

## The Case for Regulating Animal Welfare Establishments ('sanctuaries' and 'rescues') in Wales

83 PERCENT OF THE PUBLIC IN WALES BELIEVE THE WELSH GOVERNMENT SHOULD MAKE ANIMAL SANCTUARY OWNERS HAVE A LICENCE AND BE INSPECTED TO SET-UP OR OPERATE SUCH PREMISES<sup>1</sup>

The RSPCA believes that many members of the public - and crucially visitors to Animal Welfare Establishments (AWEs) - will be under the impression that AWEs will be the subject to some form of oversight, registration or licence; indeed many including Assembly Members have expressed their shock that is not the case.

A YouGov poll for RSPCA Cymru in 2017 found that 83 percent of the public in Wales believe the Welsh Government should make animal sanctuary owners have a licence and be inspected to set-up or operate such premises, with only five percent against and 12 don't know<sup>1</sup>. This is a massive increase in support compared to a previous RSPCA Cymru commissioned poll in 2013 which found that 69 percent of the public in Wales believed sanctuaries should be regulated, with eight percent opposing such a move<sup>2</sup>.

### Background

The number of Animal Welfare Establishments (or commonly termed 'sanctuaries') in Wales is based on data from the Welsh Government's Companion Animal Welfare Enhancement Scheme (CAWES), which was last updated in 2010/2011, and estimated that there were 88 'sanctuaries' in Wales. However, the definition of 'sanctuary' in this scheme was a matter of some interpretation and there were, for instance, an additional 50 identified as 'collectors' which, given the varied definitions and methodologies employed by the 21 local authorities that took part in the scheme, may also be AWEs.

The Animal Welfare Act 2006 does not contain a definition of what an AWE is. In order to capture 'shelters', 'rehoming', 'rescues', rehabilitation' and 'animal hospitals' etc the RSPCA formally describes sanctuaries as 'Animal Welfare Establishments' and has signed up to a definition of "*an animal welfare establishment is any establishment which held itself out to take in and to care (temporarily, permanently, or both) for vulnerable animals*", which was devised by the Animal Welfare Network Wales (AWNW) during a review of the case for regulation submitted to the Minister in 2012<sup>3</sup>.

It is important to note that the 'industry' itself is calling for regulation, with 23 of the 26 animal welfare organisations (that engaged with the AWNW review) supporting this move, and are thus being denied the regulation they seek. It is not unreasonable nor ground-breaking for regulation to govern premises whose primary purpose involves animals, in the same way zoos and more common facilities such as boarding kennels, catteries and dog breeders are.

In the spring of 2016 the Animal Welfare Network Wales provided Welsh Government with an Addendum

<sup>1</sup> These figures are from YouGov Plc. Total sample size was 1,103 adults. Fieldwork was undertaken between 10–13 January 2017. The survey was carried out online. The figures have been weighted and are representative (politically) of all Welsh adults (aged 18+).

<sup>2</sup> All figures, are from YouGov Plc. Total sample size was 1,012 Welsh adults. Fieldwork was undertaken between 18th–22nd July 2013. The survey was carried out online. The figures have been weighted and are representative (politically) of all Welsh adults (aged 18+)

<sup>3</sup> <http://www.awnwales.org/resource-directory/downloads/>

to the 2012 report. Following the reports the Welsh Government tasked the AWW to draft a Code of Practice which was submitted to the Welsh Government in February 2018.

## **RSPCA Cymru position**

AWEs clearly provide a service to communities and remain an important part of the animal welfare provision across Wales. However, unlike similar establishments such as horse riding schools, cat and dog boarding kennels or dog breed, they are not regulated in the same way. RSPCA Cymru believes that many AWEs will have been set up with the best of intentions. However, it is these good intentions that can contribute to some AWEs taking on too many animals and also a broad range of species that they may not have the specialist knowledge, expertise or resources to help - with the end result compromising animal welfare standards. This is seen perhaps most acutely in the wildlife sector where there is a myriad of legislation as well as vast array of skills and specialist equipment needed.

Broadly speaking there are two types of poor AWEs that the RSPCA encounters; the first is where animals are already suffering and dying, and these are extremely distressing situations, often resulting in a prosecution (where the evidential and public interest tests are met) because there are few other options at that late stage to find a resolution. Thankfully, these incidents happen less frequently but are an illustration of how things can, and do, go wrong.

The second is where animal welfare standards are not at the level they should be but are not substantial enough, or due to a lack of evidence, to result in a prosecution. Indeed the role of the RSPCA is to prevent suffering and often this can be achieved by working with the AWE if they are receptive to advice. As such RSPCA Cymru will work with the AWEs, where concerns have been reported to us. Commonly a problem in such situations however is that the animal welfare standards will only be raised or corrected on a temporary basis, and during the period the RSPCA is visiting. As such the level of repeat visits and assistance required of the RSPCA, often places extreme pressures on our resources, taking these resources away from the thousands of other calls we receive for help in Wales. In addition such work, which can include the serving of non-statutory notices, warning notices and even adult written cautions, are outside of the formal court process (say of those involved with a prosecution), which prevents any publication of these details. This can lead to creation of extreme frustrations for those reporting their concerns regarding that AWE to us.

RSPCA Cymru has consistently called for the mandatory regulation of AWEs and would like to see the introduction of two methods of regulation to help improve the minimum standards for AWEs; a Code of Practice and a licensing system.

### **Code of Practice for the regulation of AWEs**

RSPCA Cymru chaired the AWW drafting group who prepared a draft Code of Practice for the Welsh Government, which was submitted at the end of February 2018. The RSPCA is concerned that if the draft Code is only implemented in a voluntary capacity and without accompanying regulations requiring an AWE to be licensed, it is highly likely that only the AWEs which are currently operating at levels higher than the minimum standards would incorporate them into their operations. Animals which are being looked after in the number of unknown AWEs who are not meeting minimum standards will still be put at risk, especially if the AWE owners are unaware of the voluntary code or simply choose to ignore it.

The Code of Practice will only impact the lives of animals within AWEs if the Code is implemented under Section 14 of the Animal Welfare Act, making it mandatory for the sector. This would enable agencies to carry out greater enforcement of the sector firstly helping to signpost AWEs to the code and secondly using the Code to establish liability, strengthening the possibility of a prosecution.

## A licensing scheme for AWEs

The RSPCA supports a licensing system for anyone wishing to run an AWE in Wales as the best method of ensuring the welfare of the animals in each of these premises and also the public's confidence in the animal welfare voluntary sector system. The model of regulation should be such that it includes the power of entry, spot checks and is cost-recoverable for local authorities, to eliminate any further burden to the public purse, with AWEs paying a licence fee for a risk-based inspection (with a reduced frequency where standards are found to be high). The cost to the AWE of such a licence would be a very small fraction and of their running costs. Indeed any AWE struggling to pay for a licence cannot have sufficient funds as to prepared for the day-to-day costs, such as veterinary attention, nor the extensive contingency plans all AWEs should have in place for instance for a disease outbreak or a huge influx of animals or sudden a downturn in income.

## RSPCA Cymru campaign

Following the submission of the draft Code of Practice, in March 2018, RSPCA Cymru re-launched the campaign asking members of the public in Wales to support an open letter to Lesley Griffiths AM. The letter is asking for the Welsh Government to make sure that the new rules cover all the sanctuaries in Wales and ensure that vulnerable animals are kept safe.

## Conclusion and recommendations

Following the ending of the CAWES scheme a reliable estimate on the number of AWEs currently operating in Wales is hard to establish - due to costs many of the establishment only maintain a free social media presence and not a sometimes costly permanent website. Organisation likes the RSPCA rely on members of the public to report concerns to us however, as AWEs are not always publicly known about it there is a hidden problem in terms of the impact and effect of AWEs. The wider case for an AWE licensing system, administered by local government is well documented with many animal welfare organisations that operate in Wales having experience and first hand knowledge of AWEs that are not meeting the needs of the animals they care for. We are pleased that the Welsh Government is giving this serious consideration as a direct result of our work.

The majority of animal welfare organisations who are members of the AWWN have been calling for mandatory regulation of AWEs for a number of years and RSPCA Cymru would recommend the code is made mandatory to ensure that it is used more than just for best practice but how AWE owners must care for their animals. As the main enforcer for animal welfare in Wales, RSPCA Inspectors use the Welsh Government's statutory Codes of Practice to educate owners on how to meet their animal's needs and if they still fail to meet the requirements, the Codes are used as evidence within a prosecution. However, greater promotion of all the Codes in Wales is required as only 13 percent<sup>1</sup> of people in Wales were aware about the existence of these guides on how their pets should be legally taken care of. People who are looking to set up an AWEs should be signposted to the Code so that they can fully understand and appreciate the work involved and if it is still an action they would like to undertake.

The RSPCA would recommended further regulation, in the form of a licensing system, as the only means of truly preventing situations of neglect from arising. Given the animals that come into the various AWEs in Wales are already vulnerable by definition, the care they receive should have a protected minimum standard. Some AWEs will refuse to work with the RSPCA and other animal welfare organisations. They may refuse access to the police, local authority and RSPCA, which they have the ability to do given there is no regulation. Without sufficient evidence it can be impossible to provide any monitoring or oversight as to ensure the welfare of the animals that AWE have on site. The RSPCA concludes, after many years of being at the frontline of these very significant problems, that if a licensing system occurs, many of the problems in AWEs could be more than adequately addressed.