe that there is an actual problem with the situation that currently exists, where the same people involved in setting standards for the profession are responsible for ensuring those standards are kept?</p>	<p>Feedback: 61% of respondents agreed that the problem as described does exist.</p> <p>Government response: the constitution of the statutory committees should be separated from that of the Council.</p>
<p>Question 20: If you do believe that there is a problem with how the Investigating and Disciplinary Committees are currently constituted, please briefly describe the problem as you see it.</p>	<p>Feedback: a number of views were received in response to this question.</p> <p>Government response: few of the responses answered the actual question of problems with the constitution of the disciplinary committees. One useful suggestion was received regarding proportions of lay to registered persons and this will be incorporated into the final proposal.</p>
<p>Question 21: If you believe that there is a problem and that these powers of the Council need to be separated which option do you believe is the best to achieve this separation (option 1a, 1b, 2 or an alternative)?</p>	<p>Feedback: a number of views were received.</p> <p>Government response: we believe that the FRC should use the method of implementation which achieves the desired outcome and is least burdensome.</p>
<p>Question 22: Do you think that there should be tighter governance around the Investigating Committee and Disciplinary Committee such as conditions and terms of</p>	<p>Feedback: 71% of people agreed that there should be tighter governance around the Investigating Committee and Disciplinary Committee such as terms and conditions of</p>

<p>office? Please briefly describe your views.</p>	<p>office.</p> <p>Government response: there should be a specific term of office for members of the Investigating and Disciplinary committees and all members of the committees should be required to abide by conditions of office.</p>
<p>Question 23: Do you agree with the proposal to move the prescriptive elements out of Primary Legislation in order that any future changes can be made quickly and simply?</p>	<p>Feedback: 80% of people agreed with the proposal to introduce flexibility into the Act.</p> <p>Government response: we should seek that the prescriptive elements regarding the constitution of the Council and of the statutory committees can be amended without having to return to Parliament.</p>
<p>Question 24: Do you have any preference for the method by which the detailed provisions should be made?</p>	<p>Feedback: 80% of people liked an option whereby the FRC were able to amend the constitution through rules.</p> <p>Government response: we will discuss with legal and Parliamentary advisors the best way of achieving the desired flexibility.</p>
<p>Question 25: Please let us have any other comments that you wish to make regarding the governance arrangements of the Farriers Registration Council.</p>	<p>Feedback: a number of comments were received.</p> <p>Government response: the comments were of a general nature and not directly related to the reforms under consideration.</p>

Main findings from the Consultation

Question 1

Do you agree to the suggestion that Lantra or Landex becomes the organisation mentioned in the Act, replacing CoSIRA, to appoint one of the lay members to Council?

	Yes to Lantra	Yes to Landex	Yes to both Lantra and Landex	No to both Lantra and Landex	Total
Number	19	2	17	5	43
Percentage	44.19%	4.65%	39.53%	11.63%	100%

Commentary

7. Of the 43 people and organisations who answered question 1, 44% of respondents chose Lantra (The UK's Sector Skills Council for land-based and environmental industries) alone while an additional 40% chose Lantra and/or Landex.
8. Of the 43 respondents who replied to this question, 22 offered additional information. This additional information has been analysed and our conclusions are set out in paragraphs 10 to 12.
9. The main reasons given for supporting Lantra were that:
 - they have a broad representation across the UK;
 - they were proving to be proactive in the development of land based industries;
 - they had been associated with farriery in the past.
10. The main reason given for supporting Landex was that it is a college based organisation.
11. Some respondents made the point that, regardless of which organisation is chosen, perhaps a more generic description of the type of organisation required should be placed into the legislation to allow for change.

Government response

12. In line with the majority of respondents the Government proposes that the permanent replacement appointing body should be Lantra (The UK's Sector Skills Council for land-based and environmental industries).

Question 2

Have you any other specific suggestions on an appropriate body, with interests in training/ education of rural skills, to appoint a lay member to Council as a replacement to CoSIRA?

Commentary

13. Following on from question 1, this question invited respondents to offer specific suggestions regarding other organisations they felt would be an appropriate body, with an interest in training/education of rural skills, to appoint a lay member to Council as a replacement to CoSIRA.

14. The main organisations that were suggested received were:

- representative from the College training centres;
- a Fariery Placement Officer;
- a representative from examination bodies (such as City & Guilds or Edexcel).

15. A number of additional suggestions were also received. These suggestions have been discounted as the organisations concerned did not have the necessary expertise and links to training and education in relation to rural crafts which were asked for the question.

Government response

16. We considered carefully the suggestions but decided that none were persuasive enough upon which to base the final proposal. The organisations suggested would be:

- unable to provide the link with training/education of rural skills;
- unable to offer any additional services to those provided by Lantra.

17. Therefore, as stated in our response to question 1, we propose to replace CoSIRA with Lantra.

18. The Government also agrees that there is a need to build some flexibility into the legislative system, so that future amendments can be made, if the need arises, without having to return the legislation to Parliament for amendment.

Question 3

Do you agree to the suggestion of removing the distinction between employed and self-employed status of farriers in the election scheme?

	Yes	No	Total
Number	38	8	46
Percentage	82.61%	17.39%	100%

Commentary

19. Of the 46 people and organisations that answered question 3, 83% of respondents agreed to the suggestion of removing the distinction between employed and self-employed status of farriers in the election scheme.

Government response

20. We propose that the provision regarding the distinction between the different employment status of farriers elected onto Council should be removed from the Act.

Question 4

Do you have further views about removing the distinction between employed and self-employed status of farriers in the election scheme, for example if it would be more representative, or are there detrimental effects which we have not identified?

Commentary

21. Following on from question 3, this question invited respondents to offer any further views about removing the distinction between employed and self-employed status of farriers in the election scheme.
22. The majority of respondents expressed a belief that the farriery industry had changed since the original creation of the Act. It is now overwhelmingly made up of self-employed farriers. It was highlighted that there was a need for change by pointing out the difficulties FRC has in defining an employee-status farrier.
23. There were a limited number of responses which supported the current situation with regards to the distinction between employed and self-employed farriers. The main reasons given were that the distinction helped to ensure a balanced Council and a belief that employed and self-employed farriers may have different priorities and should, therefore, not represent each other on Council.
24. Some respondents took the opportunity to offer their own suggestions:
 - that some of the elected members should be reserved specifically for Approved Training Farriers;
 - that any split should be demographically fair and not be done on a regional basis with the aim of being to ensure that each demographical area has the same number of farriers within it.

Government response

25. We support the FRC view that the election scheme should remain representative of all parts of Great Britain and that no further legislative change is required with respect to the election scheme.

Question 5

Do you think the size of Council should remain at 16, increase in size or decrease in size?

	Remain at 16	Increase	Decrease	Total
Number	32	5	6	43
Percentage	74.42%	11.63%	13.95%	100%

Commentary

26. Of the 43 people and organisations that answered question 5, 74% of respondents agreed that the Council should remain at 16 members.

Government response

27. In line with the majority of respondents the Government's proposal is that going forward the Council size should remain at 16 members.

Question 6

If you think that the size of the Council should change then please state what you believe is the optimum size and why.

Commentary

28. Following on from question 5, this question invited respondents, who felt that the Council size should change, the opportunity to state what they believed the optimum size of Council should be and why.

29. The main comments of those who answered that the Council size should remain at 16 were that:

- the FRC should consider the attendance and contribution made by its current membership to ensure that all members are actively contributing;
- it is important to retain an appropriate mix of experience and viewpoints.

30. The main comments of those who answered that the Council size should increase were that:

- at the moment, the Council is over burdened with work;
- a Council size of 18 would allow attendance from representatives of the 3 colleges;
- a Council size of 17 would allow both Lantra and Landex to be represented on Council;
- the Council should include members from skilled funding agencies;
- a Council size of 24 would allow for a greater mix of equine disciplines to be represented.

31. The main comments of those who answered that the Council size should decrease were that:

- it would help to reduce costs;
- it would increase ease of decision making;
- the most members you would need is 10, as it was a sufficient number to ensure adequate coverage.

Government response

32. No consistent view was presented. In light of the decision made in response to question 5, the Government proposes that the Council should remain at 16 members.

Question 7

Do you think that a 50% mix of registered farriers to lay persons is the correct proportion or should it be different?

	Correct	Should be different	Total
Number	31	15	46
Percentage	67.39%	32.61%	100%

Commentary

33. Of the 46 responses to this question, 67% of respondents thought that a 50:50 mix of registered farriers to lay persons is correct.

34. Of the 46 respondents who replied, 31 offered additional information. This additional information has been analysed and our conclusions are set out in paragraphs 36 to 37.

35. The main comments of those who answered 'Correct' were that:

- flexibility was important;
- it was good to have a well balanced mix of people on Council;
- modern regulatory bodies cannot be allowed to be dominated by vested interest groups or the group that they are supposed to oversee.

36. The comments of those who answered 'Should be different' were that:

- the Council should have a greater number of registered farriers on it as they shoe the horses and care for their limbs and feet;
- all selected positions should be by merit rather than qualification and/or registration as this helps with unbiased decision making;
- that a low number of positions should be open to those people who have a scientific/equine background.

Government response

37. No overall idea emerged for a different mix of members on the Council. We propose that the proportion should remain at 50% each, in line with other regulatory Councils.

Question 8

Do you think the proportion should be stated exactly in legislation or should the internal protocols and working practices of the Farriers Registration Council continue to operate in order to maintain the correct proportion?

	Legislation	Protocol	Total
Number	16	30	46
Percentage	34.78%	65.22%	100%

Commentary

38. Of the 46 people and organisations who answered question 8, 65% thought that the Council should continue to use internal protocols and working practices.

39. In relation to this question, respondents also highlighted that flexibility should be built into the Act, so that it can be amended without the need to return to Parliament.

Government response

40. In line with the majority of respondents the Government proposes that the final proposal going forward will be that internal protocols and working practices should continue to be used in order to maintain the correct proportion of farriers to lay members and veterinary members. We will advise the FRC accordingly.

Question 9

Do you think that more, or less, Council positions should be available through the election scheme or does 25% remains the correct proportion?

	Remain at 25%	Increase	Decrease	Total
Number	28	13	3	44
Percentage	63.64%	29.54%	6.82%	100%

Commentary

41. Of the 44 people and organisations who answered question 9, 64% of respondents agreed that the 25% of Council position available through the election scheme was correct.
42. Of the 44 respondents who replied, 33 offered additional information. This additional information has been analysed and our conclusions are set out in paragraphs 43 to 45.
43. The main comments of those who thought that the proportion was currently correct were:
- the current system was working, so there was no reason to change it;
 - it was already difficult to get willing candidates;
 - the current system allowed for the selection of people with relevant skills;
 - there should be a review to reflect regional variations but not to replace the existing appointed members.
44. The main comments of those who thought that there should be an increase were:
- the elected places should be increased to 100%, as this was more democratic;
 - that there were too many vested interest groups who could appoint and therefore have influence on Council;
 - that the profession should have greater representation;
 - the actual process of election encourages candidates to communicate the activities of the Council to all their representatives.
45. The main comments of those who thought that there should be a decrease were:
- elected places were difficult to fill;

- there was no guarantee of the quality of candidate from elected appointees.

Government response

46. The Government acknowledges the additional responses received. After careful consideration of responses and practices of other regulators we have decided to propose that the number of elected persons onto Council should remain at 4

Question 10

Do you think there should be more guidance and/ or structure around those Council members that are appointed by organisations, either by holding their own open competitions or by responding to a formal specific person specification?

Commentary

47. This question invited respondents to offer opinion regarding whether there should be more guidance and/or structure around those Council members that are appointed by organisations, either by holding their own open competitions or by responding for a formal specific person specification. 40 responses were received in total for this question.

48. The main comment expressed from respondents who agreed with the idea was that open competition and/or formal specifications would be a good idea as it would help the appointing organisations ensure that they had chosen the most appropriate candidate by ensuring an adequate balance of skills.

49. The main comments expressed from respondents who disagreed were that such an idea would risk interference in the process and that the appointing bodies should have freedom and flexibility to determine the right candidate. One respondent highlighted the risk of imposing additional cost upon appointing bodies if the amount of official procedures and therefore bureaucracy were to increase.

50. Another respondent suggested that selected appointees should not be allowed to sit on outside committees, when appointed to the Council.

Government response

51. The Government acknowledges the responses received. We will work with the FRC to ensure that it provides the organisations which appoint to Council more structure and guidance in order that they are able to appoint the most suitable members.

Question 11

Do you have any suggestions, other than those above, for a process of constituting the Council? If so, please let us know and describe how the principles of better regulation would be met.

Commentary

52. This question invited respondents to offer any new suggestions they may have regarding the process of constituting the Council. 26 responses were received in total for this question.

53. The main comments received were:

- the FRC was not needed and should be disbanded for various reasons;
- that there should be greater representation from training establishments;
- that there should be greater representation from the British Equine Veterinary Association (BEVA);
- that Farriers and Apprentices had insufficient influence;
- that the Worshipful Company of Farriers (WCF) had too much influence;
- that an independent overseeing Ombudsman should be involved.

Government response

54. The Government acknowledges the alternative suggestions received. With the exception of flexibility, none of the comments received were persuasive enough to provide a new process to appoint to the Council. We will, however, pass the comments to the FRC so that it can consider if anything should be incorporated into its own internal governance documentation and working practices.

Question 12

Using the points in paragraphs 3.42-3.44 of the consultation document as a guide, please let us know any views which you have regarding which bodies should be those which appoint to the Farriers Registration Council.

Commentary

55. This question invited respondents to let us know their views regarding which bodies should be those that appoint to Council. 30 responses were received in total for this question.

56. The following suggestions were made regarding which bodies should appoint to the Farriers Registration Council:

- representation from an organisation from within the racing industry;
- additional representation from the veterinary industry;
- representation from the British Horse Society (BHS);
- representation from the sport of Polo;
- representation from the sport of Dressage;
- additional representation from the Royal Society for the Prevention of Cruelty to Animals (RSPCA);
- representation from the replacement for the Council for Small Industries in Rural Areas (CoSIRA) to help administer training, finance and technical assistance;
- additional representation from the Worshipful Company of Farriers (WCF);
- representation from the Confederation of British Industry (CBI);
- additional representation from the British Farriers and Blacksmiths Association (BFBA);
- representation from the Royal College of Veterinary Surgeons (RCVS);
- representation from an organisation from within the small business community;
- representation from an organisation from within the riding community;
- representation from the National Equine Welfare Council (NEWC).

57. In addition, a number of respondents suggested that the current make up of appointing bodies were correct.

Government response

58. The Government acknowledges the alternative suggestions received.

There was strong support for maintaining the Council at 16 members and for replacing CoSIRA with Lantra. Some of the organisations suggested already have representation on the Council and others were already represented by a “higher” body. Therefore, we have decided not to incorporate any of the organisations suggested at this time.

59. We will, however, request that the FRC review all suggestions so that they can be given consideration in the future, if the need arises.

Question 13

Do you agree with the FRC view that the Chairman should continue to be appointed directly to that position by the Worshipful Company of Farriers?

	Agreed	Disagreed	Undecided	Total
Number	30	14	1	45
Percentage	66.67%	31.11%	2.22%	100%

Commentary

60. Of the 45 people and organisations who answered question 13, 67% of respondents agreed that the Chairman should continue to be appointed by the Worshipful Company of Farriers (WCF).
61. The main reason of those who agreed was that the current appointing system appeared to work well so should be kept.
62. The main reason of those who disagreed was a concern that the current system was undemocratic with the most popular option for change being that the Chairman should be voted for by the other members of the Council.

Government response

63. In line with the majority of respondents that there is no overwhelming reason to change the current appointment, the Government proposes that the Chairman should continue to be appointed directly to that position by the Worshipful Company of Farriers.

Question 14

Do you agree with the proposal to keep the legislative provision regarding the quorum for Council meetings as it stands currently?

	Yes	No	Total
Number	37	6	43
Percentage	86.05%	13.95%	100%

Commentary

64. Of the 43 people and organisations who answered question 14, 86% agreed that the legislative provision regarding the quorum for the Council meetings should not change.
65. Of the 43 respondents who replied, 12 offered additional information. This additional information has been analysed and our conclusions are set out in paragraphs 66 to 67.
66. The main comments from those who agreed with the current quorum were that it was correct to ensure that the majority of the Council are present. They correctly identified that the quorum size should be linked to the overall Council size.
67. The main comments made of those who disagreed were that they felt a legislative quorum should not exist if there were not enough lay members present.

Government response

68. We propose that there should be no change to legislation with respect to the quorum for Council meetings.

Questions 15 & 16

Should there be a prescribed term of office for Council members?

	Yes	No	Total
Number	38	7	45
Percentage	84.44%	15.56%	100%

Do you think four years is an appropriate term of office (with the possibility of serving two terms) or have you a different suggestion?

	Too long	Too Short	Appropriate	Total
Number	5	4	30	39
Percentage	12.82%	10.26%	76.92%	100%

Commentary

69. Of the 45 people and organisations who answered question 15, 84% of respondents agreed that there should be a prescribed term of office.
70. Of the 39 people and organisations who answered question 16, 77% agreed with the suggested term of office.
71. The main comment from those who believed that 4 years (with the possibility of serving two terms) was correct was that it allowed for a balance between experience and fresh ideas and that it was the standard term of office within many charities.
72. The main comment of those who believed that 4 years (with the possibility of serving two terms) was too long was that it could make the Council unresponsive to change. One respondent suggested that there should only be one term of office.
73. The main comment of those who believed that the suggested term of office was too short was one of practicality. The suggestion was that as it was already difficult to find members to sit on the Council then they should not be removed just because they had served their term of office.
74. There was no consistent view regarding what a correct term of office should be, with suggestions ranging from 2 to 8 years.
75. It was additionally suggested that the length of service for a committee Chairman should be different, as they may not be appointed until they

have served four years and this proposal would limit their Chairmanship of that committee to a single term. Members who did not attend a specific percentage of meetings that should be removed from office.

Government response

76. In line with the majority of respondents the Government recognises the importance of ensuring that there is a prescribed term of office for Council members. Therefore we propose that there should be a fixed term of office of four years with the possibility of a reappointment. Further suggestions such as serving on committees and requiring a certain level of attendance at meetings will be passed to the FRC (in conjunction with question 17).

Question 17

Do you think that all Council members should be required to abide by conditions of office in order to serve on the FRC?

	Yes	No	Total
Number	42	2	44
Percentage	95.45%	4.55%	100%

Commentary

77. Of the 44 people and organisations who answered question 17, 95% were of the view that Council members should be required to abide by conditions of office in order to serve on the FRC.

Government response

78. In line with the majority of respondents the Government proposes that all members of Council should abide by a conditions of office/“fitness to serve” provision. These will be set by the FRC and will include the power to remove someone from office whose conduct is unacceptable or inappropriate.

Question 18

Are there any comments regarding the constitution of the Farriers Registration Council that you wish to add?

Commentary

79. This question gave respondents the opportunity to offer any additional comments they wished to make regarding the constitution of the Farriers Registration Council. 28 responses were received in total for this question.

80. The main comments received were that:

- the processes of the FRC should be open and transparent;
- the Registrar should fulfil the requirements of the Animal Welfare Act;
- the Registrar should become a voting member of Council;
- the Council requires greater flexibility within the Act to allow for change in future circumstances.

Government response

81. The Government acknowledges the comments received in relation to this question. With the exception of flexibility, none of the comments received were persuasive enough to require any further changes to be made to the constitution of the Farriers Registration Council. We will, however, pass the comments to the FRC so that it can consider if anything should be incorporated into its own internal governance documentation and working practices.

Question 19

Do you believe that there is an actual problem with the situation that currently exists, where the same people involved in setting standards for the profession are responsible for ensuring those standards are kept?

	Yes	No	Total
Number	28	18	46
Percentage	60.87%	39.13%	100%

Commentary

82. Of the 46 people and organisations who answered question 19, 61% agreed that the problem exists as described with respect to the constitution of the disciplinary committees.

83. One additional response was received with this question. The response highlighted a belief that reconstituting the FRC's Investigating and Disciplinary Committees with non-Council members would bring it into line with those of other healthcare regulators. It would also be in the interest of the public and that of the farriery profession itself.

Government response

84. In line with the majority of respondents the Government proposes that the Act is amended to prohibit members of the Farriers Registration Council, or an employee of the Council, from being members of either the Investigating Committee or the Disciplinary Committee.

Question 20

If you do believe that there is a problem with how the Investigating and Disciplinary Committees are currently constituted, please briefly describe the problem as you see it.

Commentary

85. Following on from question 19, this question gave respondents the opportunity to describe the problem as they saw it with respect to the constitution of the Investigating and Disciplinary Committees.

86. The main views received were that:

- the Investigating Committee does not actually investigate complaints but merely reads documentation;
- that there was too much internal investigation into procedure and not enough transparency;
- there was a lack of suitable punishment available to the disciplinary committee, with claims of those found guilty receiving lenient punishments.

87. One suggestion was received suggesting that the Disciplinary Committee should be selected against a job description and should consist of 25% farriers, 25% allied professions and 50% lay people, whereas the Investigating Committee should be 50% FRC and 50% lay people. In addition, that all members should ideally serve two four year terms in order to make the expense of selection and training viable.

Government response

88. Few of the responses answered the actual question of problems with the constitution of the disciplinary committees. One useful suggestion was received regarding proportions of lay to registered persons and this will be incorporated into the final proposal.

Question 21

If you believe that there is a problem and that these powers of the Council need to be separated which option do you believe is the best to achieve this separation (option 1a, 1b, 2 or an alternative)?

	1a	1b	2	Something else	Total
Number	6	15	1	6	28
Percentage	21.43%	53.57%	3.57%	21.43%	100%

Commentary

89. Of the 28 people and organisations who answered question 21, 54% of respondents preferred option 1b for resolving the problem.

90. Of the 28 respondents who replied, 13 offered additional information. This additional information has been analysed and our conclusions are set out in paragraphs 91 to 94.

91. The main comments received from those who selected option '1a' were that costs should not be relevant in good 'justice'.

92. The main comments received from those who selected option '1b' were suggestions as to how the organisations could make appointments to both the Council and the committees. It was suggested that this option will need to ensure sufficient farriers participation on both the IC and DC.

93. Those offering another method of finding separating standard setting from adjudicating upon standards suggested:

- that the FRC could form a specific governance or standard setting group;
- that the Council could canvas and sift through existing Council members and their appointing bodies for applications without using a firm of head-hunters;
- that the Worshipful Company of Farriers (WCF) could set the standards.

94. Further comments stated that existing system worked well and that any changes would increase costs.

Government response

95. We feel that there is sufficient evidence and public support to recognise the need to separate constitution of Council from the constitution of the statutory committees. We further believe that the FRC should explore and use the method of implementation which achieves the desired outcome and is least burdensome.

Question 22

Do you think that there should be tighter governance around the Investigating Committee and Disciplinary Committee such as conditions and terms of office? Please briefly describe your views.

	Yes	No	Total
Number	30	12	42
Percentage	71.43%	28.57%	100%

Commentary

96. Of the 42 people and organisations who answered question 22, 71% agreed that there should be tighter governance around the Investigating Committee and Disciplinary Committee.

97. Of the 42 respondents who replied, 25 offered additional information. This additional information has been analysed and our conclusions are set out in paragraphs 99 to 100.

98. The main comments received from those who had agreed with tighter governance were that:

- there should be external representation on both committees in order to maintain trust;
- terms of office should be limited, or members periodically re-accredited;
- unprofessional behaviour or conflicts of interest should be prohibited;
- reporting mechanisms between Committees and the Council must be maintained;
- the ability of the Council to intervene, if necessary must be maintained;
- a firm control over costs should be maintained.

99. The comments received from those who had disagreed with tighter governance were that the term of office for Committee members should be the same as for Council and that members who did not attend a specific percentage of meetings removed from office. However, the substance of these comments imply that the respondents did in fact want to see tighter governance, so perhaps had misinterpreted the question

Government response

100. We propose that all members of both committees may hold office for such term as determined by the Council and for as long as the member satisfies the conditions of office, as described by the Council.

Question 23

Do you agree with the proposal to move the prescriptive elements out of Primary Legislation in order that any future changes can be made quickly and simply?

	Yes	No	Total
Number	35	9	44
Percentage	79.55%	20.45%	100

Commentary

101. Of the 44 people and organisations who answered question 23, 80% of respondents agreed that the prescriptive elements should be moved out of Primary Legislation.
102. A comment was received stating that modern practice was for details governing regulatory Councils and committees should be prescribed in secondary legislation, so that amendment of internal practices could be carried with greater ease.

Government response

103. In line with the majority of respondents the Government proposes that amendments to the Act should be made in such a way that they can be amended in the future, if the need arises, without the legislation having to return the legislation to Parliament for amendment.

Question 24

Do you have any preference for the method by which the detailed provisions should be made?

	FRC makes rules	FRC makes rules only after consultation with appropriate persons	FRC makes rules only after consultation with appropriate persons which are subsequently approved by Privy Council	Secondary Legislation	Total
Number	4	23	10	10	47
Percentage	8.51%	48.93%	21.28%	21.28%	100%

Commentary

104. Of the 47 people and organisations who answered question 24, 49% of respondents agreed that the FRC should make rules only after consultation with appropriate persons, with a further 42% wishing to see a more stringent method of amendment.

Government response

105. In line with the majority of respondents the Government proposes that amendments to the Act should enable that the constitution of Council and of the disciplinary committees can be amended in the future, if the need arises, without having to return the legislation to Parliament for amendment.

Question 25

Please let us have any other comments that you wish to make regarding the governance arrangements of the Farriers Registration Council.

Commentary

106. This question gave respondents the opportunity to add any further thoughts that they may have. 20 respondents answered this question. The main views received were that:

- the FRC should stick to its remit;
- the FRC is failing in most areas and is not fit for purpose;
- the FRC needed flexibility to keep up to date with other professions;
- there is no point in the FRC existing, if it is not in control of the industry and beholden to Government and other bodies for any decision it makes;
- the spirit and intention of the Act are fundamental to equine welfare and should encompass all those who practice foot care, including other professionals.

Government response

107. The Government acknowledges the comments received. After careful consideration, we have decided not to incorporate any into the final proposal; the comments were of a general nature and not directly related to the reforms under consideration.

108. The Government will, however, request that the FRC review all comments and consider whether they should be incorporated into their own internal governance documentation and working practices.

The way forward

109. After discussing the practicalities of implementation with the FRC, Defra intends to go forward with proposed amendments to reform the Farriers (Registration) Act 1975 with respect to the constitution of the Council and the constitution of the Investigating and Disciplinary Committees. As explained in the consultation document we will use the views expressed, and as summarised within this document, to formulate the final proposal which will then be put before Government for collective agreement.
110. If the final proposals are accepted by Government, a number of the proposed reforms will require changes to primary legislation. We intend to prepare a draft Bill to make the amendments, which we will then present to Parliament when the opportunity arises. The earliest we can expect legislative change is a Bill which receives Royal Assent in mid-2015.

Annex A: List of organisations and individuals that responded to the consultation

Ann Mayfield (The Worshipful Company of Farriers)

Brian Duerden (Registered Farrier)

British Equine Veterinary Association (BEVA)

British Farriers and Blacksmiths Association (BFBA)

The British Horse Society (BHS)

David Goodall (The Worshipful Company of Farriers)

Equine Grass Sickness Fund

European Federation of Farriers Associations

Evelyn Webb-Carter (The Worshipful Company of Farriers)

Farriers Registration Council

Lord Rowallan

Charlotte Clifford

Denis Oliver

Dr PD Wadey

Anthony Oakden

Siobhan Dillon (Non-farrier Equine Hoofcare Practitioner)

Karen Beaumont (Non-farrier Equine Hoofcare Practitioner)

Jarvis Browning (Registered Farrier)

John Chilman (Registered Farrier)

Jonathan Nunn (Registered Farrier)

Lauren Carey (Registered Farrier)

Margaret Ann Clayton (The Worshipful Company of Farriers)

Matt Sherring (Registered Farrier)
Myerscough School of Farrier Science
Simon Curtis (Registered Farrier)
Peter Fenton (Registered Farrier)
Peter Hampson (Registered Farrier)
Peter Yates (Registered Farrier)
Robert Richardson (Registered Farrier)
Robert Sampson (Registered Farrier)
Robin Pape (Registered Farrier)
Ron Jones (The Worshipful Company of Farriers)
Anthony Roberts (Royal College of Veterinary Surgeons)
Samuel Rice (Registered Farrier)
Sandy Beveridge (Registered Farrier)
Sean Dunn (Registered Farrier)
Simon Fleet (The Worshipful Company of Farriers)
South Essex Insurance Brokers
Steve Weller (Registered Farrier)
Stuart Craig (Registered Farrier)
Stuart McAlear (Registered Farrier)
Mark Spriggs (Registered Farrier)
UK Horseshoe' Association (UKHSA)
UK National Hoofcare Practitioners (UKNHCP)
Union of Country Sports Workers
Valerie Ellis (WCF)
World Horse Welfare