Who is responsible for what in animal welfare?

AN ADVICE GUIDE ON REPORTING DIFFERENT ANIMAL-RELATED ISSUES

Introduction

A wide range of different organisations respond to calls from members of the public about different animal welfare problems and it can be very confusing to know who to report different problems to. This includes the police, local authorities, the RSPCA and Animal Health and Veterinary Laboratories Agency, but also includes social landlords and council teams whose primary responsibilities are not animal issues (e.g. social services). Different bodies have different responsibilities and some have statutory powers to be able to take action. To ensure the best course of action is taken for an individual animal it is important that the right agency is contacted in the first instance.

The aim of this document is to provide an easy to understand guide of who to report different problems to so as to ensure the animal welfare issue is addressed as quickly as possible. It is hoped this document will be useful to not only members of the public but also those who deal with animal issues on a daily basis.

Whether it is farm livestock, pet animals, or wildlife the different agencies have different powers and responsibilities. While there are a number of grey areas and a number of bodies can respond in some situations it is hoped this guide clears up the confusion and helps improve animal welfare.

It should be noted that many local authorities and police forces have increasingly limited resources. Additionally the RSPCA has no statutory duty to deal with animal cruelty and receives no government funding for its work but instead relies on donations from the public for all its activities. The RSPCA has around 300 inspectors to cover the whole of England and Wales.

To help those involved in animal welfare issues use these limited resources most effectively, the purpose of this document is therefore to help members of the public understand the roles and responsibilities of different agencies, and who they should contact if they have concerns or wish to raise a specific issue.

CONCERNS ABOUT CRUELTY AND POOR ANIMAL WELFARE

The Animal Welfare Act 2006 is an extremely valuable tool for enforcement bodies when dealing with complaints about poor welfare or animal cruelty. It sets out a number of offences and provides a range of powers to enforcers and the courts for dealing with these problems.

Duty to ensure animal welfare

Anyone responsible for an animal, e.g. a pet, a horse, etc must take reasonable steps to ensure its welfare needs are met. The 2006 Act states that these needs include:

- need for a suitable environment,
- need for a suitable diet,
- need to be able to exhibit normal behaviour patterns,
- any need to be housed with, or apart from, other animals, and
- need to be protected from pain, suffering, injury and disease.

Therefore, if someone is not taking proper care of the animal or if they abandon it then it is likely to be an offence as they are likely to fail to meet that animal's welfare needs. It is no longer the case that an animal has to suffer now for action to be able to be taken.

To help explain what the welfare needs mean for different types of animals Defra and the Welsh Government have produced some statutory codes of practice. Owners of these animals should follow the advice in these codes of practice and while failing to comply with such a code is not an offence in itself it can be used as evidence in any court proceedings.

Code of practice	England	Wales
Cats	https://www.gov.uk/government/publications/code-of-practice-for-the-welfare-of-cats	http://wales.gov.uk/topics/environmentcountryside/ahw/animalwelfare/pets/codesofpractice/081205codeofpracofcats/?lang=en
Dogs	https://www.gov.uk/government/publications/code-of-practice-for-the-welfare-of-dogs	http://wales.gov.uk/topics/environmentcountryside/ahw/animalwelfare/pets/codesofpractice/081205codeofpractdogs/?lang=en
Horses	https://www.gov.uk/government/publications/code-of-practice-for-the-welfare-of-horses-ponies-donkeys-and-their-hybrids	http://wales.gov.uk/topics/environmentcountryside/ahw/animalwelfare/pets/codesofpractice/081205equinecode/?lang=en
Primates	https://www.gov.uk/government/publications/code-of-practice-for-the-welfare-of-privately-kept-non-human-primates	N/A
Rabbits	N/A	http://wales.gov.uk/topics/environmentcountryside/ahw/animalwelfare/pets/codesofpractice/codeofpractocewelfarerabbits/?lang=en

The Animal Welfare Act also creates a number of other offences:

1. **Causing unnecessary suffering** to a protected animal, for example kicking, or by unreasonably failing to do something, for example not feeding.
2. **Tail docking of dogs** – the removal of all or part of a dog's tail otherwise than for medical treatment, or carried out by someone other than a veterinary surgeon.
3. **Poisoning of animals**
4. **Animal fighting** where animals are used to fight each other, for example dog and cock fighting.

Issue	What to do
Concerned about how a pet animal is being cared for or treated but do not think it is actually suffering.	**Report this to the RSPCA on 0300 1234 999. Try and provide as much information as possible.** Some local authorities have Inspectors appointed under the Animal Welfare Act and may also be able to investigate. (You can normally find this out on their website).
An animal emergency, for example an animal has been left in a vehicle on a warm day, or where an animal is being beaten there and then, or other situations where urgent assistance is needed.	**Contact the police on 999 for urgent assistance.** **The RSPCA can assist** but due to limited resources may not be able to attend as quickly as needed or have the statutory powers to assist the animal. Additionally some local authorities have Inspectors appointed under the Animal Welfare Act and may also be able to help. (You can normally find this out on their website).
Other cruelty situation where an animal has been cruelly treated, had its tail docked or has been poisoned but urgent assistance is not needed.	**Contact the RSPCA on 0300 1234 999 or your local authority if they deal with wider pet animal issues** (you can normally find this out on their website)**.** The police may be able to assist with this too.
Concerns about animal fighting.	**Contact the RSPCA on 0300 1234 999.** The police may be able to assist with this also.

DOG-RELATED COMPLAINTS

Dog owners have a range of specific responsibilities under various pieces of legislation. These range from clearing up after their dog has been to the toilet through to preventing their dog from straying and keeping their dog under control so that it does not pose a risk to the public or other animals.

Responsible dog owners should ensure their pet is permanently identified by a microchip and also wear a collar and tag when out in public. They should also make sure they meet all its welfare needs as set out under the Animal Welfare Act 2006 (see the previous section for further information). There are strict rules about travelling abroad with your pet and you can find further information about how to do this at https://www.gov.uk/take-pet-abroad/overview

Behaviour and training

Training your dog is part of being a responsible dog owner and will ensure that you can keep him under control when in public places. It is important to find someone who is accredited with a professional organisation that has a code of practice, insurance and assessment procedures for membership to help ensure standards.

- The Association of Pet Dog Trainers fulfils these requirements and uses methods which protect dog welfare http://www.apdt.co.uk/dog-owners/local-dog-trainers

If your dog is displaying behaviour such as aggression, excessive vocalisations or fear it is important to seek help from your vet who will then refer you to a behaviour expert. It is important that the behaviour expert identified is someone with the appropriate knowledge, skills and experience to treat your pet. Anyone can call themselves a behaviour expert, but many do not possess up-to-date knowledge or the necessary skills required to treat pets with behaviour problems. The following two organisations represent behaviourists with the necessary combination of skills, etc. You can search for people in your area.

- Association of Pet Behaviour Counsellors http://www.apbc.org.uk/apbc/memberlist
- The Association for the Study of Animal Behaviour http://asab.nottingham.ac.uk/accred/reg.php

Issue	What to do
If you see an owner of a dog not clear up after them when out for a walk.	**Report this to your local authority and ask to speak with their dog warden.** (You can normally find their information on their website).
If you find a stray dog or believe your dog has gone missing.	**Report this to your local authority and they will be able to advise you what to do.** Local authorities have a statutory duty to appoint someone to deal with stray dogs. Different local authorities provide different levels of service however as a minimum they must provide a place where dogs can be taken to. Neither the police nor the RSPCA have responsibility for this.
If you are concerned about the behaviour of a dog or have been involved in an incident where you were attacked by a dog.	**You should report any incidents of where a dog is posing a risk to public safety to your local police force.** Some local authorities may also be happy to investigate such incidents. **You should report any incident where a dog attacks another animal to either your local authority or police force.**
If you are concerned that a dog may be a prohibited type, e.g. a pit bull terrier.	**If you are concerned about such a dog you should report this to your local police force in the first instance** as they have specially trained officers called Dog Legislation Officers who can assist.
If you are concerned that puppies or other pet animals are being imported illegally.	**You should report this to your local Animal Health team through your local authority.** You can check on their website for further information on who to report this to.
If you are arrested by the police and taken into custody and you have an animal at home or elsewhere. If you are taken to court and there is a likelihood that you may be sent to prison.	**If you have no family or friends who can care for your pet you should let the police know this is the case.** The police are obliged to take responsibility for prisoner's property. It is essential you discuss the care of your pet with family and/or friends beforehand to identify someone who can care for your pet. There are no other bodies who can assist you with this.
If you or someone you know is taken into hospital and have a pet.	**See if there are any friends or family who can assist otherwise contact the social services department within your local authority and ask for their help (they have a duty to assist).** The Cinnamon Trust may also be able to help in some cases. http://www.cinnamon.org.uk/
You can no longer keep your pet.	**If you cannot find a responsible family member or friend to take on your pet who can take care of the animal properly then contact a responsible re-homing organisation in your area to see advice and see if they can help you.** Some local authorities also provide a 'handover service'. If you cannot find a re-homing centre to take your pet and your local authority does not provide a 'handover service' to help then you should discuss the possibility of euthanasia of your pet with a vet. If you decide to have your pet put to sleep no one other than a vet should do this.

OTHER ANIMALS/ISSUES

Horses are becoming an increasing problem whether they have been left to fly-graze on local authority land or are tethered by a roadside. Additionally some animals can escape or stray onto roads. This can be anything from wildlife through to livestock and horses as well as dogs. This can pose a serious danger for the animals as well as those people and vehicles on the road concerned.

Wildlife legislation is a complex area. As a general principle, it is an offence to take or kill wild birds. Some other animals are also protected (e.g. badgers, great-crested newts, basking sharks). It is also illegal to use certain methods to trap and kill any wild animal (e.g. gin and pole traps, self-locking snares). For further information, please visit www.rspca.org.uk/allaboutanimals/wildlife/laws

There are many different animal establishments and practices that are licensed by local authorities on a regular basis. These include:

- breeding establishments
- boarding establishments
- pet shops
- riding establishments
- zoos
- keeping of dangerous wild animals
- training and exhibiting performing animals
- keeping certain wild or exotic species
- travelling circuses with wild animals in them

All such establishments and keepers must ensure they meet the welfare needs of the animals in their care as set out under the Animal Welfare Act 2006 as well as other relevant legislation.

Issue	What to do
You are concerned about the health and welfare of farm livestock.	**You should report your concerns to your local County or Unitary Council Animal Health team in the first instance.** You can normally find their information on the council website. These councils have a statutory duty to deal with such issues. The RSPCA may also be a further point to report such concerns.
You see an animal on a road or highway You find an injured animal beside the road.	**If an animal is on a major road or highway then report this to the police or Highways Agency (in England) or Traffic Wales (in Wales).** **If an animal is on a minor road then report this to the local police.** **If you find an injured animal beside the road you should report this to the RSPCA on 0300 1234 999.**
You are concerned about a horse being illegally fly-grazed on council owned land. You are concerned about the welfare of some horses you have seen.	**You should report this to your local authority.** You can check on their website for further information on who to report this to. If you are concerned about the welfare of a horse please contact the RSPCA on 0300 1234 999. Additionally your local authority may also be able to assist.

You have found a sick or injured wild animal or bird. You are concerned someone is illegally trapping or killing wild animals or birds.	**If you find an injured or sick wild animal you should report this to the RSPCA on 0300 1234 999.** You may be asked if you can assist by taking the animal to your local vet. **If you are concerned about wild animals being killed or trapped illegally or inhumanely, or non-target animals being trapped/killed, call the RSPCA on 0300 1234 999 and/or the police** (who have specially trained wildlife officers). **If you think animals are being trapped or released without the necessary licences, contact Natural England or Natural Resources Wales.**
You suspect endangered species are being illegally sold or displayed. You think non-native species, e.g. grey squirrels, etc are being kept without the necessary licence. You are concerned about wild animals in a circus.	**Please contact AHVLA Wildlife Licensing and Registration Service or the police.** http://www.defra.gov.uk/ahvla-en/imports-exports/cites/cites-and-bird-registration/ **Contact Natural England or Natural Resources Wales.** **You should contact your local AHVLA who have a statutory responsibility to licence all circuses with wild animals in them.** You may also want to contact **the RSPCA on 0300 1234 999.**
You are concerned about a licensed animal establishment or activity, for example, a dog boarding establishment or the keeping of a dangerous wild animal.	**You should report this to the local authority the establishment or keeper is based in.** You can look on the council's website to find the right department to report this to. **If you have any concerns about the welfare of animals in such establishments you can also report this to the RSPCA on 0300 1234 999.** **Any concerns about the welfare of performing animals in a live event should be reported to the RSPCA's Performing Animal Hotline on 0300 123 8787.** Concerns about animals used in broadcast productions should be reported to the broadcaster and OFCOM.
You have found dead farm livestock. You have hit an animal, for example a dog, horse, etc whilst driving along a motorway or other public road and killed it.	**You should report this to your local authority Animal Health team.** You can check their website for further information about who to report this to. **You must report it to the police or the Highways Agency (in England), Traffic Wales (in Wales) in the first instance. Your local authority will remove the animal.** It is good practice for them to scan the animal for a microchip to see if the owner can be traced.