



Briefing document

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

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 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.

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 from zoos to more common facilities such as boarding kennels, catteries and breeders.

In the spring of 2016 the Animal Welfare Network Wales provided Welsh Government with an Addendum to the 2012 report and at the current time remains in discussions with the Welsh Government on what appropriate measures should be taken.

RSPCA Cymru position

AWEs clearly provide a service to communities and remain an important part of the animal welfare provision across Wales. 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 as 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.

The RSPCA supports regulation as the only means of truly preventing these situations 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 refused 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.

The Mechanism of Regulation

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 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.

Public opinion

The RSPCA believes that many members of the public - and crucially visitors to AWEs - will believe AWEs to be the subject of some form of oversight, registration or licence, indeed many including Assembly Members, have expressed shock that is not the case.

An RSPCA Cymru commissioned poll in 2013 found that 69 percent of the public in Wales believe sanctuaries should be regulated, with only eight percent opposing such a move¹, and a short campaign action for our supporters by RSPCA Cymru resulted in nearly 500 emails being sent to the Deputy Minister for Farming and Food before the 2016 National Assembly for Wales elections.

¹ 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+)