



Companion Animal Welfare Council

THE REPORT ON COMPANION ANIMAL WELFARE ESTABLISHMENTS: SANCTUARIES, SHELTERS AND RE-HOMING CENTRES

Prepared by

**THE COMPANION ANIMAL
WELFARE COUNCIL**

14 January 2004

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CHAIRMAN'S FOREWORD

The Companion Animal Welfare Council (CAWC) has pleasure in publishing its Report on Companion Animal Welfare Establishments: Sanctuaries, Shelters and Re-Homing Centres.

The Report deals with animal welfare in what are commonly known as sanctuaries, animal homes and re-homing centres, which vary from what are essentially domestic premises to large charitable institutions, and which take in and care for companion animals that are lost or abandoned. Furthermore, it deals with the issue of animal ownership when animals stray or become lost for whatever reason. These institutions, large or small, provide an essential social service, reuniting owners with lost pets, re-homing unwanted animals, and taking responsibility for animals which might otherwise become feral, breed indiscriminately, cause accidents or nuisance and which, most importantly, would suffer unnecessarily without the care provided by such establishments. However, despite their contribution and importance, companion animal welfare establishments are not subject to any animal protection legislation other than the requirement not to treat animals cruelly.

More than 20 recommendations are made, including the case for regulation, ownership of displaced companion animals, animals subject to legal proceedings, standards of care, need for research on care standards, definition of welfare establishments, policies for long term care, regulation and the means by which this would be administered and enforced.

There is a wealth of information in this Report that has never before been assembled in such detail. Although compiled by a CAWC Working Party, the Report has been approved by the whole Council of CAWC.

Copies of the Report will be available at the Launch, which is being hosted by Mr Roger Gale MP, who has had a strong interest in animal welfare for many years and until recently was Chairman of the All Party Group on Animal Welfare in the Houses of Parliament.

The Companion Animal Welfare Council has as its principal objectives:

- (a) the provision of advice on the welfare of companion animals and the publication of its findings;
- (b) the furtherance of the fuller understanding of companion animal welfare and of the role of companion animals in society;
- (c) the assessment of existing legislation affecting the welfare of companion animals, and the making of recommendations regarding amendments or additions thereto.

In the furtherance of these objectives, the Council:

- undertakes independent and objective studies of companion animal welfare issues and identifies where further information is required;
- prepares and publishes reports thereon;

- makes available information and research data which it has obtained, in order to enable Parliamentary legislation on companion animal welfare issues to be drafted and debated on an informal basis;
- is open to requests for objective views, advice and the carrying out of independent studies on issues concerned with the welfare of companion animals.

Each CAWC Working Party issues a 'Call for Evidence' to potentially interested organisations, and following the receipt of submissions, major contributors are asked to attend a meeting to discuss key issues identified and other matters they may wish to raise. A draft interim report is prepared and submitted to participating organisations for further comment (a process that may be repeated), after which a draft Final Report is produced by the Working Group (not all members of which have to agree with the final conclusions). The draft Final Report is then submitted to CAWC Council for consideration and, ultimately, approval.

CAWC is an independent organisation launched in 1999 and funded through a charitable trust, the Welfare Fund for Companion Animals (WFCA). Funding is derived from companion animal welfare charitable organisations. Membership of CAWC is on an individual basis, according to the expertise of the Council member, and not on the basis of representation of the supporting animal welfare charities.

CAWC functions for companion animals in a similar way that the Farm Animal Welfare Council (FAWC) does for farm animals and that the Zoos Forum does for zoo animals, although it does not receive Government support, as occurs for FAWC and the Zoos Forum.

I commend this Report on 'Companion Animal Establishments: Sanctuaries, Shelters and Re-Homing Centres'. It brings together evidence from a wide range of individuals and organisations. Interim drafts of the Report have been scrutinised similarly by these bodies. The recommendations resulting from these consultations are submitted as a basis for action at the local and central Government levels and by private and voluntary bodies concerned with the welfare of companion animals.

This is the third major report published by the Companion Animal Welfare Council. The other two were 'The Identification and Registration of Companion Animals' and 'The Welfare of Non-Domesticated Animals Kept for Companionship'. Information about these reports may be obtained from the address below.

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20 December 2003

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Companion Animal Welfare Council

Animal Welfare in Companion Animal Welfare Establishments

CONCLUSIONS and PRINCIPAL RECOMMENDATIONS

1. **The Council has chosen to use the term 'companion animal welfare establishments' to refer to the undertakings which are the subjects of this report. In part, this is because it is convenient to adopt a collective term in preference to the variety of names currently applied to such establishments.** More particularly, however, we prefer 'companion animal welfare establishments' to terms such as 'sanctuary', 'animal home' or 'rescue centre' because we think it more accurately reflects their purpose and function. (2.1.1)
2. **No matter what the form, size or ethos of a companion animal welfare establishment, the Council believes that its overriding duty is to secure the highest possible standard of welfare for the animals in its care, and that public policy should reflect this.** It takes priority over every other consideration: whether it is non-profit making, charitable, or operated for profit, is irrelevant, as are the motives of those responsible for its operation. It follows that however well motivated a person or organisation may be, and no matter how restricted their resources, neither a well placed intention to help animals nor a shortage of funds can ever justify an inadequate standard of welfare. The Council strongly refutes any suggestion that motivation can provide an excuse for compromising animal welfare. (2.1.7)
3. **In order to safeguard welfare, the Council has concluded that each and every companion animal welfare should be publicly accountable for the standard of care that it provides. (2.1.8)**
4. A number of different adjectives are used to describe animals taken in by the establishments we refer to collectively in this report as 'companion animal welfare establishments': stray, lost, abandoned, unwanted, problem, inappropriate, difficult, incompatible to name but a few. **The Council has concluded that it is useful to replace these with a single term, which encompasses them all, by describing the usual outcome: the animal is 'displaced from its usual place of keeping' and such animals are referred to as 'displaced animals'. (2.1.2)**
5. **Irrespective of the nature of the particular companion animal welfare establishment, the Council has identified four common functions, at least three of which apply to every establishment. (2.2.1)**
 - i. **First, a companion animal welfare establishment must always provide for the immediate needs of animals committed to its care.** We consider that every establishment is under a duty to alleviate immediate animal suffering and to maintain a high standard of welfare in relation to every animal for which it accepts responsibility. (2.2.2)
 - ii. **Second, a companion animal welfare establishment should provide for the long-term care of those animals that are not immediately reunited with**

their owner or keeper, or cannot be placed with a new keeper. This may be undertaken by the establishment itself or, alternatively, an animal may be transferred to a different establishment that is better able to look after it or find it a new home. In the case of some establishments, this function extends to the provision of lifetime care for animals. (2.2.3)

- iii. An establishment may or may not be capable of providing for the lifetime needs of animals but any limitation in this respect should not prejudice the achievement of the first function identified above. Indeed, it is important to distinguish between the first and second functions in this regard. The responsibility inherent in the former entails preventing animal suffering, but it does not extend to providing lifetime care for all animals. **In the view of the Council, arranging euthanasia as a means of preventing further suffering may be a legitimate function of a companion animal welfare establishment. In our judgement, by accepting responsibility for displaced companion animals, an establishment should not have imposed upon it a responsibility to provide for the lifetime needs of any animal.** (2.2.4)
- iv. **Third, a companion animal welfare establishment should seek to reunite involuntarily or accidentally displaced animals with their keepers.** Indeed, some will regard this as the paramount social benefit provided by companion animal welfare establishments, since it mitigates the distress owners or keepers might suffer as a result of losing their companion animal. Animal welfare should, however, take precedence over this function. Accordingly, establishments should not have imposed upon them requirements to keep an animal for periods which either exceed its ability to provide for the animal's needs or which are prejudicial to the animal's welfare. (2.2.5)
- v. Fourth, a companion animal welfare establishment may attempt to find a new place of permanent keeping for a displaced animal. This is usually described as "re-homing" and that term is used here, although it may not be entirely appropriate in respect of equines and some other species. Re-homing should be governed by a relevant policy (see Section 8.4). However, notwithstanding the importance of re-homing, the Council wishes to reiterate its view that the duty to prevent animal suffering should take precedence. **In the interests of its welfare, any animal not re-homed within such a period that the establishment is able to provide adequately for its needs may require to be transferred elsewhere, or possibly euthanased.** (2.2.7)

- 6. To keep animals to high standards of welfare, it is necessary to have detailed knowledge of their physical and behavioural needs and this should be fully brought to bear in their husbandry. Whilst there have been many advances in knowledge of the physical and behavioural needs of the commonly kept companion animals, caution is needed and it cannot be assumed that this information is complete. Even for the commonly kept species, it is likely that there are improvements to be made. **It should be a duty for all establishments to maintain and update knowledge concerning the needs of animals in their care.** (6.1.4)
- 7. **The Council considers that before a regulatory structure could be established, a set of flexible standards would need to be agreed, based in the first instance on informed**

consensus. One method of evolving such standards is to draw up a list of specialists (including companion animal welfare establishment operators) in the field of animal care, for the species under consideration, and seek their opinion. The experts would be consulted to determine, in the light of present knowledge, the major welfare concerns relevant to the particular species in a particular environment or husbandry system and what outcomes are necessary to assure good welfare. Outcomes, essentially derived from the Five Freedoms, include amongst other things acceptable measures of health, including minimum incidence of disease; behavioural measures including absence of abnormal behaviour such as stereotypy and evidence of expected behaviour and social interaction appropriate to the species. This would provide the starting point for a common standard. Once the principal welfare concerns were agreed, and the beneficial welfare outcomes defined, flexible standards for the delivery of the desired outcomes would be set for each area of concern. The list of standards would be circulated to a wider group to determine their relevance and practicality of application. (6.6.4)

8. **The Council is aware that standards may need to be assessed and that they should be clear and unambiguous. In using the term ‘flexible’, we mean that the outcomes of standards should be universal, but that the means of achieving the outcomes may vary between establishments. In developing a set of standards, we would prefer this approach to be adopted. The Council believes that it would be particularly helpful to have codes of practice to guide the development of standards within an establishment (6.6.5).**
9. **Once a consensus standard was agreed for each species, in the longer-term, it would be desirable to commission specific research: to develop animal based indices and use these to test the welfare outcomes of companion animal welfare establishments using the consensus standards.** The Council is clear that standards alone cannot guarantee good welfare and that direct observation of animals is the only way to ensure that a standard delivers the outcomes and thus good welfare. (6.6.6)
10. Good health is desirable and contributes to good welfare if the disease or injury which is to be prevented or treated is thought to cause pain or distress. (7.1.1). **The health of animals in a companion animal welfare establishment requires a policy to limit the importation and spread of disease, to avoid injury and to treat individual cases of illness or injury.** Isolation or segregation of incoming animals, parasite control, vaccination and barrier medicine need to be considered along with an effective system for ensuring ill or injured animals are seen promptly by a veterinary surgeon. (7.1.2)
11. The day-to-day management of ill or injured animals which are insufficiently affected to require hospitalisation may require specific skills on the part of the manager or other staff member employed in the establishment. **The designation of an animal welfare officer to ensure that animals are properly cared for is recommended.** (7.1.3)
12. Named veterinary surgeons are appointed to oversee the health and welfare of animals used in research establishments. **The use of a similar designation (nominated veterinary surgeon) is recommended for a veterinary surgeon appointed to oversee health and welfare in companion animal establishments.** (7.2.1)
13. **There should be a standard policy for all establishments, which covers the short term care of animals.** The policy should take account of the veterinary health plan and the welfare and temperament evaluation protocols. (8.2.1)

14. The Council draws attention to the need for a clear policy, which sets out how establishments provide for long-term animal care. When such care is provided on the premises, the policy should refer to the animal welfare and husbandry plan based on animal welfare needs.

- i. The plan should ensure delivery of the resources necessary to achieve the desired outcomes. (8.2.2) The development of the animal welfare and husbandry plan should be the responsibility of the nominated veterinary surgeon, the animal welfare officer and the manager of the establishment as appropriate, guided by the standard and codes of practice. (8.2.3)
- ii. Monitoring of individual animal behaviour should be a requirement of all companion animal welfare establishments. The necessary indices to allow a meaningful assessment need further development. Temperament evaluation of incoming animals is particularly important as part of a behavioural assessment. (8.3.1)
- iii. Establishments which receive displaced animals should have a policy for returning animals to their original owners or keepers and for re-homing in the event that the original keeper cannot be found. (8.4.1)
- iv. Establishments should have a policy with regard to euthanasia. (8.5.1)
- v. Establishments should have a transparent policy covering the extent to which individual animals receive veterinary treatment for specific conditions. (8.6.1)

15. The Council is persuaded of the desirability of introducing statutory regulation, and recommends that provision for this is included in the Animal Welfare Bill that DEFRA is presently drafting. If enacted, the Act will apply only to England and Wales. The Council therefore calls on the Scottish Executive and those charged with the government of Northern Ireland to consider introducing similar legislation in their respective jurisdictions. (9.1.8)

16. We are firmly of the view that companion animal welfare establishments should be defined exclusively by reference to their function. Accordingly, throughout the report we have referred to a companion animal welfare establishment to be a place which:

- (1) receives companion animals which for whatever reason have become displaced from their usual place of keeping; and
 - (2) provides for their immediate needs; and
 - (3) carries out one or more of the following in relation to such animals:
 - (a) the provision of long-term or lifetime care;
 - (b) re-homing;
 - (c) arranging euthanasia of those animals whose needs cannot otherwise be adequately met.
- (9.3.7)

17. There is a need to distinguish between, on the one hand, the person who is running a companion animal welfare establishment from their home and, on the other, the ‘ordinary’ companion animal keeper who may happen to have a substantial number of animals, many (indeed, all) of which were formerly displaced. Whether a person is

holding himself out to receive displaced animals will be a question of fact, to be determined according to the particular circumstances. However, it will clearly not include those who adopt or re-home an animal from a companion animal welfare establishment, nor do we think it should extend to the person who may occasionally directly take in a displaced animal. (9.3.16)

18. We recognise that there are many people who hold themselves out to receive displaced animals into their homes who are entirely responsible, provide a high standard of care, and make a very significant contribution to animal welfare. The Council readily acknowledges the good that is done by many individuals and smaller organisations, and it is evident that without their contribution the larger establishments would be unable to cope with the many displaced animals that need care. **The last thing we wish is to see their work undermined by the imposition of an unnecessarily bureaucratic and expensive regulatory regime. We therefore recommend a two-tier scheme of regulation that we consider will satisfactorily address this issues (9.3.17).** (Licensing and Registration are discussed in Sections 9.4 and 9.5)
19. **During the course of its investigation, the Council has identified three issues concerning the ownership of displaced animals that it considers need to be addressed (10.1).** (The issues are discussed in Section 10).

SECTION A

Introduction, Definitions and Recommendations on the Role of Companion Animal Welfare Establishments.

1. INTRODUCTION

1.1 Companion Animal Welfare Council

1.1.1 The Companion Animal Welfare Council (CAWC) was established in 1999.

1.1.2 The Council has as its principle objectives:

- (i) the provision of advice on the welfare of companion animals and the publication of its findings;
- (ii) the furtherance of the fuller understanding of companion animal welfare and the role of companion animals in society; and
- (iii) the assessment of existing legislation affecting the welfare of companion animals, and the making of recommendations regarding amendments or additions thereto.

1.1.3 In furtherance of these objectives, the Council is charged to:

- (i) undertake independent and objective studies of companion animal welfare issues and identify where further information is required;
- (ii) prepare and publish reports thereon;
- (iii) make available information and research data that it has obtained, in order to enable Parliamentary legislation on companion animal welfare issues to be drafted on an informed basis;
- (iv) to be open to requests for objective views, advice and carrying out of independent studies on issues concerned with the welfare of companion animals.
- (v) Seek to contribute to public debate.

1.1.4 This is the fifth report that the Council has published. Further details about CAWC and its work may be found in Appendices 1 and 2 to this report.

1.2 The Background to the Report

1.2.1 Since the foundation in 1861 of ‘The Home for Lost and Starving Dogs’, which was to become the Battersea Dogs’ Home, the establishment of homes and centres dedicated to taking in, looking after and wherever possible, re-homing unwanted or otherwise displaced companion animals has become a central element of society’s response to the protection of animals in the United Kingdom.

1.2.2 It is self-evidently the case that there continues in existence an extensive network of such undertakings. Yet, it is impossible to say exactly how many are presently operating, since no central record is kept. Indeed, they are not subject to any formal mechanism of public accountability or regulation. Accordingly, it is not only the scale of the sector which is

unknown; so too is the standard of care and welfare that it is providing. Operators may be constrained by law in relation to matters such as planning, noise pollution and nuisance generally, but so far as the treatment of the animals in their care is concerned, they have no legal duty beyond that which applies generally to domestic and captive wild animals: namely to refrain from treating them cruelly.

- 1.2.3 This is something of an anomaly, as there are statutory schemes that regulate, for example, dog breeders, riding establishments, pet shops and boarding establishments for dogs and cats.
- 1.2.4 Furthermore, the absence of any formal regulation of those who take in and care for displaced animals has given rise to concern in some quarters about the treatment of some animals and their standard of welfare. In particular, it is alleged that some organisations and individuals, albeit from the best of intentions, accept responsibility for animals which they do not have the resources or knowledge to look after properly.
- 1.2.5 The European Convention on Pet Animals (1987, ETS 125) does provide for regulation of animal sanctuaries by the state, but successive UK Governments have declined to ratify the Convention.
- 1.2.6 An attempt to address the situation was made in 2001, when Ian Cawsey, MP, introduced into Parliament the Animals Sanctuaries (Licensing) Bill. The Bill received its First Reading on 18 July 2001, but, like so many Private Members' Bills, made no further progress. It did, however, focus attention on the issue, and when DEFRA subsequently launched its consultation on the desirability of a new Animal Welfare Bill, it expressly invited comments on the question of whether animal sanctuaries should be licensed (DEFRA Consultation Letter on an Animal Welfare Bill, 2 January 2002). Of the submissions it subsequently received, 124 respondents commented on this matter, the vast majority of whom (84%) supported the introduction of a licensing scheme (DEFRA, 'The Consultation on an Animal Welfare Bill. An Analysis of the Replies, August 2002). When the Department announced that it intended to proceed with drafting the Bill, the responsible Minister, Elliot Morley MP, specifically cited raising the age at which children can buy pets unaccompanied by an adult and the licensing of animal sanctuaries to be "two examples of useful steps, so that those responsible for animals are fully aware of what they are taking on" (DEFRA Press Release, 413/02 16 October 2002).
- 1.2.7 It is against this background that the present report has been drawn up and published.

1.3 The Purposes of the Report

- 1.3.1 This report has been produced in response to general concerns about perceived variations in the standards of welfare, at premises where displaced animals are taken in and cared for, which we refer to as 'companion animal welfare establishments'.
- 1.3.2 On the basis of evidence it has received, the Council has concluded that there is currently limited objective evidence of poor welfare in companion animal welfare establishments. The Council recognises, however, that there is a significant level of concern. The root of the problem is the absence of a generally accepted system for measuring and assessing the quality of care and standards of welfare in companion animal welfare establishments. This makes it extremely difficult to measure and compare the ability of any particular management system to deliver good welfare as an outcome.
- 1.3.3 The Council is therefore persuaded that there is an urgent need to develop flexible standards and procedures for companion animal welfare establishments based on animal needs. To this end, the report presents some general recommendations, but the Council believes that standards and procedures should be evolved within each establishment. This

should be achieved by applying a consistent form of assessment based on animal needs, using direct animal observation, with the assistance of professional staff who are trained to recognise those needs.

- 1.3.4 Accordingly, the primary purpose of the report is to produce, so far as possible, a set of generic recommendations based on principles of good animal welfare which every type of companion animal welfare establishment might reasonably be expected to implement.
- 1.3.5 The second purpose is to avoid prescriptive standards for companion animal welfare establishments. Rather, the Council has sought to identify principles whose application it considers will enable standards and procedures intended to ensure the welfare of individual animals to be set by the establishments themselves, in consultation with their professional advisors.
- 1.3.6 The third purpose is to identify a regulatory system that is capable of ensuring good animal welfare without, at the same time, being unduly onerous in respect of cost and administration.

1.4 Scope of the Report

- 1.4.1 The report focuses principally on what we refer to as ‘companion animal welfare establishments’, which encompasses establishments variously described as ‘sanctuaries’, ‘animal homes’, ‘re-homing centres’, ‘rescue centres’, ‘shelters’ and ‘rest homes’. We also consider the situation where individuals take in and look after displaced animals on a less formal basis.
- 1.4.2 Wherever possible, the report applies to all species kept as companion animals, including dogs, cats, horses and other equids, rabbits and other mammals kept as companion animals, birds, amphibians and reptiles. However, some paragraphs are more relevant to some species than to others.
- 1.4.3 The Council is aware that wild animals are frequently taken into companion animal welfare establishments, either as dependant juveniles or after injury or disease. While such animals are not companion animals, and do not formally fall within the Council’s jurisdiction, the report includes a section in which they are considered. Similarly, establishments may take in and care for farm animals and a range of non-domestic species. In the view of the Council, the conclusions and recommendations of the report are generally applicable to these non-companion species.

1.5 The Council’s Approach

- 1.5.1 Companion animal welfare establishments vary considerably in size and character. A small establishment, for example, may adopt a very different approach to the care of animals from that of a larger establishment. In writing the report, the Council made a conscious decision not to pre-judge the ability of different types of establishment properly to look after animals in their care.
- 1.5.2 It is all too easy to assume we know the resources that will provide the best welfare for animals in our care, but their needs vary greatly. All animals require food, water, shelter and exercise, the nature of which is generally known. However, most domestic animals also have distinct social and other behavioural needs. These may be general to the particular species. For example, animals that have been most recently domesticated, such as cats, may not be particularly sociable, but retain behavioural needs that are ancestral to the species, such as the opportunity to prowl or hunt. Generalisations may therefore be made based on the needs of the species. However, the Council is mindful that it will often

be crucial to have due regard to a displaced animal's previous experience, lifestyle and relationship with people and other animals, because these give rise to specific and individual requirements which must be taken into account if its welfare is to be safeguarded. Accordingly, in drawing up its recommendations, the Council has placed considerable emphasis on the importance of identifying and meeting the needs of individual animals. Because of these individual needs, the Council has approached the subject of standards in companion animal welfare establishments from the perspective of properly identifying animals' needs, rather than defining only the resources necessary to keep animals alive.

- 1.5.3 Concern about the standards of animal welfare in some companion animal welfare establishments has led to calls from some quarters for greater regulation. The Council is in sympathy with this view. It has concluded that some form of regulation is desirable, but that it must be proportionate and its purpose should be to promote and secure a high standard of animal welfare.

2. COMPANION ANIMAL WELFARE ESTABLISHMENTS

2.1 Companion Animal Welfare Establishments and Displaced Animals

- 2.1.1 The Council has chosen to use the term 'companion animal welfare establishments' to refer to the undertakings which are the subject of this report. In part this is because it is convenient to adopt a collective term in preference to the variety of names currently applied to such establishments. More particularly, however, we prefer 'companion animal welfare establishments' to terms such as 'sanctuary', 'animal home' or 'rescue centre' because we think it more accurately reflects their purpose and function.
- 2.1.2 Similarly, a number of different adjectives are used to describe animals taken in by the establishments we refer to collectively in this report as 'companion animal welfare establishments': stray, lost, abandoned, unwanted, problem, inappropriate, difficult, incompatible, to name but a few. The Council has concluded that it is useful to replace these with a single term, which encompasses them all, by describing the usual outcome: the animal is 'displaced from its usual place of keeping' and such animals are referred to as 'displaced animals'.
- 2.1.3 There are a variety of circumstances in which companion animals become separated from their owners or keepers and are thereby displaced from their usual place of keeping. Such displacement may be involuntary or accidental: a companion animal may be lost by its owner or keeper as a consequence, for example, of escaping, straying, or becoming disorientated in a strange place or following an accident. Such a situation will generally cause both the animal and keeper considerable distress, and the latter will usually take steps to trace and become reunited with their companion. In many cases, however, the situation is the direct consequence of the keeper's indifference and irresponsibility. In others, separation is voluntary and deliberate, such as when an owner formally transfers ownership of an animal over to a companion animal welfare establishment (generally referred to as 'signing the animal over') because they no longer want the responsibility for it, or are unable to continue to look after it. Such circumstances may also result in the animal being abandoned. Animals may also be held in companion animal welfare establishments after having been seized under the authority of statute, pending the outcome of enquiries and any ensuing legal proceedings.

- 2.1.4 Irrespective of why companion animals come to be displaced from their usual place of keeping, it is self-evident that at any given time a very substantial number of animals are affected. The existence of establishments, which are able to receive and care for them, is therefore regarded to be a public good and is a recognition that responsibility for displaced companion animals is not restricted to the owner or keeper, but extends to society at large.
- 2.1.5 Companion animal welfare establishments can therefore be seen to make an important contribution to the community. Clearly, their principal role is to protect the interests of those animals that come into their care, but this is not their only social function. In addition, they:
- assist in reuniting owners and keepers with their displaced animals;
 - provide an important source of animals for those seeking a new companion;
 - help protect public health and public safety by taking in animals, many of which would become feral and go on to breed indiscriminately;
 - prevent injury and disease;
 - reduce public nuisance caused by stray animals; and
 - promote responsible animal ownership by providing advice and education on such issues as neutering, responsible pet ownership and animal identification.
- 2.1.6 There is, however, no standard companion animal welfare establishment. They vary considerably, and take a number of forms. At one end of the spectrum are those which are essentially a one-person operation, funded from that person's own resources. At the other, there are establishments operated by well-known national animal welfare charities. Most establishments rely to a greater or lesser extent on the public for funding (and many are registered charities). Some establishments focus on certain types of animals, such as "dogs' homes", while others seek to cater for a wide range of species.
- 2.1.7 Regardless of their differences, the Council is firmly of the view that they all have one thing in common. No matter what the form, size or ethos of a companion animal welfare establishment, the Council believes that its overriding duty is to secure the highest possible standard of welfare for the animals in its care, and that public policy should reflect this. It takes priority over every other consideration: whether it is non-profit making, charitable, or operated for profit, is irrelevant, as are the motives of those responsible for its operation. It follows that however well motivated a person or organisation may be, and no matter how restricted their resources, neither a well placed intention to help animals nor a shortage of funds can ever justify an inadequate standard of welfare. The Council strongly refutes any suggestion that motivation can provide an excuse for compromising animal welfare.
- 2.1.8 Furthermore, in order to safeguard welfare, the Council has concluded that each and every companion animal welfare establishment (as defined elsewhere in this report) should be publicly accountable for the standard of care that it provides.

2.2. What Companion Animal Welfare Establishments Do

- 2.2.1 Irrespective of the nature of the particular companion animal welfare establishment, the Council has identified four common functions, at least three of which apply to every establishment.
- 2.2.2 First, a companion animal welfare establishment must always provide for the immediate needs of animals committed to its care. We consider that every establishment is under a duty to alleviate immediate animal suffering and to maintain a high standard of welfare in relation to every animal for which it accepts responsibility.

- 2.2.3 Second, a companion animal welfare establishment should provide for the long-term care of those animals that are not immediately reunited with their owner or keeper, or cannot be placed with a new keeper. This may be undertaken by the establishment itself or, alternatively, an animal may be transferred to a different establishment that is better able to look after it or find it a new home. In the case of some establishments, this function extends to the provision of lifetime care for animals.
- 2.2.4 An establishment may or may not be capable of providing for the lifetime needs of animals but any limitation in this respect should not prejudice the achievement of the first function identified above. Indeed, it is important to distinguish between the first and second functions in this regard. The responsibility inherent in the former entails preventing animal suffering, but it does not extend to providing lifetime care for all animals. For this reason, in the view of the Council, arranging euthanasia as a means of preventing further suffering may be a legitimate function of a companion animal welfare establishment. In our judgement, by accepting responsibility for displaced companion animals, an establishment should not have imposed upon it a responsibility to provide for the lifetime needs of any animal.
- 2.2.5 Third, a companion animal welfare establishment should seek to reunite involuntarily or accidentally displaced animals with their keepers. Indeed, some will regard this as the paramount social benefit provided by companion animal welfare establishments, since it mitigates the distress owners or keepers might suffer as a result of losing their companion animal. Animal welfare should, however, take precedence over this function. Accordingly, establishments should not have imposed upon them requirements to keep an animal for periods which either exceed its ability to provide for the animal's needs or which are prejudicial to the animal's welfare.
- 2.2.6 In particular, the Council is concerned that animals which are the subject of legal proceedings are too often kept in establishments for unacceptably long periods, which may compromise both their immediate welfare and their prospect of being successfully returned to a domestic environment. The Council recognises that the need to gather evidence, prepare a case, decide whether proceedings should be initiated, together with the importance of protecting the interests of the accused - including the opportunity to appeal - and the pressure on the criminal justice system, can all result in considerable delay between the alleged offence being identified and the resolution of proceedings. Nevertheless, the Council is concerned that the interests of the animal(s) involved are not formally recognised by the criminal justice system. The Council recommends that consideration should be given to an accelerated procedure in cases involving a companion animal which has been seized and which has not been signed over by the owner, consistent with the requirements of justice. Alternatively, consideration should be given to providing the courts with the power to make an order for the disposal of such animals before the completion of proceedings, as is already the case in England and Wales in relation to animals kept for a commercial purpose by virtue of the Protection of Animals (Amendment) Act 2000.
- 2.2.7 Fourth, a companion animal welfare establishment may attempt to find a new place of permanent keeping for a displaced animal. This is usually described as "re-homing" and that term is used here, although it may not be entirely appropriate in respect of equines and some other species. Re-homing should be governed by a relevant policy (See section 8.4). However, notwithstanding the importance of re-homing, the Council wishes to reiterate its view that the duty to prevent animal suffering should take precedence. In the interests of its welfare, any animal not re-homed within such period that the establishment

is able to provide adequately for its needs may require to be transferred elsewhere, or possibly euthanased.

2.3 The Characteristics of a Companion Animal Welfare Establishment

- 2.3.1 We discuss a formal definition of a companion animal welfare establishment below in section 9.3. However, based on the foregoing discussion of functions, we regard a companion animal welfare establishment to be a place which:
- receives companion animals which for whatever reason have become displaced from their usual place of keeping;
 - provides for their immediate needs; and
 - carries out one or more of the following in relation to such animals:
 - (i) the provision of longer-term or lifetime care;
 - (ii) re-homing;
 - (iii) arranging euthanasia of those animals whose needs cannot otherwise be adequately met.
- 2.3.2 A companion animal welfare establishment may be owned and managed by a public or private organisation or by an individual person. It may be a commercial, non-profit, or charitable organisation.
- 2.3.3 Veterinary hospitals and surgeries, including those operated by the PDSA, Blue Cross and RSPCA, are not to be regarded as companion animal welfare establishments.
- 2.3.4 The Council is aware that confusion may arise as to whether a person who assumes responsibility for displaced animals in their own home, keeping them as their own companions, is operating a relevant establishment. We are conscious that citizens have the freedom generally to enjoy as they see fit the company of companion animals on their own property, provided that they do not cause a statutory nuisance, and that some people exercise this freedom by choosing to keep a large number of animals, some of which may have been displaced animals when they were taken in. Our approach has been to make a distinction between this situation – the person who may from time to time, but infrequently, provide a home for a displaced animal – which we do not consider constitutes a companion animal welfare establishment, and a person who holds themselves out to receive displaced animals. We regard the latter as prima facie evidence of a relevant establishment. Nevertheless, the Council recognises that in practice, there will be circumstances in which it will be difficult to make this distinction. Our recommendations as to how this issue might be satisfactorily resolved, together with other matters concerned with the regulation of companion animal welfare establishments are discussed further below in section C.

3. THE CARE OF DISPLACED ANIMALS

3.1 The Appropriate Immediate Response to a Displaced Animal

- 3.1.1 Companion animal welfare establishments are a central focus of the community's response to public concern for displaced companion animals.

- 3.1.2 In many cases, a member of the public who comes across an animal which appears to be abandoned, injured, lost, or otherwise displaced, is unsure how to respond, and may seek help and advice.
- 3.1.3 In such a situation, they should have available to them clear and accurate information about what action they should take, and whom they should contact. This information should be available through local services such as the local authority dog warden service; the police; animal welfare organisations, such as the RSPCA, the Scottish SPCA, USPCA, Blue Cross, Dogs Trust (formerly the National Canine Defence League), Battersea Dogs Home; veterinary surgeons; pet shops; companion animal welfare establishments in the local area; and other appropriate public information services.
- 3.1.4 All those who are likely to be contacted by concerned members of the public should be given specific training in the appropriate information to provide. This is particularly important, for example, in respect of cats, which may enjoy freedom to roam and appear to be lost, even though they are familiar with the area. Also, the responsibilities of local authority dog wardens in respect of displaced dogs should be made known (see section D).
- 3.1.5 Once it is established that an animal is, or may be, displaced, the first priority must be to provide for its immediate needs. Any person, organisation or other body involved in whatever capacity in capturing, or otherwise taking control of, such an animal is thereby accepting responsibility for securing those needs. If they cannot themselves make the appropriate provision, they should make every effort to contact someone who can. In the case of dogs, this will be the local authority dog warden or, if they are not available, the police. In respect of other species, a companion animal welfare establishment or other animal welfare charity will generally be the most appropriate body to contact.
- 3.1.6 Except in the case of an animal voluntarily given over to it, a companion animal welfare establishment should, upon receipt of a displaced animal, take reasonable steps to reunite it with its owner or keeper. In the case of dogs, the local authority dog warden is responsible for establishing ownership, where this is possible, but there is no such provision in respect of other species. Reasonable steps will include examining it to establish whether it has any form of identification, including scanning for a microchip, and liaising with relevant authorities, such as the police, veterinary surgeons and the local dog warden service. Where an establishment does not possess its own microchip scanner, it should make arrangements to gain access to one as and when necessary. It may be possible to do this through the co-operation of the dog warden or local veterinary practice. If the condition of the animal is so poor that it would appear to have been involved in baiting or fighting, abused, badly neglected, or abandoned, the police, the RSPCA, USPCA or the Scottish SPCA should be alerted.
- 3.1.7 When an animal is taken into care by a companion animal establishment, its immediate needs should be assessed. Generally, a period of 10-14 days is considered necessary to determine those needs, (the preliminary period) but this may vary depending on the animal's individual needs. Immediate needs will necessarily require an evaluation of the animal's health and its behavioural response to being cared for within the companion animal welfare establishment. These requirements are discussed below in sections 6.2, 7.1 and 8.2 as part of the establishment's veterinary health plan and animal welfare policy. Subsequently, the establishment has a responsibility to provide for the long-term needs of the animal (sections 3.2 and 3.4)

3.2 The Meaning of Long Term Care

- 3.2.1 In paragraph 3.1.7 we drew a distinction between providing immediate care for displaced animals, which all establishments should do, and providing long-term or lifetime care. ‘Long-term care’ is defined as the provision of the animal’s needs for any period exceeding the preliminary period, including the necessity, because the animal’s previous experience is often unknown, for an extended period to assess its health status, environmental needs and behaviour.
- 3.2.2 Many of the existing terms presently used to describe what we have called a companion animal welfare establishment, such as ‘sanctuary’, and ‘home’ may imply a commitment to lifetime care. In the Council’s view, the period for which any animal is kept should not be prescribed by an establishment, except where this is dictated by a law. (Our views on animals kept subject to legal proceedings were expressed in paragraph 2.2.6). Rather, it should be a matter of judgement the exercise of which will reflect the individual animal’s needs relative to its biology, together with consideration of its particular characteristics such as age, experience, temperament, health and behaviour. For example, an aged animal, which has enjoyed a lifetime bond with one owner, might not enjoy a reasonable quality of life in an establishment that did not offer a similar individual bond.
- 3.2.3 Because the needs of each individual animal are different, the Council is of the view that, except where an animal has to be kept while legal proceedings take their course, or in order to meet the legitimate interests of its identifiable owner, there should be no imposition of minimum periods of care in any particular establishment, either through external regulation or internal establishment policy.
- 3.2.4 When an animal has to be kept for extended periods by law, meeting longer-term needs might include re-housing the animal in a more suitable place.

3.3 Euthanasia

- 3.3.1 There are those who believe that an apparently ‘healthy’ animal should never be euthanased, and if such a displaced animal cannot otherwise be re-homed, it should be allowed to live out its natural life in the care of a companion animal welfare establishment. The Council respects this view, and fully accepts that there are circumstances in which particular animals can enjoy a high standard of welfare and a good quality of life at an establishment over a long period. However, the Council is firmly of the view that animal welfare is more than the sum of physical health and freedom from disease. Other factors, particularly the animal’s behavioural needs, which include the expression of social behaviour, have a profound effect on its welfare. The environment provided in an establishment may be entirely capable of maintaining life and health but unable adequately to meet its other needs, especially those relating to behaviour. Indeed, the ability of an establishment to provide long-term care is much more likely to be constrained by behavioural welfare concerns than by issues of physical health.
- 3.3.2 It follows that, even though an establishment has the resources necessary to maintain an animal’s physical health, there may nevertheless be a limit on its ability to provide adequate long-term care for it when behavioural and psychological welfare is taken into account. It may be possible to resolve this problem by moving the animal to a different establishment which is better equipped to meet its long term needs. The Council recognises, however, that there may be circumstances in which it is in the best interests of an animal to be euthanased, even though it may be considered ‘healthy’ in the physical sense.

3.4 The Provision of Long Term Care

- 3.4.1 Implicit in defining companion animal welfare establishments by reference to function is an acceptance that all establishments should take reasonable steps to provide for the long-term care of any animal for which they accept responsibility. Where an establishment has itself limited facilities to cater for the long-term needs of an animal, this may be achieved by finding a suitable new keeper; contacting other establishments with more suitable facilities for long-term care; or arranging euthanasia. Reaching the most appropriate decision depends, however, on effective decision-making protocols being in place.
- 3.4.2 Indeed, our view is that the quality of decision-making within an establishment will always have a major impact on the standard of welfare, and this is particularly so when considering issues of long-term care.
- 3.4.3 Good decisions need accurate information, and all companion animal welfare establishments, regardless of size, should have procedures for the individual evaluation of welfare of each and every animal in its care. We discuss animal welfare assessment further in section B, but it is important to emphasise that assessing the state of the animal's welfare by direct observation of its behaviour is crucial in making these judgements. Decisions about an animal's future – whether this involves ongoing care, moving the animal to a more suitable facility, seeking a new keeper, or arranging euthanasia – should always be based on such an assessment.
- 3.4.4 Rather than imposing on establishments a particular policy in relation to long term care and euthanasia, the Council believes it would be more desirable for each companion animal welfare establishment to determine its own policy in relation to these issues, but be required publicly to state its policy in order that members of the public may make an informed decision in choosing whether to support an establishment by donation or other means.
- 3.4.5 Where experience shows that an establishment's facilities are not generally suitable for lifetime care of some animals, and where the establishment's operators do not aim to keep animals indefinitely, the policy should state the provisions that will be implemented when an assessment shows that an animal is not coping adequately with its environment. Conversely, when an establishment's policy is expressly to provide long-term care, it should be able to show that animal needs can be properly met to support its policy.
- 3.4.6 From the foregoing, it is evident that expressing a policy based on function is in our view much more important than adopting particular terms or definitions, which in practice may be both mechanical and arbitrary.
- 3.4.7 Some establishments which aim to provide long-term care will accept animals from those that do not. Similarly, some establishments will take from others animals that the latter are having difficulty in re-homing. The Council recommends that the policy of companion animal welfare establishments in this matter should be made known, in order to facilitate the exchange of animals, where this is in their best interests. This paragraph applies particularly to equines, exotic or non-domesticated animals kept as companions, and other animals requiring special care for which an establishment has limited facilities or expertise.
- 3.4.8 The policy should be made available to all those involved in placing displaced animals, such as local authorities, the police, other companion animal welfare establishments, and relevant public bodies and organisations including DEFRA. Similarly, each of these bodies should themselves have a clear and publicly-stated policy, detailing the establishments to which they hand over displaced animals that come into their custody.

- 3.4.9 Where local authorities or the police have a contractual relationship with a companion animal welfare establishment, the contract should clearly specify the capacity of the establishment and its relevant policies.
- 3.4.10 As a general principle, only in a case of extreme emergency, and as a temporary measure justified exclusively on the ground of animal welfare should a companion animal welfare accept more animals than its facilities are designed for. For this reason, ‘open contracts’ are undesirable, and the Council believes should be avoided.

4. WILD ANIMALS

- 4.1 Wild animals are taken into captivity for a variety of reasons: they may be injured or diseased; abandoned when immature; or captured as part of an elective program of control or relocation.
- 4.2 Companion animal welfare establishments may be asked to receive wild animals and indeed, some establishments make it widely known that they are willing to take them in, care for them and in some cases rehabilitate them back to the wild. (The British Wildlife Rehabilitation Council publishes standards for rehabilitation and it should be noted that there are laws that prohibit the release of certain species into the wild). Because the term is so widely used, we refer to establishments that predominantly take in wild species as ‘wild animal sanctuaries’.
- 4.3 Strictly, the welfare of wild species falls outside the Council’s jurisdiction. However, we believe that it is appropriate for us to comment briefly in the present context, as wild animals taken into care are not only effectively displaced from their usual environment, but are also often taken in by establishments which are the subject of this report.
- 4.4 The Council believes that wild animals suffer fear and distress when they are displaced from their usual environment and kept either in wild animal sanctuaries or companion animal welfare establishments, unless specific provisions are made for their care and welfare.
- 4.5 We are opposed to the practice of putting wild animals which have no previous experience of domestication into wild animal sanctuaries or companion animal establishments unless:
- immediate relief of pain and fear is possible;
 - an assessment is undertaken to determine the risks likely to cause the animal further fear, pain and distress;
 - a series of controls are put in place to avoid the risks identified, to the satisfaction of a suitable qualified person, for example a veterinary surgeon or other person with extensive experience of wild animal behaviour.
- In the event that the risks cannot be controlled, and the animal is unfit to return to its usual environment, we believe that there is a strong case for considering whether euthanasia is the preferable option.
- 4.6 Where the animal is returned to its usual environment, full account should be taken of the criteria necessary for successful rehabilitation. Only where there are overwhelming reasons why the animal cannot be so returned to its usual environment, and there is no suitable alternative environment which allows full expression of its normal behaviour, and to which it can reasonably be expected to adapt, should keeping the animal be kept in long-term captivity be considered.
- 4.7 The Council believes there are very few companion animal welfare establishments or wild animal sanctuaries that have the facilities to allow wild animals to adapt successfully to

long term care and which also allow full expression of normal behaviour, and consequently, we consider that it will generally be in the best interests of injured and abandoned wild animals to be euthanased.

SECTION B

Animal Welfare and Animal Needs

5. INTRODUCTION (Animal Welfare)

5.1 Companion animals are often highly sociable and express complex behaviour, which is why people enjoy their company and keep them as companions. Those species commonly kept which do not require highly specialised environments, are adaptable, and are kept in places as diverse as city flats and rural cottages, reflecting the diversity of environments of their keepers. However, individual animals of a particular species have needs common to the species, such as freely available potable water, as well as specific individual needs that reflect learning and experience. Common needs of species, whether physical, as in the example given of water, or behavioural, such as the need to exercise or interact with others of their own species are often well known and relatively easily provided. However individual needs are sometimes difficult to determine. For example, an individual may share the common need of its species for water but may also need to drink more frequently, through age or disease. Social behaviour will reflect experience: an animal with bad experiences of certain other animals may become frightened if kept in proximity to them. An animal kept in an environment with others of its own species may become distressed if subsequently kept in isolation. The term animal welfare tries to capture these sentiments but is commonly used to describe a number of ethical concerns. Three of these have been defined (Fraser, D., Weary, D.M., Pajor, EA. & Milligan, B.N. (1997) A scientific conception of animal welfare that reflects ethical concerns. *Animal Welfare* 6, 187-205.

- (1) That animals should lead natural lives through the development and use of their natural adaptations and capabilities;
- (2) that animals should feel well by being free from prolonged and intense fear, pain and other negative states and by experiencing normal pleasures and;
- (3) that animals should function well, in the sense of satisfactory health, growth and normal functioning of physiological and behavioural systems.

These three concerns are interdependent. An animal's natural adaptations and capabilities underlie all aspects of its biology and form the basis of physical and psychological responses to changes in its welfare.

5.2 When discussing and assessing animal welfare, it is important to be clear which framework is being referred to and why. Concern (2), the quality of subjective feelings is a central issue and one that most closely addresses the concerns in the foregoing discussion. However, feelings cannot be measured and their existence cannot be proved, so that inferences about them are all that can be made, based on biological characteristics that we observe directly.

5.3 Concern (3) equates to health, which is an integral component of welfare. Animals in poor health have often suffered from compromised welfare. If animals do not have satisfactory growth or 'normal functioning of physiological or behavioural systems' their health is clearly not optimal. The term welfare is not necessary to encompass concern (3) because the terms 'health' and 'disease' suffice. Suboptimal health may cause poor welfare but not always and although some diseases cause pain, discomfort and other unpleasant feelings, not all do.

- 5.4 Concern (1) may be more aesthetic than a welfare concern. If the animal feels well (2) and is healthy (3) then any judgement about ‘natural’ in respect of its lifestyle and environment might reflect the expectations and feelings of the human observer, rather than having any relevance to the feelings, and thus welfare, of the animal. This concern fails, in some respects, to acknowledge the adaptability of many companion animals. This is particularly true when companion animal welfare establishment resources are designed from assumptions made by their operators and it is important to recognise the importance of individual behaviours. In some domestic species, which have a long history of domestication and where there has been extensive control of reproduction, such as the dog, the behaviour of an individual will reflect the breed characteristics, which may be far removed from the ethology of the ancestral species, the Wolf. Conversely, in a recently domesticated species such as the cat, behaviour will more closely approximate that of the ‘natural’ species, the African Wild Cat.
- 5.5 We accept as the central concern of animal welfare that animals should feel well (concern 2). How an animal feels is affected to a considerable degree by experience, and experience and health are more directly relevant to the immediate assessment of an individual’s welfare in any particular environment. For example, a particular companion animal welfare establishment will (usually) be an unfamiliar environment to a newly received animal. However, if the animal is in good health and thus able to function normally, it will use its experience to evaluate its environment and then respond. It follows that the immediate needs of animals received into companion animal welfare establishments relate to health and an evaluation of the animal’s response to its environment, whereas in the longer-term, knowledge of the biology and behavioural motivations of each species is important in providing them with the type of environment(s) to which they are best able to adapt. Putting this statement into the context of a companion animal welfare establishment, when animals arrive, assumptions about their previous experience cannot be relied upon and judgement of their immediate needs requires an assessment of the individual in the establishment. Its health and response to the new environment are important. However, in providing for longer-term care, more general knowledge of the needs of the breed or species is important in making decisions about the environment to which an animal might be expected to accept or adapt to. The knowledge gained from the initial observations is, however, of great importance in determining how the animal is managed as an individual in the environment deemed suitable for its longer-term care. The Council accepts that some standardisation is inevitable in the provision of resources deemed suitable, but animals are not standardised and individual needs should be taken account of.

6. THE NEEDS OF COMPANION ANIMALS.

6.1 Definition of Animal Needs

- 6.1.1 What do animals need to ensure their good welfare? They have a variety of physical needs, for example supplies of water and suitable food and an appropriate thermal environment.
- 6.1.2 There is evidence that there is a need to perform certain behaviours, even when the behaviour is irrelevant in the captive or domesticated environment. Carnivorous mammals such as cats, which are closer ethologically to the African Wild Cat, may have a behavioural need to travel and show hunting related activity, which became ‘wired’ into

them because these behaviours gave an evolutionary advantage in knowing their territory and where and how they could catch prey. Animals may need to perform such behaviour even when in an environment in which no benefit is derived from it and animals may suffer if they are not allowed to perform the behaviour. Horses have a strong motivation to invest significant periods of time in foraging even though their nutrition needs can be met in a stabled environment. Horses deprived of activity may develop stable vices or stereotypes.

- 6.1.3 Many animals, particularly those kept as companion animals have social needs. It is unsurprising that most animals, which form companion bonds with man have well developed social behaviour when in an environment shared with their own species. Social needs are a sub-set of behavioural needs but ones with particular relevance to companion animals. However, an understanding of species-specific behaviour is again imperative: close contact with other (unknown) cats is a common cause of distress in cats within companion animal welfare establishments.
- 6.1.4 To keep animals to high standards of welfare, it is necessary to have detailed knowledge of their physical and behavioural needs and this should be fully brought to bear in their husbandry. Whilst there have been many advances in knowledge of the physical and behavioural needs of the commonly kept companion animals, caution is needed and it cannot be assumed that this information is complete. Even for the commonly kept species, it is likely that there are improvements to be made. It should be a duty for all establishments to maintain and update knowledge concerning the needs of animals in their care.

6.2 Meeting Immediate Needs

- 6.2.1 Most animals received by companion animal welfare establishments will be displaced from a familiar environment and routine. Some will have been displaced for some time and will have adapted in varying degrees to a feral existence.
- 6.2.2 On entering a companion animal welfare establishment, animals will usually be distressed and frightened by the change of environment and routine. Providing for their immediate needs in these circumstances is a challenge for establishments and their success in this area may have a profound impact on the future well-being of animals brought into their care. Sedation or measures to reduce anxiety may be desirable on veterinary advice and the veterinary health plan (section 7.1) should include advice on anxiety and fear management.
- 6.2.3 As noted in the introduction to this section, the effect of an individual animal's past experience on its present welfare state will need to be taken into account. Individuals will vary considerably in their previous experiences and this could have a profound effect on how they cope with life in a companion animal welfare establishment. For example, the experience of an animal poorly socialised with people will be very different from one that has had extensive socialisation and which is thus better able to cope with routine handling. Similar considerations apply to the animal's experience with other animals of the same or different species. Although the experiences of the animal may be unknown, its reaction to events within the establishment will provide useful insight.
- 6.2.4 Animals' individual temperaments will also determine how they behave in response to stress or events. Establishments should be able to evaluate temperament both to ensure that the animal's needs are met and to ensure that any decision regarding its longer-term care is properly informed.

- 6.2.5 The Council considers that the impact of the establishment on each animal received will reflect the individuality of that animal. Although some generalisations related to the nature and biology of the species can be made, the effect of being put into the establishment needs to be assessed on each animal and each animal, being an individual, must act as its own control in any assessment of its welfare state. Thus, any measures of the animal's responses need to be compared over time: on arrival and at later set times to allow values to be compared. This would indicate whether the animal's welfare had changed during this period. Any change would be directly related to life in the establishment.
- 6.2.6 The rate at which an animal adapts (or fails to adapt) to the establishment will be a product of its own nature, temperament and experience and of certain characteristics of the establishment, such as the provision of resources that enable normal coping responses or the predictability of the management routine. For example, some animals may need to be able to hide or express other coping behaviours characteristic of the species.
- 6.2.7 The repeated assessment of a range of different animals will give a measure of the degree to which the establishment enables animals to adapt and its effectiveness in carrying out this function.

6.3 The Practicalities of Standards and Their Application

- 6.3.1 To ensure that welfare needs are met, standards may be developed and one approach is to recognise the value of the 'Five Freedoms', a well-known and widely used guide to welfare needs:
- Freedom from hunger and thirst
 - Freedom from fear and distress
 - Freedom from injury and disease
 - Freedom to express most normal behaviour
 - Freedom from discomfort
- The principle that these enshrine is: if an animal's needs are met, its welfare will be ensured as far as can be achieved.
- 6.3.2 A common criticism of standards is that they concentrate only on the physical environment. For example, a standard may define the size of enclosure for an animal, its surface finish, temperature and lighting level, but will not necessarily include any observation of the animal's behaviour in the enclosure. The correct physical environment is important but does not guarantee good welfare.
- 6.3.3 Although the most reliable welfare assessment protocols involve a combination of behavioural and physiological measures, the latter have a limited application in companion animal welfare establishments. In practical terms, behavioural measures are more easily obtained as they are less invasive and do not require habituation to the sampling procedure. There are also established scales for the behavioural assessment of dogs and cats. However, overall confidence in using behavioural measures increases when academic studies show that physiological measures correlate with behavioural measures.

6.4 Assessment of Welfare

- 6.4.1 As there is no possibility of direct access to animal feelings it is impossible to know for certain how they feel. Inferences are all that can be made based on knowledge of the organisation and function of the animal's nervous system, its biological state, both

- physical and behavioural, its experiences and cautious extrapolation of our experiences of pleasant and unpleasant feelings (rational anthropomorphism).
- 6.4.2 Under research conditions, attempts to measure welfare state typically involve triangulation, the assessment of three or more indices to reach overall judgement:
- Behaviour (signs of pain, fear and distress and positive signs)
 - Physiological state (e.g. hormone levels associated with the behaviour.)
 - Health state (presence or absence of the signs of disease or injury likely to cause pain or distress.)
- 6.4.3 Under field conditions, approaches to welfare assessment can be direct, using animal based indices and indirect, using resource based indices. Resource based indices are characteristics of the environment (e.g. food and water availability, appropriate thermal environment, suitable bedding etc.) and animal based indices are characteristics of the animals themselves (e.g. shivering, particular posture, lameness, vocalisation, withdrawal). Resource based indices are easy to check, easily measurable and quantifiable. Animal based indices may involve subjective judgements but this is acceptable if those making the judgements are trained and able to produce consistent observations. Both resource and animal based indices should aim to produce an outcome, which will be derived from the Five Freedoms.

Table 1
Examples of outcomes, animal based indices and resource indices

Animal based indices	Resource based indices	Outcome
1. Animals in good body condition (condition score applied)	Supplies of food and water available (Prepared under hygienic conditions.)	Well fed and hydrated animal in optimum condition
2. Incidence of (specified) disease or injury within agreed limits.	Comprehensive veterinary care	Healthy animal free from avoidable disease or injury.
3. Response to handler assessed	Design of enclosure allows interaction. Knowledgeable handler	Normal social interaction free from fear

From the table, it will be noted that the animal based indices are the indicators of the animal's health and welfare whilst the resource based indicators are necessary to achieve the desired outcome. However, providing the resources does not guarantee the outcome (for example an animal supplied with adequate food might not eat or may have a parasite burden). Consequently, the animal based indices are necessary to ensure that resource provision delivers the desired outcome. This removes the criticism that any assessment system is an act of faith alone.

6.5 Resource and Animal Based Indices

- 6.5.1 Most of the larger charities which operate companion animal welfare establishments hold standards of operation. For the most part, these cover physical resource requirements,

although some standards acknowledge the need for environmental enrichment and expression of behaviour. However, such standards as exist are generally aimed at those establishments which re-home animals, and are, for the most part, derivatives of standards which have been held and used for many years. These standards do not generally address the issue of long-term care. The Association of Cats and Dogs Homes (based at the Battersea Dogs Home) makes available a document intended to help those wishing to start or operate a companion animal welfare establishment; copies are publicly available. The Council's view is that standards for companion animal welfare establishments need to be reviewed.

- 6.5.2 Animal based indices have been developed for a number of species. However, to date, there is no universal welfare assessment system that uses animal-based as well as resource-based indices that is generally accepted or in use for companion animals. This is a significant deficiency.

6.6 An Assessment System

- 6.6.1 As has been noted in the foregoing paragraphs, most assessment systems in companion animal applications use physical resource based standards. There has been little development of animal-based indices for use in companion animals outside the laboratory sector. Because resource-based indices are easy to measure and quantify, they are usually the basis of statutory and self-assessment protocols. However, the effectiveness of resource-based standards in delivering good welfare has not been determined.
- 6.6.2 A reliance on resources as the measure of good welfare can produce conflicting views. An observation from the evidence was that some individuals thought that large establishments with a high investment in resources did not necessarily produce better welfare than smaller establishments, which used fewer resources. However, some operators of large establishments were critical of smaller 'sanctuaries' that did not provide, in their view, adequate resources. Some parties were critical of the 'institutional' nature of larger establishments which, in their view, did not provide for the behavioural needs of the animals in care whereas larger establishments would be quick to defend their environmental enrichment and interactive programmes, designed to meet some of the animals' behavioural needs.
- 6.6.3 Any regulation of companion animal welfare establishments would necessarily require a fair and proportionate assessment system and a credible set of standards. To be effective in promoting good animal welfare, the standards would need to take account of the outcomes intended to result from their application. Furthermore, a standard would need to be sufficiently flexible to allow interpretation because of the great diversity of establishments already referred to. A significant difficulty facing any move towards regulation is the absence of any measure of the welfare outcomes delivered by particular resources and practices. We simply do not know whether animal welfare is better provided for by any particular set of resources, practices or standards and thus we cannot resolve the issues raised in 6.6.2.
- 6.6.4 The Council considers that before a regulatory structure could be established, a set of flexible standards would need to be agreed, based in the first instance on *informed consensus*. One method of evolving such standards is to draw up a list of specialists (including companion animal welfare establishment operators) in the field of animal care, for the species under consideration, and seek their opinion. The experts would be consulted to determine, in the light of present knowledge, the major welfare concerns relevant to the particular species in a particular environment or husbandry system and

what outcomes are necessary to assure good welfare. As discussed, outcomes, essentially derived from the Five Freedoms, include amongst other things acceptable measures of health, including minimum incidence of disease; behavioural measures including absence of abnormal behaviour such as stereotypy and evidence of expected behaviour and social interaction appropriate to the species. This would provide the starting point for a common standard. Once the principal welfare concerns were agreed, and the beneficial welfare outcomes defined, flexible standards for the delivery of the desired outcomes would be set for each area of concern. The list of standards would be circulated to a wider group to determine their relevance and practicality of application.

- 6.6.5 The Council is aware that standards may need to be assessed and that they should be clear and unambiguous. In using the term ‘flexible’, we mean that the outcomes of standards should be universal, but that the means of achieving the outcomes may vary between establishments. In developing a set of standards, we would prefer this approach to be adopted. For example, the standards should require that animals exercise sufficiently to satisfy their physical and behavioural needs. How establishments satisfy this requirement will vary. On the one hand, a rurally-based companion animal welfare establishment might allow dogs to run free on secure open meadow-land, whereas, on the other hand, an urban-based establishment might use dog-walkers to meet the requirement. In both cases, the requirements of the standards ought to be met, but it is worth noting that direct animal assessment, used to confirm the desired outcome, would, following this example, need to show that the dogs were physically fit and free from abnormal behaviour that might be expected to result from inadequate exercise. Furthermore, the direct assessment of animals would help to determine the suitability of either system for long-term care. In defining what we mean by flexibility, we hold the view that companion animal welfare establishments should take responsibility for delivering beneficial animal welfare outcomes. For this reason, we recommend in section 6.6 that each establishment should use the agreed consensus standard for each species in its care, and in consultation with its professional advisors, agree how the requirements of the standard should be met within that particular establishment. The Council believes that it would *be particularly helpful to have codes of practice to guide the development of standards within an establishment.*
- 6.6.6 Once a consensus standard was agreed for each species, in the longer-term, it would be desirable to commission specific research: to develop animal based indices and use these to test the welfare outcomes of companion animal welfare establishments using the consensus standards. The Council is clear that standards alone cannot guarantee good welfare and that direct observation of animals is the only way to ensure that a standard delivers the outcomes and thus good welfare. As a further example, a standard could require the inclusion of enrichment in a cat enclosure; only observation would indicate that the cat used the resources provided. Similarly, a standard might require that dogs spend a minimum period of time each day in play and social activity with handlers. Only observation would indicate whether the dog was showing normal interactive behaviour. Acceptable ranges would need to be set for animal based indices, which test the outcomes of the standards.
- 6.6.7 The standard, as used in any establishment, would need to be regularly reviewed and updated on the basis of the assessment of outcomes. The absence of research should not prejudice the setting of standards based on consensus consultation in the first instance.
- 6.6.8 In summary, what should be clear is that standards would need to be sufficiently flexible to allow them to be adapted to each individual establishment. However, the outcomes, which determine the animal's welfare state would not change. Standards should not be overly prescriptive, so that each establishment would retain the flexibility to meet the

- outcome requirements in ways appropriate to its size and function. However, all establishments should have a duty of care to assess the effectiveness of their standards, in delivering the desired common outcomes, by direct assessment of animals in their care.
- 6.6.9 Notwithstanding the above discussion and the need for research to refine animal based indices, many observations are common sense and with experience, most animal carers can make meaningful assessments provided they understand the outcome desired. For example, the standard might require the “provision of wholesome food of appropriate type and in quantities and at intervals appropriate to the animal's needs”. The operator would need to ensure that the animal was eating, exhibiting normal feeding behaviour and showing normal body condition.
- 6.6.10 Some resource-based standards should be held in common for all establishments (such as the example of food given above). As stated, the operator’s obligation is to assess the animals in his or her care to ensure that the desired outcomes are achieved. Some resources will not be held in common. For example, an establishment aiming to offer lifetime care may need additional resources, such as those relating to environmental enrichment, whereas it may be acceptable for one aiming to re-home animals within a few weeks to be equipped differently. It should be the responsibility of the establishment in consultation with its professional advisors to apply those standards appropriate to its stated functions, meet the requirements of the standards and to evaluate their effectiveness in delivering the desired outcomes.
- 6.6.11 The discussion on animal welfare has focused on the physical and psychological needs of individual animals. Any discussion of animals as individuals must take account of temperament. Temperament describes the outward manifestation of the ‘personality’ of the animal. Animals may suffer significant stress when introduced to a companion animal establishment and this may affect their behaviour according to their temperament. Previous experience may be significant and dogs may show evidence of stress during the first few weeks after entering an establishment. For some, the stress may be significant for up to 8 weeks. Even after previous experience of establishments, dogs may show significant stress when introduced to a new establishment. Preliminary studies show that cats also become stressed when introduced to establishments.
- 6.6.12 Temperament assessment is important in providing for the immediate needs of animals brought into establishments, because the way that an animal reacts to stress and the way that this is expressed as behaviour will have a direct impact on its welfare in the establishment. For example, an anxious animal may need to hide in order to cope; a gregarious animal may soon become bored if deprived of attention. Furthermore, an understanding of temperament is important in evaluating the longer-term behavioural needs and thus welfare of an individual animal. Any assessment system should incorporate evaluation of temperament as well as measures of physical and mental health. Temperament assessment is important in evaluating the suitability of animals for re-homing. For example, a gregarious animal would not adapt well to a home where it would be left alone for long periods. Temperament evaluation of dogs was reviewed in “Assessing Dog Temperament” (UFAW 1998).

7. HEALTH AND DISEASE

7.1 Veterinary Health Plans

- 7.1.1 Good health is desirable and contributes to good welfare if the disease or injury which is to be prevented or treated is thought to cause pain or distress.
- 7.1.2 The health of animals in a companion animal welfare establishment requires a policy to limit the importation and spread of disease, to avoid injury and to treat individual cases of illness or injury. Isolation or segregation of incoming animals, parasite control, vaccination and barrier medicine need to be considered along with an effective system for ensuring ill or injured animals are seen promptly by a veterinary surgeon.
- 7.1.3 The day-to-day management of ill or injured animals which are insufficiently affected to require hospitalisation may require specific skills on the part of the manager or other staff member employed in the establishment. The designation of an animal welfare officer to ensure that animals are properly cared for is recommended. The Council is mindful that some establishments are essentially one-person operations and as such, we do not intend to suggest onerous requirements. There is no reason why an owner-operator could not be designated as the person responsible for animal welfare. However, the Council also feels strongly that any person designated as being responsible for animal welfare has a duty to ensure that he or she is adequately informed, experienced or trained to enable them to carry out their responsibilities properly.
- 7.1.4 Access to resources, such as isolation areas, treatment rooms and recovery or convalescence areas may be required. These may be provided by arrangement with a veterinary surgeon or on the establishment's own premises.

7.2 Nominated Veterinary Surgeon – designation and duties.

- 7.2.1 Named veterinary surgeons are appointed to oversee the health and welfare of animals used in research establishments. The use of a similar designation (nominated veterinary surgeon) is proposed for a veterinary surgeon nominated to oversee health and welfare in companion animal establishments. Where an organisation employs a veterinary surgeon with responsibility for the standards of operation of a companion animal welfare establishment, it should be acceptable for that person to be designated as the nominated veterinary surgeon. The Council is also aware that there are occasions when a veterinary surgeon might not be the most appropriate person to act as a nominated advisor, for example when the animals received are unusual exotic species.
- 7.2.2 The first duty of the nominated veterinary surgeon should be to develop a veterinary health plan for the establishment. The plan should be based on a risk assessment taking account of: the establishment's size; the species kept; throughput of animals; care policy; and function. The plan should take account of the issues listed in 7.1.2. In addition, the nominated veterinary surgeon should make a number of scheduled monitoring and advisory visits to the establishment. For some (smaller) establishments, it may be reasonable to carry out monitoring at the time of a call out or routine visit. Regulation could require mandatory visits by the nominated veterinary surgeon; this is discussed below in Section C.
- 7.2.3 The second duty of the nominated veterinary surgeon should be to ensure the provision of emergency veterinary care at all times for animals in the establishment.
- 7.2.4 The third duty of the nominated veterinary surgeon should be to ensure the provision of resources listed in 7.1.4.
- 7.2.5 The fourth duty of the nominated veterinary surgeon should be to assess the competence and where necessary to recommend training for designated person(s) (animal welfare officers) employed in the establishment and responsible for the assessment of animal

- behaviour, other animal needs, including resources and day-to-day care of convalescent animals or those undergoing treatment in the establishment.
- 7.2.6 The nominated veterinary surgeon should assist the companion animal establishment in developing the standards for the establishment as discussed in paragraph 8.2.3. He or she should also assist the animal welfare officer and establishment operator to draw up the animal welfare and husbandry plan.

7.3 Animal Welfare Officer – designation and duties

- 7.3.1 All companion animal welfare establishments should nominate an animal welfare officer. The designated person should receive training for the post as recommended by the nominated veterinary surgeon. Training should include specific instruction in the behaviour and ethology of the species kept in the establishment. Some smaller establishments may be managed by a small number of people with substantial experience in animal husbandry. The nominated veterinary surgeon may consider that such experience satisfies the need for ‘training’. However, it is recommended that as a minimum qualification for animal welfare officers larger establishments should require NVQ animal care level 3 in some or all of: Group A – animal care; Group E – Boarding; Group F – Animal Welfare; Group G – Animal Breeding. The animal welfare officer should be permanently attached to the companion animal welfare establishment.
- 7.3.2 Larger companion animal welfare establishments often have a high staff turnover and staff training is disrupted if this is the case. The Council considers this to be a most serious problem, which the sector needs to address. Staff development programmes and career structure are important considerations in this respect.
- 7.3.3 The animal welfare officer should be responsible for developing and implementing an animal welfare and husbandry plan (see 8.2.3 below) and for putting the veterinary health plan into practice under the supervision of the nominated veterinary surgeon. The animal welfare and husbandry plan, agreed with the nominated veterinary surgeon and operator, should include the application of the welfare standards and assessment of welfare.
- 7.3.4 The animal welfare officer should be responsible for the day-to day care of animals receiving treatment from the nominated veterinary surgeon or a veterinary surgeon acting on his or her behalf. The officer should ensure that the procedures specified by the veterinary surgeon are carried out, subject to the constraints of the Veterinary Surgeons Act as amended.

8. ESTABLISHMENT POLICY

8.1 General Policy

In section A, the Council drew attention to the desirability of policies to define what establishments do, rather than relying on particular terms such as 'sanctuary'. In its policy, and guided by the standards developed in conjunction with its professional advisors, each establishment should state clearly the numbers of animals of each species for which it has the resources necessary to keep them properly and to meet their needs. Resources should include space and equipment and also sufficient, adequately trained and experienced staff. The overall numbers of animals should not be exceeded. However, in multi-species establishments, some flexibility may be acceptable, using spare capacity for one species to allow extra capacity for another, provided that the requirements of the nominated

veterinary surgeon and animal welfare officer are met. (For example an equine animal establishment may successfully place donkeys into space usually assigned to horses).

8.2 Animal Welfare Policy

- 8.2.1 There should be a standard policy for all establishments, which covers the short term care of animals. The policy should take account of the veterinary health plan and the welfare and temperament evaluation protocols.
- 8.2.2 The Council has drawn attention to the need for a clear policy, which sets out how establishments provide for long-term animal care. When such care is provided on the premises, the policy should refer to the animal welfare and husbandry plan based on animal welfare needs. The plan should ensure delivery of the resources necessary to achieve the desired outcomes.
- 8.2.3 The development of the animal welfare and husbandry plan should be the responsibility of the nominated veterinary surgeon, the animal welfare officer and the manager of the establishment as appropriate. The plan should refer to the resource requirements of the standards agreed for that establishment. Following the example from paragraph 6.6.5, the requirements of the standard for the exercise needs of dogs were to be met by using dog-walkers or open-field exercise. In either case, the animal welfare and husbandry plan would specify the frequency of exercise; the requirements for the safety of both handlers, dogs and other animals; and the assessment of the animals to show that the desired outcomes were being achieved.
- 8.2.4 Some establishments provide cages, pens or stalls for animals, which contain few resources for social interaction or the performance of specific behaviour. Others provide a programme of social interaction, with people or other animals and enrich the environment to allow the exercise of some types of behaviour. The likely ability of each system to provide for the long-term care of an animal, during which its needs are met, should be determined by welfare assessment. As noted in Section B, assessments using both animal and resource-based indices are not fully developed, but nevertheless, the Council thinks it is likely that some establishments in the first category will not be suitable for the long-term care of some species of animal, whereas those in the second category may adequately meet animal needs for longer periods. The establishment's policy should reflect the results of any welfare assessment using direct animal observation.
- 8.2.5 The policy should indicate what resources including staff time and social activity with other animals are provided. The assessment protocol should be used to guide the development of resources and thus policy in any companion animal welfare establishment, particularly for those that wish to extend the average length of stay.
- 8.2.6 The policy should set out the establishment's intentions with regard to the average length of animal care it aims to work towards and the measures that it has in place to ensure that the welfare of the animals in its care are protected. However, whilst the design and provision of resources will aim to deliver average outcomes, animal welfare concerns must apply to individual animals.
- 8.2.7 The animal welfare officer should be familiar with and apply the animal based indices to monitor the welfare of animals in longer-term care. Absence of expected behaviour, or development of abnormal behaviour should indicate a need to act in the interests of the animal's welfare, by arranging for it to move to a more suitable environment, where that is in the animal's best interests, or by arranging euthanasia, under veterinary control. Similarly, other animal needs should be incorporated into an animal husbandry plan and monitored.

8.3 Behaviour and Temperament Assessment

- 8.3.1 Monitoring of individual animal behaviour should be a requirement of all companion animal welfare establishments. The necessary indices to allow a meaningful assessment need further development. Temperament evaluation of incoming animals is particularly important as part of a behavioural assessment.
- 8.3.2 Ensuring the day-to-day observations necessary for monitoring animals in longer-term care should ultimately be a responsibility of the establishment's nominated veterinary surgeon through the animal welfare officer. As a part of his or her duties, the nominated veterinary surgeon should ensure that the training and competence of the animal welfare officer is adequate to permit regular welfare monitoring.
- 8.3.3 The animal welfare officer or other authorised person (as determined by the establishment manager during absence of the animal welfare officer) should notify the nominated veterinary surgeon in the event that an animal is exhibiting signs of poor welfare. The officer should ensure that any decision regarding the long-term future of the animal is only made after consultation with a qualified veterinary surgeon, usually the nominated veterinary surgeon.

8.4 Re-homing Policy

- 8.4.1 Establishments which receive displaced animals should have a policy for returning animals to their original owners or keepers and for re-homing in the event that the original keeper cannot be found.
- 8.4.2 All establishments should endeavour to find a permanent home for displaced companion animals. This will usually be achieved by re-homing. The establishment should have a policy for re-homing animals encompassing the criteria that are taken into account in selecting a new keeper. These should include consideration of the suitability of the environment to which the animal will be re-homed; the ability of the proposed new keeper to provide for the animal's needs; and the likely social needs of both animal and keeper.
- 8.4.3 Temperament evaluation is also important in matching potential new keepers to individual animals. A substantial amount of work has been carried out in this respect for dogs. Where appropriate, all establishments which re-home animals should evaluate the temperament of animals to ascertain their likely suitability for re-homing.
- 8.4.4 There should be a policy to cover after-care of re-homed animals including a transfer of veterinary and other relevant records. The primary objective of the policy should be to protect the welfare of the animal by ensuring as far as possible that its needs are met in the new home.

8.5 Euthanasia Policy

- 8.5.1 Establishments should have a policy with regard to euthanasia.
- 8.5.2 Euthanasia should be carried out only by, or in exceptional circumstances on the advice of a veterinary surgeon.
- 8.5.3 The veterinary surgeon should recommend euthanasia when an animal is showing signs or symptoms of a disease or other condition likely to cause ongoing pain or suffering or where treatment or other intervention would cause unacceptable distress. Euthanasia should also be recommended when an animal is showing behaviour which indicates that its needs are not being met and where relocation to a more suitable environment is not feasible or would cause unacceptable suffering.

- 8.5.4 As stated in Section 3.4 the establishment should make its long-term care policy transparent. If ongoing assessment were to indicate that the establishment was generally unsuitable for providing lifetime care, then the establishment should make it clear that animals exhibiting behaviour which showed that their needs were not being met (and where rehoming or movement to a more suitable establishment was not possible) would be euthanased.
- 8.5.5 Establishments should have a transparent policy for the disposal of animal remains.

8.6 Veterinary Procedures Policy

- 8.6.1 Establishments should have a transparent policy covering the extent to which individual animals receive veterinary treatment for specific conditions.
- 8.6.2 Veterinary treatment can be expensive and in the absence of insurance, some establishments cap the treatment costs for any individual animal. Even when the treatment of the animal can be accomplished, with due regard for its welfare within budget, the establishment may still make a subjective judgement regarding the likely long-term future of the animal. An older or less sociable animal might be difficult to re-home and the establishment's management may decide that the investment in that animal is not justified.
- 8.6.3 The Council's view is that whatever policy the establishment adheres to, it should be completely transparent, so that members of the public can make informed choices when they choose to support or make use of the establishment. Irrespective of the detail of the policy, the establishment's management must ensure that animal welfare is not compromised and if a decision is made to euthanase an animal rather than treat it, that decision should be made before any procedure other than sedation or pain relief is carried out.

SECTION C

The Case for Regulation

9. REGULATION

9.1 General Observations

- 9.1.1 There is presently no legal regulation of companion animal welfare establishments, notwithstanding that such schemes exist for dog breeding establishments, riding establishments, pet shops and animal boarding establishments. Indeed, there is no legal obligation on the operators of companion animal welfare establishments over and above the general provisions relating to cruelty. In particular, there are no welfare requirements, specifying how animals ought to be treated. The only qualified exception is under the Dogs Act 1906 and the Environmental Protection Act 1990, both of which impose a duty on the police and a local authority having charge of a stray dog to 'cause the dog to be properly fed and maintained' while it is detained (ss 3 (8) and 149 (9) respectively). However, this provision ceases to apply once the dog is disposed of (for example, by selling or gifting it to a companion animal welfare establishment), because it is no longer formally detained.
- 9.1.2 By way of contrast, the European Convention on Pet Animals (1987, ETS 125), provides that any person who operates, or intends to operate, what in the Convention is called 'an animal sanctuary', must make this known to a designated state authority. Such a declaration is required to stipulate: the species of companion animal that is to be kept; the person responsible and his knowledge; and a description of the premises and equipment. The establishment is only permitted to operate if:
- i. the person responsible has the knowledge and abilities required for the activity, either as a result of professional training or of sufficient experience with companion animals; and
 - ii. the premises and equipment are such as to provide accommodation, care and attention which take account of the ethological needs of the animal in accordance with its species and breed, in particular
 - a. give it suitable and sufficient food and water;
 - b. provide it with adequate opportunities for exercise; and
 - c. take all reasonable measures to prevent its escape.
- 9.1.3 If the state is not satisfied that these conditions are adequately met, it must recommend measures and, if necessary for the welfare of the animals, prohibit the commencement or continuation of the activity (Articles 4 and 8). Unfortunately, successive Governments have declined to ratify the Convention, and it has no impact on law in the United Kingdom.
- 9.1.4 As we pointed out in the Introduction to this Report, on the basis of the evidence it has received, the Council has concluded that there is currently limited objective evidence of poor welfare in companion animal welfare establishments. The Council recognises, however, that there is a significant level of concern, and it believes that appropriate steps should be taken to ensure high standards of welfare are consistently maintained in *all* companion animal welfare establishments.

- 9.1.5 The Council has outlined in the preceding pages of this Report measures which it considers to be necessary for the promotion of high standards of welfare, and it has concluded that, if these are to be effectively adopted, implemented, and monitored, some form of external regulation is essential.
- 9.1.6 We are also conscious that many, possibly the great majority, of companion animal welfare establishments rely on public support to continue their work. A significant number, but not all, are registered charities. If registered in England and Wales, such organisations are accountable to the Charity Commission. However, the Commission is primarily concerned with issues such as efficiency and propriety; it has neither the responsibility nor the resources to evaluate the quality of care that is provided. Charities registered in Scotland and Northern Ireland are presently subject to even less stringent oversight. The Council therefore takes the view that external regulation can make an important contribution in promoting accountability, transparency, and public confidence.
- 9.1.7 Furthermore, the Council is mindful that, regardless of whatever shortcomings there may be in the present statutory schemes, Parliament has acknowledged the desirability of introducing statutory regulation for other types of establishments where substantial numbers of companion animals are kept. Such legislation is intended principally to protect the animals that fall within its scope, and it would seem logical that similar measures should be introduced for the benefit of displaced animals. This is especially the case when one considers that animals may be kept at companion animal welfare establishments in significantly greater numbers than, for example, many dog breeding establishments, and for a much longer period than a cat or dog would normally stay at an animal boarding establishment.
- 9.1.8 For the reasons outlined above, the Council is persuaded of the desirability of introducing statutory regulation, and recommends that provision for this be included in the Animal Welfare Bill that DEFRA is presently drafting. If enacted, the Act will apply only to England and Wales. The Council therefore calls on the Scottish Executive and those charged with the government of Northern Ireland to consider introducing similar legislation in their respective jurisdictions.
- 9.1.9 Having expressed our support for regulation, it is important to emphasise the issue that such regulation is intended to address. Namely, as was apparent in the evidence submitted to us: a widespread concern for the welfare of animals in some establishments, especially with regard to the health, behavioural and social needs of those animals.

9.2 The Purpose of Regulation

- 9.2.1 The Council is therefore of the view that the primary purpose of introducing regulation of companion animal welfare establishments is to ensure that animal welfare is protected. The Council considers that this can best be achieved by requiring every companion animal welfare establishment to:
- (i) Draw up a standard of operations that, among other relevant information, should identify the species that the establishment holds itself out to accept into care, and the maximum number of each species that it is properly equipped to look after at any one time.
 - (ii) Appoint a nominated veterinary surgeon as an advisor. The nominated veterinary surgeon's responsibilities should include: preparation, in conjunction with the operator, of a veterinary health plan; certifying the competence, either through training or experience, of the animal welfare

officer; and visiting the establishment at intervals, the regularity of which should be determined by reference to the size and operational characteristics of the particular establishment; development of the establishment's standards of operation; and approval of the animal husbandry plan. The Council recognises that there are some circumstances in which a veterinary surgeon is not necessarily the only – or, indeed, the most – appropriate person to give advice. For example, there are professionals with considerable experience of animal welfare who might reasonably be called upon to help develop standards and plans, notwithstanding that they are not veterinary surgeons. Similarly, particular and very specific specialist knowledge may be required, especially in relation to exotic species. When appropriate, the nominated veterinary surgeon should seek, and take account of, relevant advice from such sources.

- (iii) Appoint an animal welfare officer. The person appointed must have satisfied the nominated veterinary surgeon that they possess the necessary competence, either through training or experience, to carry out their duties under the regulatory scheme. The animal welfare officer should understand the establishment's standards of operation, and use these as a basis for producing both a plan and an operations manual focusing on animal husbandry within the establishment. The plan must be approved by the nominated veterinary surgeon. Provided they satisfy the foregoing criteria, it should be acceptable for the animal welfare officer also to be the owner or operator of the establishment. When appropriate, the animal welfare officer should be responsible for staff training.
- (iv) Draw up a veterinary health plan. The plan should set out: the measures to be taken to protect the establishment from imported disease and to ensure disease control within it; the protocols for vaccination, parasite control, and other prophylactic measures; the management of illness and injury; the availability of isolation and separation facilities, and their proper use; the provision of emergency care; and the keeping of medical records.
- (v) Draw up an animal husbandry plan and a manual of operations, both of which should be based on the establishment's standards of operation. The plan should include information relating to: the immediate care and assessment of incoming animals; feeding regimes; water provision; grooming; bathing; cleaning schedules; environmental control; the provision of comfort through appropriate bedding, exercise play, and access to facilities necessary for the animals' social and behavioural needs; vermin control; waste disposal; the monitoring of animals by day and night; security and escape prevention measures; and emergency procedures and contingencies. It is desirable that a record is kept of all these activities.
- (vi) Meet its legal obligations in respect of environmental health, employment, health and safety, and other relevant matters.
- (vii) Employ adequate staff to ensure the welfare of animals in its care.
- (viii) Publish its policy in relation to re-homing, treatment, long-term care, and euthanasia.

- (ix) Keep a record of every animal entering or leaving the establishment, and every animal that either dies or is euthanased while in the establishment's care.

9.2.2 In furtherance of the above, we recommend that:

- (a) Every establishment be subject to an annual assessment. This should be carried out as part of either the licensing scheme or registration (see sections 9.4 and 9.5 below).
- (b) The operator of every establishment should have imposed on them an express duty to ensure the welfare of the animals in their care. We understand that DEFRA is presently considering the inclusion of such a duty in its Animal Welfare Bill, which would apply to the owners and keepers of all companion animals. If such a duty were to be modelled on that already in force in relation to animals kept for farming purposes, it would require owners and keepers 'to take all reasonable steps to ensure the welfare of the animals under their care; and to ensure that the animals are not caused any unnecessary pain, suffering or injury'. If such a measure is introduced in respect of companion animals generally, it will, of course apply to those who operate companion animal welfare establishments. We consider, however, that it is entirely appropriate that operators should be placed under a more demanding duty than the 'ordinary' keeper or owner of a companion animal. We therefore propose that the operator of a companion animal welfare establishment be placed under a duty to take every appropriate step to ensure the welfare of the animals under their care; and to ensure that the animals are not caused any unnecessary pain, suffering or injury.
- (c) In order to meet the duty outlined in the previous paragraph, we envisage that the operator of a companion animal welfare establishment would be required to demonstrate that the establishment is working to an accepted standard, and to ensure that, in the context of their own establishment, the standard achieves the desired animal welfare outcomes.
- (d) Each establishment must operate to standards derived from a consensus standard for the species, adapted in consultation with the nominated veterinary surgeon or other professional advisors, to ensure that the needs of animals in the establishment are met. Codes of practice should be drawn up to inform the development and application of these standards.
- (e) In the longer-term, research will be necessary to provide the means of assessing the effectiveness of the standards in delivering desirable animal welfare outcomes. Operators should ensure that standards are revised regularly as appropriate.
- (f) Establishments should have animal welfare and husbandry training programmes for all staff (to include employees and volunteers) who interact with animals.

9.3 The Definition of a Companion Animal Welfare Establishment

9.3.1 We stated in the Introduction that we have chosen to use the term 'companion animal welfare establishments' to refer to the undertakings that are the subject of this report. We explained that, in part, this is because it is convenient to adopt a collective term in preference to the variety of names currently applied to such establishments. More

particularly, however, we prefer ‘companion animal welfare establishments’ to terms such as ‘sanctuary’, ‘animal home’ or ‘rescue centre’ because we think it more accurately reflects their purpose and function.

9.3.2 Attempts to define undertakings which we describe as ‘companion animal welfare establishments’ tend to focus, at least in part, on the number of animals which they keep. Thus, the European Convention for the Protection of Pet Animals defines an ‘animal sanctuary’ to be ‘a non-profit making establishment where pet animals may be kept in substantial numbers.’

9.3.3 Similarly, the Animal Sanctuaries (Licensing) Bill proposed that the term ‘animal sanctuary’ should mean:

“Any premises at which ten or more animals, or in the case of equines, four, are kept for the purpose of protection, rehabilitation, rest or re-homing other than:

- (a) any establishment at which any animal is kept and the use of the establishment for that purpose is licensed in accordance with any other enactment;
- (b) any premises owned or operated by a local authority and used for the detention or care of any animal by that authority in the exercise of its functions under any enactment.”

The Bill also exempted from its scope premises: used for the care and treatment of animals by a veterinary surgeon; used for the keeping of animals under the Animal Health Act 1981; or where food or shelter is provided for an animal, where the animal is free to enter or leave the land.

9.3.4 The rationale for defining what constitutes a companion animal welfare establishment, at least in part, by reference to the number of animals kept is that it provides a straightforward and objective threshold which would have to be met before the regulatory scheme applied, and it has been suggested to the Council that we should adopt a similar approach.

9.3.5 The Council has given very careful consideration to the preferred approach to this issue. We appreciate the attraction of defining an establishment at least in part by reference to the number of animals that it keeps. However, in view of the range of species of animals which establishments take in, and the variation in the nature of establishments themselves, we have concluded that to base the definition on numbers is not only undesirable, it is in our view unworkable. We consider that it would be arbitrary in its effect, or incredibly unwieldy if provision were to be made for different species, or both.

9.3.6 There is a further important consideration that has influenced the Council’s approach. It is this: in the evidence which was presented to us, concern was expressed about welfare standards in situations where individuals take in and adopt displaced animals, generally keeping them in their own homes, in circumstances where they cannot be cared for properly. We accept that a person may accumulate a number of otherwise unwanted animals from the best of intentions, but, as we have already pointed out, we are concerned with animal welfare, not intention. To this end, we have concluded that the regulatory regime must encompass the irresponsible collector of waifs and strays, regardless of their motivation, and, ideally, allow early intervention to prevent a problem escalating. We are not convinced that specifying particular numbers of animals in the definition of a companion animal welfare establishment would assist in facilitating such a response. Moreover, we are clear that there is no direct correlation between the number of animals that a person keeps, and the standard of care that they provide.

9.3.7 We are firmly of the view that companion animal welfare establishments should be defined exclusively by reference to their function. Accordingly, throughout the report we have referred to a companion animal welfare establishment to be a place which:

- (1) receives companion animals which for whatever reason have become displaced from their usual place of keeping; and
- (2) provides for their immediate needs; and
- (3) carries out one or more of the following in relation to such animals:
 - (a) the provision of long-term or lifetime care;
 - (b) re-homing;
 - (c) arranging euthanasia of those animals whose needs cannot otherwise be adequately met.

9.3.8 The term ‘companion animal’ should for these purposes be defined to include: domestic dogs; cats; rabbits; small mammals and exotic pets, including reptiles, amphibians, birds and fish; horses; donkeys; mules; domestic poultry; pigs and ovine animals kept as domestic pets; falcons or other birds of prey usually kept in domestication; and wild mammals, amphibians, reptiles, fish and birds taken into care as result of injury or abandonment.

9.3.9 We recommend that it should be the operator of the companion animal welfare establishment who is held accountable in law under the proposed regulatory scheme.

9.3.10 For these purposes, we propose that the meaning of ‘operator’ should be ‘a person who holds themselves out (i) to receive displaced animals; and (ii) to carry out the functions of a companion animal welfare establishment as set out in paragraph 9.3.10 above.

9.3.11 We consider that this definition, turning as it does, first, on a person holding themselves out to receive displaced animals, and secondly, on that person carrying out certain functions, meets the important point that there must be some distinction between on the one hand, the operator of a companion animal welfare establishment and, on the other, a person who may take in a displaced animal from time to time, and who may already keep a number of animals.

9.3.12 We consider that a companion animal welfare establishment may be operated by an organisation or by an individual person. If it is an organisation, it may be either commercial or charitable in character, or be a public body. In accordance with normal legal usage, the term ‘person’ applies to all these.

9.3.13 We should make the point that a person who re-homes or fosters an animal from a companion animal welfare establishment does not fall within this definition, because the animal is no longer displaced, having already been taken in by the establishment from which it has been obtained.

9.3.14 The definitions we propose for a companion animal welfare establishment and an operator are both deliberately wide. We consider this to be necessary in order to reflect the diversity of establishments.

9.3.15 We are conscious that a perennial danger of regulation is that it is too wide in its scope, or too demanding in its impact, and thereby has a detrimental impact that was not intended. Given our proposed definition of a companion animal welfare establishment, two issues arise, and they both concern what might be described as the less formal end of the sector, especially where the animals are kept in or at a person’s home.

9.3.16 First, there is a need to distinguish between, on the one hand, the person who is running a companion animal welfare establishment from their home and, on the other, the ‘ordinary’

companion animal keeper who may happen to have a substantial number of animals, many (indeed, all) of which were formerly displaced. We consider that we have addressed this point by our proposed definition of the operator of a companion animal welfare establishment. Whether a person is holding himself out to receive displaced animals will be a question of fact, to be determined according to the particular circumstances. However, it will clearly not include those who adopt or re-home an animal from a companion animal welfare establishment, nor do we think it will extend to the person who may occasionally directly take in a displaced animal.

- 9.3.17 Second, we recognise that there are many people who hold themselves out to receive displaced animals into their homes who are entirely responsible, provide a high standard of care, and make a very significant contribution to animal welfare. The Council readily acknowledges the good that is done by many individuals and smaller organisations, and it is evident that without their contribution the larger establishments would be unable to cope with the many displaced animals that need care. The last thing we wish is to see their work undermined by the imposition of an unnecessarily bureaucratic and expensive regulatory regime. We therefore recommend a two-tier scheme of regulation that we consider will satisfactorily address this issue.

9.4 Licensing of Companion Animal Welfare Establishments

- 9.4.1 We propose that every operator of a companion animal welfare establishment who is also a registered charity, a commercial organisation, or a public body, should be licensed by the local authority in whose area the establishment is situated.
- 9.4.2 We estimate that this would apply to more than 350 establishments in England and Wales. The Dog Rescue Pages (www.dogpages.org.uk) list around 1000 establishments in the UK as a whole, including Northern Ireland and Scotland, although some of these are not registered charities.
- 9.4.3 For the avoidance of doubt, it would be the operator (for example, the relevant charity) that would be licensed rather than the establishment itself. The licence would provide the operator with the necessary authority to operate the establishment. A registered charity, commercial organisation, or public body that operated an establishment for which they had not been granted a licence would be guilty of an offence. Special arrangements would need to be made for any companion animal welfare establishment operated by a local authority.
- 9.4.4 The relevant legislation would need to make provision for the procedure where an application for an initial licence was submitted, and the procedure for the renewal of a licence. We also envisage that there would be provision for the revocation of an existing licence. A licence would be issued subject to conditions; some of these would be standard conditions, laid down in either secondary legislation or, alternatively, a code of practice. Local authorities should also be given a discretionary power to attach their own conditions to licences.
- 9.4.5 Transitional arrangements would need to be put in place in respect of existing establishments.
- 9.4.6 We consider that, in addition to assisting the promotion of high standards of welfare in such establishments, the regulation of registered charities would contribute to greater accountability and transparency of organisations that are raising funds from the general public and securing significant financial benefits as a result of their status. Well-run charities would have nothing to fear from this situation, but it would assist in identifying any organisation that was falling below accepted standards.

- 9.4.7 Each establishment would be subject to an inspection at the time of an initial application for a licence, and annually thereafter. The local authority would appoint the person carrying out the inspection, taking account of the species kept and any possible conflicts of interest.
- 9.4.8 The local authority would be empowered, subject to appeal, to refuse to issue a licence if the operator did not have the necessary planning consents or failed to satisfy the conditions required either by the legislation or by the local authority in the exercise of its discretion.
- 9.4.9 The licence would state the maximum number of animals of each species that the establishment may keep in care at any time.
- 9.4.10 The licence would require records to be kept of animals received, animals in care, and animals that leave the establishment (with the reason for departure). Details of persons bringing animals to the establishment or taking them into care would also be kept. The records would note the species, age, sex and general description of each animal. Records would be kept for a prescribed period.
- 9.4.11 If such a procedure had not already been carried out, every animal taken into care would, where such a method is available, be permanently identified using a microchip or other means appropriate to the species. The identity would be used in all records.
- 9.4.12 The licence would require the appointment of a nominated veterinary surgeon, and a suitably qualified or experienced animal welfare officer. The latter person might also be the operator of the establishment.
- 9.4.13 The establishment would be required to comply with a standard of operations, including specific requirements for each species kept, as approved by the nominated veterinary surgeon or other professional advisor. The standard would specify desirable welfare outcomes and the resources necessary to achieve those outcomes, including the provision of staff. The nominated veterinary surgeon and establishment operator will be guided by a code of practice for the species to be kept.
- 9.4.14 The minimum frequency of attendance at the establishment by the nominated veterinary surgeon would be specified using the code of practice as a guide.
- 9.4.15 The operator of an establishment would be placed under a duty to take every appropriate step to ensure the welfare of the animals under their care; and to ensure that the animals are not caused any unnecessary pain, suffering or injury. In order to comply with this duty, the operator would be required to demonstrate that the establishment was working to an accepted standard, and to ensure that in the context of their own establishment, the standard achieves the desired animal welfare outcomes.
- 9.4.16 At the very minimum, the accepted standard would incorporate the development of a veterinary health plan and an animal husbandry plan; the keeping of appropriate records; and the assessment of the welfare of animals in care to ensure that the welfare outcomes are being achieved by the resources and practices specified by the standards and plans.
- 9.4.17 Each establishment should have available a policy document stating the species accepted, the facilities for long term care, euthanasia policy and re-homing policy.

9.5 Registration of Companion Animal Welfare Establishments Not Otherwise Required to be Licensed

- 9.5.1 As was stated above, the Council considers that regulation should extend to the all those who hold themselves out to take in and care for displaced animals. Establishments that are not operated by a registered charity, a commercial organisation, or a public body, will tend to be less formal, more diverse and, generally, less well resourced. However,

the animals which are kept at such establishments are just as worthy of statutory protection as are those kept at larger undertakings. The number of such establishments is unknown, but certainly exceeds several hundred and includes small sanctuaries, animal homes attached to, or part of, the owners' homes, small holdings acting as animal homes, and smaller versions of the charitable sector establishments.

- 9.5.2 If the proposed Animal Welfare Bill is enacted, and if it contains a general duty on the owners and keepers of animals to take reasonable steps to ensure the welfare of animals under their care, this would go a long way to address the problem of poor welfare standards in some small establishments. However, the Council is not persuaded that it would be sufficient to address the problem.
- 9.5.3 The Council recommends, therefore, that such establishments should be subject to registration by the local authority in whose area they are situated. Subject to the provisions of the legislation, it would be within the authority's discretion to determine whether a person was operating a companion animal welfare establishment, and, if so, to decide whether they were required to be registered.
- 9.5.4 The Council recommends that when the regulatory scheme is introduced, all such establishments should be encouraged to register. Registration would enable the authority to make available codes of practice and written advice. The registration would apply to the premises and would be transferable on notification of a change of ownership. The establishment would require an initial visit from a local authority officer. In the first instance, the officer would determine whether the premises required to be registered. If so, the operator would receive advice on their duty of care, including the need to nominate a veterinary advisor (who would normally be a member of the veterinary practice of which they were already a client) or, depending on the species kept, other professional advisor, and arranging for an annual advisory visit. The owner or operator would also be advised to apply standards of operation, using the codes as a guide, and to develop veterinary and animal husbandry plans. The nomination of the owner, operator or other suitably qualified or experienced person as an animal welfare officer would also be advised. At the time of the annual visit, the nominated veterinary advisor would, if satisfied with the standard of welfare, make an annual report that the local authority would be empowered to request in the event of a complaint. The report would confirm: that in the opinion of the veterinary surgeon or other person, animals in the establishment were healthy and well cared for, that facilities and procedures for the short term care of received animals were satisfactory, and that the needs of animals in long-term care were being met.
- 9.5.5 In the event that a complaint was received from a third party, the local authority would visit the establishment and decide if further action was necessary, as discussed below.
- 9.5.6 A local authority could, subject to appeal, refuse to register premises that it considered unsuitable on grounds such as public nuisance, a failure to obtain necessary permissions, or other specified reasons, such as a court order forbidding the operator from keeping animals.

9.6 Responding to Complaints and Concerns about Unregistered Premises

- 9.6.1 Although it would be in their own interests to contact the local authority and take advice, some owners or operators will inevitably determine that they do not satisfy the criteria for registration as a companion animal welfare establishment. It is also possible that members of the public or others might become concerned when displaced animals are received and kept at particular unregistered premises.

- 9.6.2 Where a local authority had reason to believe that premises were being used for taking in and keeping displaced animals, an officer could either gain entry with the agreement of the owner or occupier or the premises or under the authority of a court order.
- 9.6.3 In the event that the local authority officer was satisfied that the premises were being used to receive and care for displaced animals, and that the animals in care appeared to be well looked after, he or she would, if appropriate, and subject to appeal, register the premises. Alternatively, the officer could determine that, although there was prima facie evidence of a companion animal welfare establishment, it should be exempt from the need to register. If advice was needed, the officer would provide information or give sources of information to the owner or operator.
- 9.6.4 An owner or operator would commit an offence if he or she operated an unregistered or companion animal welfare establishment.
- 9.6.5 As noted in the foregoing paragraphs, when a local authority officer responded to complaints or concerns, he or she would, in the first instance visit the premises concerned to assess the situation and validity of the complaint. If the complaint appeared to be justified, the first requirement would be to protect animal welfare. In the case of a registered establishment, the officer would ask to see the most recent report compiled by the nominated veterinary advisor and would, if deemed necessary, obtain further information by calling in expert veterinary advice, appropriate to the facilities and species kept. If, in the opinion of the professional advisor, animals were suffering unnecessarily, the provisions of existing (or new) animal welfare legislation would apply.
- 9.6.6 Throughout, the Council's approach to regulation of this diverse group, through registration, aims to impose the least burden on establishments performing a valuable and effective service to the community. We are confident that most operators have the animals' interests at heart and we view registration as a means of protecting the interests of committed people. The role of the local authority is essentially advisory, to ensure that operators know their obligations, are able to show a duty of care and are informed by codes of practice and other relevant information. However, the Council is also aware that some operators, essentially a minority, fall far short of the standards expected rightly by others in the sector and members of the public. For this reason, the Council believes that the local authorities must be given powers to take action where there is evidence of poor welfare.
- 9.6.7 The local authority officer would need specific training in the operation of companion animal welfare establishments, animal welfare and animal health.

9.7 Support for Regulation

- 9.7.1 For regulation to be effective, supporting research and development is necessary.
- 9.7.2 The Council recommends that a working group should be established for each companion animal species to consult and develop the consensus standards and codes of practice. Such groups exist for some species on an informal basis and these already include some companion animal welfare establishment operators and other interest groups amongst their membership.
- 9.7.3 Research should be commissioned to develop a practical welfare assessment protocol for species kept in establishments, to guide the development of standards and to inform the work of animal welfare officers.

SECTION D

Animal Ownership

10 OWNERSHIP OF DISPLACED ANIMALS

10.1 During the course of its investigation, the Council has identified three issues concerning the ownership of displaced animals that it considers need to be addressed. Coincidentally, during the preparation of this report, David Amess, MP, introduced in September 2003 a Private Members Bill, the "Stray Animals Bill" which sought to address some of these issues. (Hansard, House of Commons 17 Sept 2003, col. 878). The Bill was neither printed, nor did it advance to Second Reading, before the end of the Parliamentary Session.

The First Issue:

10.2 The Council is concerned that ownership of unidentified displaced animals is often unclear.

10.3 Dogs.

10.3.1 Statute specifies that where a stray dog which has been seized by a police officer has not been claimed after seven days, 'the chief officer of police, or any person authorised by him in that behalf may cause the dog to be sold or destroyed in a manner to cause as little pain as possible' (Dogs Act 1906 s 3(3)). Where a dog is sold in accordance with this provision, ownership clearly passes by implication to the purchaser. However, where no such transaction takes place, it is not clear that ownership similarly passes. Section 3(7) of the same Act makes provision for the police to 'dispose of any dog seized under this section by transferring it to an establishment for the reception of stray dogs', providing the establishment keeps a register available to the public of dogs which it has received. It is submitted, however, that this 'transfer' refers to placing the dog in the establishment for all or part of that period between seizure and the decision permanently to dispose of the dog and does not amount to a formal transfer of ownership.

10.3.2 In contrast, where a stray dog is seized by an officer of a local authority, such as a dog warden, and it remains unclaimed, statute specifies that the local authority may dispose of it in one of three ways:

- (i) By selling it or giving it to a person who will, in the opinion of the authority, care properly for the dog;
- (ii) By selling or giving it to an establishment for the reception of stray dogs; or
- (iii) By destroying it in a manner to cause as little pain as possible.

10.3.3 Most importantly, the same legislation expressly provides that where a local authority disposes of a dog to a person acting in good faith either by selling it or giving it away, then 'the ownership of the dog is vested in the recipient' (Environmental Protection Act 1990, s 149(6), (7)).

10.3.4 The Environmental Protection Act 1990 (s 150) or, in the case of the police, the Dogs Act 1906 allows a member of the public who hands over a stray dog to a local authority or to the police to keep the dog if it remains unclaimed (see also, the Environmental Protection (Stray Dogs) Regulations S1 1992/288).

10.3.4 The Council is of the view that the relevant provisions require clarification and amendment. At the very least, they should be consolidated and amended to introduce consistency.

10.4 **Species other than dogs.**

10.4.1 Although there is legislation relating specifically to dogs, the Council takes the view that the issue of ownership is relevant to every type and species of animal that is taken in by a companion animal welfare establishment.

10.4.2 The situation with regard to the ownership of displaced animals of other species is also unclear. Accordingly, we recommend that appropriate provisions formally confirming ownership should be enacted in respect of other species.

10.5 The Council recommends that the law be changed to allow companion animal welfare establishments to become the legal owners of unidentified displaced animals of any species received into their care, after a specified period, which in any event should not be less than seven days. The presumption should be that a responsible owner would ensure that their animal is identified or would make every effort to find it if lost.

10.6 Clearly it is imperative that the legitimate interests of the original owner should be protected. In this regard, the Council considers that the owner who has taken the trouble to identify their animal so that they can be traced (for example by means of micro-chipping or tattooing) should be placed in a better position than the owner of an unidentified animal. This could be achieved, for example, by, first, requiring the establishment to take reasonable steps to reunite an animal with its owner when the latter can be identified; and, second, by allowing a longer period (such as fourteen days rather than seven) before the animal could be disposed of. Such a policy would seem not only equitable, but might also encourage and promote voluntary animal identification. (The CAWC report on Animal Identification refers specifically to these issues).

The Second Issue:

10.7 The Council is aware that when an animal is re-homed, many establishments purport to retain ownership of it. The precise arrangements vary, but they may include an expectation that the person re-homing the animal will make a donation (often a specific amount is suggested), and will also accept a range of duties and obligations in respect of the animal, but the establishment will continue to claim certain rights over the animal.

10.8 We are advised that, at least in some situations, although the form of such an agreement suggests that the establishment is still the owner, the substance of the arrangement actually amounts to a transfer of ownership.

10.9 We understand that establishments may wish to reclaim the animal if its new home is unsatisfactory. However, we think that this concern does not prevent a formal transfer of ownership, subject to a clause in the agreement to the effect that, if specified circumstances arise during an express period from the time of the agreement, ownership will revert to the establishment.

10.10 Similarly, we understand that establishments may not wish to be regarded as selling or trading companion animals. In the past, the distinction has been of legal significance, because if they were regarded to be selling animals they may fall within the meaning of a 'pet shop' contained in the Pet Animals Act 1951. This issue could be addressed as part of the proposed Animal Welfare Bill.

10.11 We think it important that all concerned are clearly aware of who, in law, owns an

animal, and we recommend that the operator of every establishment examines its procedures and paperwork to establish whether or not ownership is transferred when an animal is re-homed.

The Third Issue:

- 10.12 Where an establishment genuinely does retain ownership of a re-homed animal, we think that it is incumbent on the establishment to fulfil its legal and moral responsibilities as owner. It is already the case under the Protection of Animals Acts that the owner of an animal may be deemed to have permitted cruelty if they fail to take reasonable steps to prevent their animal suffering unnecessarily. We anticipate that under the proposed Animal Welfare Bill it will be proposed that the duty on the owner will be extended to taking reasonable steps to ensure the welfare of their animal.
- 10.13 Regardless of the legal duty, however, we recommend that where a companion animal welfare establishment retains ownership of an animal which is no longer kept at the establishment, it should have in place (as some operators already do) a meaningful system of monitoring and recording the condition and welfare of the animal.

SECTION E

APPENDIX 1

MEMBERSHIP OF THE COMPANION ANIMAL WELFARE COUNCIL

- Companion animals in health and social care institutions.
- Legislation on Companion Animals.
- Un-regulated companion animal services in relation to training, exercising and care.
- Phenotypic Modification through selective breeding of application of modern biotechnology, and the welfare of companion animals.

Appendix 1 Membership of the Companion Animal Welfare Council

The following are presently members of the Council:

Chairman Lord Soulsby of Swaffham Prior

Deputy Chairman Dr James Kirkwood
Chairman of Non-Domesticated Animals Working Party

Treasurer Mr Ronald Mochrie

Professor Sam Ahmedzai
Chairman of the Working Party on Companion Animals in Health and Social Care Institutions

Mrs Sue Bell

Ms Barbara Cooper
*Chairman of the Working Party to Review
Un-regulated Companion Animal Services in Relation to
Training, Exercising and Care*

Ms Anne Docherty

Lady Fretwell

Professor Neil Gorman

Mr Michael Herrtage

Mr Lou Leather
*Chairman of the Working Party on the Identification and
Registration of Companion Animals*

Dr Anne McBride

Mr Mike Radford

*Chairman of the Working Party on Legislation on
Companion Animals*

Mr John Rogerson

Dr Peter Scott

Mr Bill Swann

*Chairman of the Working Party on Companion Animal
Establishments: Sanctuaries, Shelters And Re-Homing
Centres*

Adviser to the Council: Professor Sir Colin Spedding

Secretariat: Mrs Cynthia Baldock

APPENDIX II

THE ROLE AND CONSTITUTION OF THE COMPANION ANIMAL WELFARE COUNCIL

BACKGROUND TO THE ESTABLISHMENT OF CAWC

In 1993 the late Lord Houghton of Sowerby had promoted the idea of establishing a new advisory committee, financed from non-government sources, to be called the Dog Control and Welfare Council. Lord Houghton wished to model this Council on the lines of the Farm Animal Welfare Council in that it would be recognized as an independent advisory body with its membership being appointed by the Government.

Following extensive discussions it was agreed to broaden the remit to include all companion animals, not just dogs. Subsequently, representatives of a number of companion animal welfare organizations, members of both Houses of Parliament, and other interested parties, elected a Steering Committee under the Chairmanship of Lord Soulsby of Swaffham Prior. The Committee comprised the following members:

Mrs Clarissa Baldwin, NCDL
Mr Peter Davies, RSPCA
Mr Roger Gale MP
Dr Andrew Higgins, Animal Health Trust
Mr Lou Leather, Pet Advisory Committee
Dr Alastair Porter, Blue Cross
Sir Colin Spedding, Farm Animal Welfare Council
Dr Elisabeth Svendsen, MBE, The Donkey Sanctuary
Mr Paul de Vile, BVA
The Baroness Wharton

The Companion Animal Welfare Council was established in 1999.

THE FUNDING OF CAWC

It was originally envisaged that the Government, in particular the Home Office, might help in the formation and running of CAWC, in the same way that DEFRA (formerly MAFF) does with the Farm Animal Welfare Council. However, this was not possible, so it was decided that the Council should be established, after which time it was hoped to have proved its worth and the Government would give its support.

In order to ensure complete independence from those animal welfare bodies which have agreed initially to fund the Council, a Charitable Trust – the Welfare Fund for Companion Animals - was set up to receive and hold funds to support the activities of the Council.

The aims and objects of WFCAs are ‘the collection and distribution of funds for the Companion Animal Welfare Council’. The Trustees of the WFCAs have been appointed by way of

nominations by the Institute of Chartered Accountants, the Royal College of Veterinary Surgeons and the Law Society, and comprise as follows:

Mr Anthony Bate
His Honour Frederick Beezley
The Baroness Fookes of Plymouth DBE
Mr Tim Hayward MA FCA
Mr John Hird MRCVS
The Lord Slynn of Hadley

The Honorary Secretary/Administrator of WFCA is Dr Elizabeth D Svendsen, MBE.

WFCA allocates funds to the Council in order for it to carry out relevant work. It does not, however, have any influence on how the Council chooses to use the funds.

The Appointment of Members of CAWC

The Steering Committee agreed that the Council must be seen to be totally independent, and for this reason an Appointments Committee of eminent individuals was set up to select twelve experts in particular fields of animal welfare to form the Council. These were chosen from a total of thirty-eight names put forward by the Steering Committee.

As and when vacancies have arisen of the Council, the Appointments Committee has selected new members from amongst those names that are submitted to it.

The Appointments Committee comprises

Sir James Armour, CBE, FRCVS
Sir Christopher Paine, DM, FRCP, FRCR
The Baroness Mallalieu
Sir David Williams, QC DL

CAWC's Previous Reports, Responses and Submissions

The Council has previously published the following reports, responses and submissions:

- The Report on the Identification and Registration of Companion Animals – published in October 2002
- The Report on the Welfare of Non-Domesticated Animals Kept for Companionship – published in July 2003
- The Response of the Companion Animal Welfare Council to Defra's Consultation Letter on an Animal Welfare Bill – published in April 2002
- Animal Welfare: the Need for Legislative Reform. A submission by the Companion Animal Welfare Council to the Scottish Executive – published in July 2003

The Council's Current Work Programme

The Council presently has working groups on the following topics:

- Companion animals in health and social care institutions.
- Legislation on Companion Animals.
- Un-regulated companion animal services in relation to training, exercising and care.
- Phenotypic Modification through selective breeding of application of modern biotechnology, and the welfare of companion animals.

A Seminar will be held on 25 February 2004 to discuss 'Methods of welfare assessment for companion animals – to be taken forward as a tool kit for companion animals', and whether CAWC should set up a working party on this topic.

APPENDIX III

Review of the Written Evidence

Responses

67 written responses, answering the specific questions raised by CAWC, were received in response to the call for evidence sent to 300 organisations or individuals. Of these, 29 were received from local authorities; 16 from companion animal establishments; 12 from animal welfare organisations; 7 from professional bodies and 3 from other organisations. (Some animal welfare organisations also operate establishments; the response was categorised according to the Department in the organisation submitting the response.)

	Local Authorities	Animal Homes	Animal Welfare Bodies	Profession Bodies	Others
Question 1	There is a need for a standard definition: 29/29	There is a need for a standard definition: 16/16	Need for a definition: 12/12. Animal numbers as basis for definition: 2/12	There is a need for a standard definition: 7/7. On an animal numbers basis: 1/4	There is a need for a standard definition: 3/3
Question 2 Standards	Standards should be set: 29/29. Establishments should be licensed: 25/29	Standards should be set: 16/16. Establishments should be licensed: 11/16. Establishments should be regulated: 3/16	Standards should be set: 12/12. Establishments should be licensed: 12/12	Standards should be set: 7/7. Establishments should be licensed: 4/7	Standards should be set: 3/3. Establishments should be licensed: 1/3
Question 3 Species	Standards should be set for all species. 14/14	Standards should be set for all species. 16/16	Standards should be set for all species. 12/12	Standards should be set for all species. 7/7	Standards should be set for all species. 3/3
Question 4 Restriction	Restriction to species for which facilities available: 14/14	Absolute restriction: 2/16. Restriction to species for which facilities available: 13/16	Absolute restriction: 1/12. Restriction to species for which facilities available: 11/12	Absolute restriction: 1/7. Restriction to species for which facilities available: 3/7	Not responded to
Question 5 Size	Not responded to 25/29. Enclosure size should be stated: 2/29	Minimum sizes of enclosures should be set: 6/16. Size should be set by animal's needs: 12/16	Minimum sizes of enclosures should be set: 5/12. Size should be set by animal's needs: 10/12	Minimum size of enclosure should be set: 1/7. Size should be set by animal's needs: 7/7	Not responded to
Question 6 Veterinary	Veterinary inspection as licensing condition: 22/29	Veterinary inspection as licensing condition: 10/16. Veterinary health plan: 12/16	Veterinary inspection as licensing condition: 12/12. Veterinary health plan: 10/12	Veterinary inspection as part of licensing: 7/7. Veterinary health plan: 7/7	Veterinary inspection as part of licensing: 1/3
Question 7 Authority	Local Authority 22/29	Local Authority 11/16	Local Authority 11/12	Local Authority 7/7	Local Authority 1/3
Question 8 Costs	To be met by licensee: 12/29. To come from registration scheme profits: 4/29	To be met by licensee: 6/16. To come from central Government: 2/16. To come from registration profits: 2/16	To be met by licensee: 8/12. To come from central Government: 1/12. To come from registration profits: 1/12	To be met by licensee: 3/7	Not responded to.

Question 9 Id	Permanent id such as microchip: 7/29 Not responded to 19/29	Permanent id: 12/16. No id: 2/16	Permanent id: 10/12	Permanent id: 7/7	Not responded to
Question 10 Staff	Staff should be qualified 5/29 Not responded to: 19/29 Experience of staff most important: 8/29	Staff should be qualified 10/16 Experience of staff most important: 12/16	Staff should be qualified 11/12 Minimum age: 2/12 Experience of staff most important: 8/12	Staff should be qualified 7/7	Not responded to
Question 12 Cruelty	General concerns: 25/29	General concerns: 16/16	General concerns: 12/12. Specific instances 2	General concerns 7/7 Specific instances 7	General concerns 3/3

No responses were received to Question 11 (Regulation of Companion Animal Establishments overseas.)

Summary of Evidence

From the responses, there appear to be general concerns for animal welfare in companion animal establishments. Respondents generally favoured the application of standards through regulation and a majority favoured licensing as the form of regulation. The space made available for animals was considered to be important. A veterinary inspection was seen as necessary for the grant of a license and a majority thought that licenses should be restricted to species for which the establishment has facilities. Staff training and experience was thought to be important. Animal identification was considered to be necessary.

Where there was not general agreement was in regard to the funding of a licensing scheme. Some thought that the Government should pay this for, others that the licensee should pay. Several respondents suggested that the profits from any animal registration scheme should be used to pay for licensing.

Further Evidence

Written evidence that did not answer the specific points on the call for evidence was received from 3 individuals. All expressed general concerns for the welfare of animals in establishments.

Organisations that submitted written evidence:

BVA Animal Welfare Foundation
Cats Protection
ILPH
NEWC
Pet Advisory Committee
PDSA
RSPCA
SSPCA
The Blue Cross
The Rabbit Charity
Universities Federation for Animal Welfare
USPCA

BEVA

BSAVA
British Veterinary Association
Feline Advisory Bureau
The British Rabbit Council
The Governing Council of the Cat Fancy

University of East Anglia School of Law

British Wildlife Rehabilitation Council
WA Rangers Association Inc
World Parrot Trust

Birmingham City Council
Cherwell District Council
Copeland Borough Council
Dundee City Council
East Devon District Council
Epping Forest District Council
Fenland District Council
Forest of Dean Council
Guildford Borough
Manchester City Council
Medway Council
Melton Borough Council
Mid Beds District Council
Mole Valley District Council
Oldham Metropolitan Borough
Pembrokeshire County Council
Portsmouth City Council
Powys (Local Authority)
Rochford District Council
Sheffield City Council
Southampton City Council
South Holland District Council
Staffordshire Moorlands District Council
Test Valley District Council
Thurrock Council
Walsall Metropolitan Borough Council
Weymouth and Portland Borough Council
Wrexham County Borough
Wychavon District Council

Ashbourne and District Animal Welfare Society
Battersea Dogs Home
Birmingham Dogs Home
Donkey Sanctuary
Farplace Animal Rescue
Jersey Animals' Shelter
Kit Wilson Trust for Animal Welfare
Manchester and District Home for Lost Dogs
Millstream Animal Shelter
NCDL
Redwings Horse Sanctuary
St Tiggywinkles Wildlife Hospital Trust
Sheffield Dog Rescue
The Home of Rest for Horses
Warnham Animal Sanctuary
Wild Bird and Animal Rescue Society

APPENDIX IV

Seminar to Gather Oral Evidence on 'Standards and Controls for Rescue Establishments and Sanctuaries'

6 October 2000

1. Delegates Attending:

Note: Delegate designation and organisation represented were current at the date of the seminar.

- 1.1 CAWC:** Dr James Kirkwood; Professor Neil Gorman; Dr Anne McBride; Mr Mike Radford; Dr Peter Scott; and Sir Colin Spedding.
- 1.2 Local Authorities:** Mr Mark Berrill (Animal Welfare Officer, Mansfield District Council); Mr Kevin Cope (Animal Welfare Officer, Epping Forest District Council); Ms Denise Paffett (Animal Welfare Technician, Test Valley Borough Council); and Mr Graham Taylor (Senior Animal Welfare Officer, Birmingham City Council).
- 1.3 Animal Welfare Establishments:** Ms Clarissa Baldwin (Chief Executive, National Canine Defence League (NCDL) - now known as the Dogs Trust); Mr Paul DeVile (Chief Veterinary Officer, NCDL); Mr Mike Flynn (Chief Inspector, SSPCA); Mr Steve Goody (Director of Companion Animal Welfare, Blue Cross); Mr David Harding (Veterinary Advisor, USPCA); Mr Nick LaHive (Head of Animal Establishments, RSPCA); Mr David Mountford (Head of Equine Operations, ILPH); and Mrs Rhona Simms (Cats Protection).
- 1.4 Animal Welfare Organisations:** Mr Nigel Harcourt-Brown (Veterinary Surgeon specialising in exotic species); and Mr Roger Scammel (Council member, BEVA).

2. Conclusions of the Seminar

The following paragraphs are a summary of the key conclusions of four working groups, which reported back to the seminar, after general discussion. A full report of the oral evidence is available on request.

Local authorities receive 'substantial numbers' of complaints from the public, concerning rescue homes and sanctuaries, alleging nuisance and poor welfare of the animals in care. Public awareness of animal rescue has increased dramatically following recent television programs and newspaper articles focusing on animal homes and animal rescue.

- 2.2 There are no powers of entry available to local authorities to premises thought to be sanctuaries or rescue establishments and where companion animals might be kept in inadequate conditions. Consequently, officers of the authority cannot take any preventative measures.
- 2.3 Current legislation is used by some local authorities to license rescue establishments in their areas, depending on the functions carried out. However, most investigations follow complaints of nuisance such as noise or smell. Relevant bylaws are

sometimes used to take action against establishments, although these are not specific to rescue homes and sanctuaries.

- 2.4 There are instances where animal welfare organisations, particularly the larger national organisations, 'pick up the pieces' when rescue homes or sanctuaries take in too many animals and cannot cope.
- 2.5 Legislation should cover rescue establishments and sanctuaries. Other types of establishment (boarding, breeding and retail) are covered by existing legislation.
- 2.6 Current legislation could be extended to license rescue establishments. However, delegates were divided on this issue, and some contended that new legislation was needed.
- 2.7 Legislation should cover all establishments irrespective of their size.
- 2.8 Delegates agreed either that local authorities should enforce legislation, or a regulatory body should be set up for the purpose of licensing sanctuaries and animal rescue homes. Local authorities may not have the knowledge to assess animal welfare and inspect establishments on their own.
- 2.9 The Charity Commission should have powers to refuse charitable status to organisations that did not adequately provide for the welfare of animals in their care.
- 2.10 Clear definitions of sanctuaries and rescue establishments should be developed.
Clear definitions of multiple pet owners who may take in stray or lost animals from time to time and small rescue establishments should also be developed. Financial input from the public is one way of making the distinction between rescue establishments and what are essentially pet owners who may choose to keep larger numbers of animals, some of which may have been strays, but who do not aim to provide animal rescue facilities. The numbers of animals entering and leaving an establishment ('throughput') was also suggested as a basis for the definitions of rescue homes and sanctuaries, as was the average number of animals kept.
- 2.11 A nominated veterinary surgeon, with experience and expertise relevant to the animals taken in, should be assigned to each rescue establishment.
- 2.12 Codes of practice should be introduced both to help the development of legislation and to support it.
- 2.13 Rescue establishments that take in exotic species or wildlife have particular requirements depending on the needs of the species taken in.
- 2.14 All establishments should produce a mission statement, a policy describing the care and accommodation provided and business plans.

APPENDIX V

Acknowledgements

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Tony Tyler, International League for the Protection of Horses