



Who is responsible for what in animal welfare?



Introduction

Phone calls about animal welfare problems are currently dealt with by a wide range of organisations, and it can be confusing for members of the public to know who to report problems to. This range of organisations includes the police, local authorities, the RSPCA and the government's executive agency Animal Plant and Health Agency (APHA), but also includes social landlords and council teams whose primary responsibilities are not animal issues (e.g. social services). Different bodies have varying responsibilities and some have statutory powers to enable them 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.

With this document we aim to provide an easy-to-understand guide advising where to report different animal welfare problems to, and ensuring the issue is addressed as quickly as possible.

Different agencies have different powers and responsibilities for farm livestock, pet animals and wildlife. There are grey areas and a number of bodies can respond in some situations and to add to the difficulties 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, investigating in the region of 160,000 complaints each year.

To help those involved in animal welfare issues use these limited resources most effectively, the purpose of this guide is to help members of the public understand the roles and responsibilities of the 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

Animal Welfare Act 2006

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 the following.



Therefore, if someone is not taking proper care of the animal or abandon it, then that 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 for action to be able to be taken.

To help explain what the welfare needs mean for different types of animals, the Department for Environment, Food and Rural Affairs (Defra) and the Welsh Government have produced statutory codes of practice. Owners of the animals listed on page 4 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	www.gov.uk/government/publications/code-of-practice-for-the-welfare-of-cats	http://gov.wales/topics/environmentcountryside/ahw/animalwelfare/pets/codes-of-practice/?lang=en
Dogs	www.gov.uk/government/publications/code-of-practice-for-the-welfare-of-dogs	https://gov.wales/code-of-practice-for-the-welfare-of-dogs
Horses	www.gov.uk/government/publications/code-of-practice-for-the-welfare-of-horses-ponies-donkeys-and-their-hybrids	https://gov.wales/code-of-practice-for-the-welfare-of-horses
Primates	www.gov.uk/government/publications/code-of-practice-for-the-welfare-of-privately-kept-non-human-primates	N/A
Rabbits	N/A	http://gov.wales/topics/environmentcountryside/ahw/animalwelfare/pets/codes-of-practice/?lang=en

**The codes of practice for cats, primates and rabbits in Wales continue to be updated during 2019*

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
<p>Concerned about how a pet animal is being cared for or treated but do not think it is actually suffering.</p>	<p>Report this to the RSPCA on: 0300 1234 999. Try and provide as much information as possible.</p>
<p>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.</p>	<p>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 required to assist the animal. Additionally 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 the local authority’s website.</p>
<p>Other cruelty situation where an animal has been cruelly treated, had its tail docked or has been poisoned but urgent assistance is not needed.</p>	<p>Contact the RSPCA on: 0300 1234 999 or your local authority if it deals with wider pet animal issues – you can normally find this out on the local authority’s website. The police may be able to assist with this also.</p>
<p>Concerns about animal fighting.</p>	<p>Contact the RSPCA on: 0300 1234 999. The police may be able to assist with this also.</p>

Dog-related complaints

Dog owners have a range of specific responsibilities under various laws. These include clearing up after their dog has been to the toilet, 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.

The law also requires owners to ensure their dog is microchipped and their contact details are kept up to date and that their dog must wear a collar and tag when out in public. Owners should also make sure they meet all their animal’s welfare needs as set out under the Animal Welfare Act 2006 (see for page 3 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: 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/her under control when in public places. When looking for a trainer, 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: 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. These organisations represent behaviourists with the necessary combination of skills. Search their websites for people in your area.

Association of Pet Behaviour Counsellors: 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
You see a dog owner not clear up after their dog when out for a walk.	Report this to your local authority and ask to speak with their dog warden – you can normally find this information on the local authority's website.
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. The police and the RSPCA do not have responsibility for stray or missing dogs.
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 where a dog is posing a risk to public safety to your local police force . Some local authorities may also be able to investigate. You should report any incident where a dog attacks another animal to either your local authority or police force . You should report any incident where a dog is barking excessively, or otherwise causing a nuisance, to your local authority .

Issue	What to do
<p>You are concerned that a dog may be a prohibited type, e.g. a pit bull terrier.</p>	<p>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 staff called Dog Legislation Officers who can assist.</p>
<p>You are concerned that puppies or other pet animals are being imported illegally.</p>	<p>You should report this to your local Animal Health team through your local authority. Check the local authority's website for further information on who to report this to.</p>
<p>You are arrested by the police and taken into custody and you have an animal at home or elsewhere.</p>	<p>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 (a pet is considered property under the law).</p>
<p>You are taken to court and there is a likelihood that you may be sent to prison.</p>	<p>It is essential you discuss the care of your pet with family and/or friends beforehand to identify someone responsible who can care for your pet. There are no other bodies who can assist you with this.</p>
<p>You or someone you know is taken into hospital and have a pet.</p>	<p>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 under Section 47 of the Care Act 2014 (in England) and Section 58 of the Social Services and Wellbeing (Wales) Act 2014 (in Wales).</p> <p>The Cinnamon Trust – the national charity for the elderly, the terminally ill and their pets – may also be able to help in some cases: www.cinnamon.org.uk</p>
<p>You can no longer keep your pet.</p>	<p>If you cannot find a responsible family member or friend to take on the care of your pet, then contact a responsible rehoming organisation in your area to seek advice and see if they can help you. Some local authorities also provide a 'handover service'.</p> <p>If you cannot find a rehoming centre to take your pet and your local authority does not provide a 'handover service', then you should discuss with a vet the possibility of having your pet put to sleep. If you decide to have your pet put to sleep no one other than a vet should do this.</p>

Other animals/issues

Horses that have been left to fly-graze on local authority land or are tethered by a roadside are becoming an increasing problem. Additionally some animals, such as dogs, horses, livestock and wildlife can escape and stray onto roads. This can pose a serious danger for the animals as well as the people and vehicles on the roads concerned. Recent changes in the law in England and Wales mean that local authorities can take action for these issues now.

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, etc). 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 dangerous wild animals
- training and exhibiting performing animals
- keeping certain wild or exotic species
- travelling circuses with wild animals.

All such establishments and animal 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. In England new Regulations are due to come into force in 2018 concerning boarding and breeding establishments, pet shops, livery yards, and exhibiting and performing animals. Since 2014 rules have been in place in Wales concerning the regulation of breeding establishments, with the Welsh Government looking into Regulations around the exhibition of and performing animals.

Issue	What to do
<p>You are concerned about the health and welfare of farm livestock.</p>	<p>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.</p> <p>The RSPCA may also be a further point to report such concerns on: 0300 1234 999.</p>
<p>You see an animal on a road or highway.</p>	<p>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).</p> <p>If an animal is on a minor road then report this to the local police.</p>
<p>You find an injured animal beside the road.</p>	<p>If you find an injured animal beside the road you should report this to the RSPCA on: 0300 1234 999.</p>
<p>You are concerned about a horse being illegally fly-grazed on council-owned land.</p>	<p>You should report this to your local authority. Check on their website for further information on who to report illegally fly-grazed horses to.</p>
<p>You are concerned about the welfare of some horses you have seen.</p>	<p>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.</p>
<p>You have found a sick or injured wild animal or bird.</p>	<p>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.</p>
<p>You are concerned someone is illegally trapping or killing wild animals or birds.</p>	<p>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).</p> <p>If you think animals are being trapped or released without the necessary licences, contact Natural England or Natural Resources Wales.</p>

Issue	What to do
You suspect endangered animal species are being illegally sold or displayed.	Please contact APHA Wildlife Licensing and Registration Service or the police. www.defra.gov.uk/ahvla-en/imports-exports/cites/cites-and-bird-registration/
You think non-native species, e.g. grey squirrels, are being kept without the necessary licence.	Contact Natural England or Natural Resources Wales.
You are concerned about wild animals in a circus.	You should contact your local Animal Plant Health Agency (APHA) that has a statutory responsibility to licence all circuses with wild animals in them. www.gov.uk/government/organisations/animal-and-plant-health-agency 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 kennels, or the keeping of a dangerous wild animal.	You should report this to the local authority the establishment or keeper is based in. 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. www.ofcom.org.uk/complain-to-ofcom
You have found dead farm livestock.	You should report your concerns to your local county or unitary council Animal Health team in the first instance. You can check the council's website for further information about who to report this to.
You have hit an animal, for example a dog, horse, farm animal, etc., while driving along a motorway or other public road and killed it.	In the first instance you must report it to the police or the Highways Agency (in England) and Traffic Wales (in Wales). Your local authority will remove the animal or contact the relevant farm if it is livestock. It is good practice to scan the animal for a microchip (or look for ear tags if livestock) to see if the owner can be traced.



Royal Society for the Prevention of Cruelty to Animals

Wilberforce Way, Southwater, Horsham, West Sussex RH13 9RS
0300 1234 999 rspca.org.uk

 facebook.com/RSPCA  twitter.com/RSPCA_official  www.instagram.com/official_rspca

The RSPCA helps animals in England and Wales. Registered charity no. 219099. The RSPCA only exists with the support of public donations. ©RSPCA 2018. All rights reserved. This material must not be reproduced or used in any manner whatsoever without the express written permission of the RSPCA. 11.19