

## **Briefing document**

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### **Safeguarding mistreated animals – providing the RSPCA with statutory powers**

The RSPCA is the world's largest and oldest animal welfare charity. In 2024 we are celebrating our 200th anniversary, marking two centuries since our organisation was formed by a small group of people with a determination to change animals' lives in a London coffee shop.

The RSPCA exists to inspire a world where all animals are treated with kindness and respect. Our inspectors are at the very forefront of this vision, working seven days a week, 365 days a year to help animals in need. We currently have 30 inspectors and animal rescue officers (AROs) working on the ground in Wales to save animals from unimaginable cruelty and neglect, while offering practical support and advice to animal owners and keepers in need of assistance. Our inspectors and AROs responded to more than 4,900 cases specifically involving animal cruelty and neglect in Wales in 2023, with more than a million calls from Wales and England made to our cruelty line every year.

Our inspectors undertake their important duties with no statutory powers, leaving them heavily reliant on support from the police and local authorities. Unbeknownst to many, they do not have the same powers designated to local authority inspectors under the Animal Welfare Act 2006 (AWA). For example, RSPCA inspectors cannot enter outbuildings without a police warrant, automatically seize animals and remove them from a situation negatively impacting their welfare or issue statutory improvement and welfare notices under the AWA. Our current reliance on statutory public services places additional pressure on their already-stretched resources while leaving animals in need of rescue in limbo or being kept under cruel conditions for longer. Granting statutory powers to the RSPCA under the AWA would enable us operate in the way the public expects, while helping to lighten the workload of Wales' local authorities before they are given new animal welfare legislation to enforce in the near future.

#### **Empowering the RSPCA's inspectors**

Despite our inspectors having no more legal power than any other member of the public, it is often thought that we can enter a property or seize animals, without the support of others. With the RSPCA routinely investigating and prosecuting animal cruelty reported to us by members of the public concerned about the welfare of animals, there are a number of steps that we need to take before we can undertake specific actions or prosecute. While we can attend to complaints of animal cruelty that have been submitted to us by the public, we cannot remove animals in distress without the owner's permission or a police warrant. Neither can we collect evidence or interview those suspected of cruelty, unless it is under the guidance of the police. We have no formal powers to gather the evidence we need to commence our investigations process, which often includes speaking to and taking statements from witnesses, collecting evidence such as photographs, CCTV or videos and seeking advice from experts such as vets. Us being able to reach the animals that need us most and securing justice for them often relies on the cooperation of their owners or keepers - something that is not always guaranteed in sensitive situations, or from those involved in serious organised crime such as dog fighting or the illegal puppy trade.

Our official calls for our inspectors to be granted statutory powers in Wales came in 2019 when we handed the Welsh Government a report making the case for such action. Providing the RSPCA with statutory powers would bring us in line with other sister organisations across the British Isles such as the Scottish Society for Prevention of Cruelty to Animals (SPCA) and the Irish Society for the Prevention of Cruelty to Animals (ISPCA). The inspectors working on behalf of these charities have the power to search and enter properties under warrant, seize animals and issue Animal Welfare Notices.

The Animal Welfare Act 2006 (AWA) provides the legal basis for over 95 percent of animal cruelty convictions secured by the RSPCA in Wales and England, and it is under this legislation our inspectors could be granted enforcement powers. Granting our inspectors statutory duties under the following sections of the act would formalise their roles, while allowing them to prevent suffering and reach animals quicker. The RSPCA has proposed limiting these powers to the following areas:

- [Section 10](#) - to serve improvement notices
- [Section 18](#) - powers in relation to an animal in distress
- [Section 19](#) - power of entry for section 18 purposes
- [Section 23](#) - entry and search under warrant in connection with offences

Additional duties such as statutory licence checks and the registration of farm premises would remain with local authorities as these relate to statutory functions. Powers to investigate crimes relevant to species of wildlife that are not under human control would not be sought either, as these do not fall under the AWA.

The workload of Wales' 22 local authorities in terms of their animal welfare duties is expected to grow in the near future with the Welsh Government having recently consulted on the regulation of more activities involving animals. Formalising the RSPCA's role could allow more time for local authorities to focus on the licensing of animal sanctuaries, rescues and rehoming centres, mobile animal exhibits and more following the outcome of this consultation.

### **Progress made to date**

*"There is no other body which could take on the RSPCA's current role and its contribution is too valuable to be lost." - Stephen Wooler CB*

In September 2014, Stephen Wooler CB published an [independent review](#) of the prosecution activity of the RSPCA. Within this report, it was noted that the RSPCA carries out around 80 percent of prosecutions relevant to animal welfare in Wales and England and that our role should be 'formalised within a framework that provides the necessary accountability and transparency'. The report recommended dialogue between the RSPCA and governments 'seeking the development of a concordat placing the RSPCA's investigation and prosecutions activities on a formal basis'. He urged 'the appointment of suitably experienced RSPCA inspectors as inspectors for the purposes of the Animal Welfare Act 2006'. The recommendation is intended to ensure there is clarity of role for RSPCA officers, particularly when dealing with other enforcement partners in the police and local authorities, while reducing bureaucracy and burdens upon the resources of statutory bodies, and increasing the efficiency of RSPCA officers on the frontline.

The report we submitted to the Welsh Government in 2019 explored the appointment of RSPCA inspectors formally under the Animal Welfare Act (AWA), while making a number of recommendations as to how this could work. These recommendations included -

- Recommendation 2: The Welsh Government will need to consider the legal mechanism for the appointment of RSPCA inspectors and determine whether any additional legislative process is

required. They will also need to establish whether the RSPCA will be approved as a named organisation to appoint its own inspectors under the AWA, or whether individual named RSPCA inspectors would be appointed, once Welsh Government was satisfied they met agreed criteria for suitable training and experience

*RSPCA response: The Animal Welfare Act 2006 would provide the legal mechanism for the appointment of RSPCA inspectors potentially via subordinate/secondary legislation. Further consideration around whether any additional legislative process is required and how inspectors will be appointed would need to be made in conjunction with the Welsh Government.*

- Recommendation 3: The Welsh Government will need to agree, in consultation with the RSPCA, what would be the accepted minimum standard for training and experience for an inspector to be appointed under the AWA

*RSPCA response: Our officers are all qualified to an NVQ Level 3 standard as a minimum via in house training and qualifications, with our inspectors holding Level 4-equivalent qualifications so that they can seize animals and collect evidence. A conversion course is currently being written to enable our animal rescue officers to become inspectors.*

- Recommendation 18: The recruitment/establishment of a single point of contact (SPOC) to facilitate implementation, ongoing monitoring and ensure liaison between all parties related to the appointment of RSPCA inspectors under the AWA

*RSPCA response: The RSPCA's National Contact Center (NCC) is already established and is currently responsible for handling over a million calls a year. As well as receiving calls from concerned members of the public, the NCC also acts as liaison between the parties involved with the investigation of farm animal cruelty - such as the Animal and Plant Health Agency (APHA) and Wales' local authorities, for example. It is under this model that we foresee the implementation of inspectorate powers.*

While there is clearly much to consider and discuss before our inspectors can be granted the powers they need to improve animal welfare in Wales, we hope the Welsh Government will work with us to progress this issue in 2024. Such action could enable the RSPCA to be better equipped and accountable in order to bring the enforcement work of all agencies closer together, as well as easing the historic bureaucratic burden placed on public bodies.

## **Conclusion**

With financial pressures and budgetary constraints impacting both animal owners and public services, the RSPCA is keen to support both as much as possible during these challenging times and beyond. Our inspectors undertake hugely important work that not only allows us to reach the animals that need us but also enables us to relieve the burden on public services who would otherwise have to deal with more cases of animal cruelty. Clearly, the transferring of statutory powers to the RSPCA would require careful consideration and a coordinated approach to ensure that the relevant parties are all clear on their roles in terms of protecting animal welfare. However, such action would enable our inspectors to utilise their well-honed skills and expertise and provide them with more time to rescue animals, as opposed to waiting on the relevant local authority or the police to assist them. We therefore continue to encourage the Welsh Government to consider a new approach that enables our inspectors to carry out their duties more efficiently, while providing them with the powers and authority needed to reach the animals that need us most.