

Home Office Consultation: More Effective Responses to Anti-Social Behaviour

1. The following response is made on behalf of the Royal College of Veterinary Surgeons (RCVS). The RCVS is the regulatory body for veterinary surgeons in the UK. The role of the RCVS is to safeguard the health and welfare of animals committed to veterinary care through the regulation of the education, and ethical and clinical standards, of veterinary surgeons and nurses, thereby protecting the interests of those dependent on animals, and assuring public health. It also acts as an impartial source of informed opinion on relevant veterinary matters.
2. As the regulatory body for veterinary surgeons, it is clear that a majority of the consultation *More Effective Responses to Anti-Social Behaviour* does not fall within the remit of the RCVS. The RCVS is, however, a key stakeholder in the development of new legislation related to the control of dangerous dogs. The following response therefore addresses issues surrounding the proposals in the consultation to replace Dog Control Orders.
3. The RCVS does not seek to comment on the details of these proposals, but rather to provide informed comment, from a veterinary perspective, on the pressing need to reform dangerous dogs' legislation, the benefits of a 'deed not breed' approach and how the introduction of compulsory microchipping may serve to assist in the control of dangerous dogs and to improve animal health and welfare.

Crime Prevention Injunction and Community Protection Orders

4. The RCVS welcomes the initiative of the Home Office in reviewing the tools available to the police and local authorities in tackling the issue of dangerous dogs.
5. The RCVS considers that if the proposed Crime Prevention Injunctions and Community Protection Orders could be served in an efficient and timely manner, to those whose dogs were out of control or had been trained to be aggressive, then this could provide an important tool in addressing certain issues surrounding 'status-dogs' and protecting the public from out-of-control or aggressive dogs. Moreover, if such Injunctions and Orders reduced the need to kennel dogs for long periods then this could provide significant animal welfare benefits. No control measure will succeed, however, unless there is complete clarity as to who is the legally acknowledged keeper of a given animal. A further difficulty is that, under certain circumstances, an animal's keeper may be different from the animal's owner.
6. The RCVS welcomes the fact that the proposed Crime Prevention Injunctions are supported and accompanied by packages of formal support which would be proposed by the applicant authority. The RCVS considers that, if correctly applied, such support measures could provide an important tool in addressing problems associated with dangerously out-of-control dogs. Appropriate measures could include assisting owners with obedience training and behavioural rehabilitation programmes for aggressive dogs. These could be applied in addition to more traditional measures, such as prohibitions on walking certain dogs in public without a lead or muzzle.

7. Crime Prevention Injunctions or Community Protection Orders, however, will not in isolation provide a complete solution to the issue of dangerous dogs or adequately protect the public from dangerously out-of-control or aggressive dogs. The effectiveness of such Injunctions and Orders is brought into question further by concerns that have been expressed by the police about the enforcement and effectiveness of the current ASBO system.
8. Whilst the RCVS welcomes the work of the Home Office in reviewing the effectiveness of Dog Control Orders, it considers that this review must not stand in isolation and that a wider review of dangerous dogs' legislation is required, which must take into account the responses to the 2010 Defra consultation on dangerous dogs.

Deed not Breed approach

9. The RCVS strongly believes that the Dangerous Dogs Act 1991 is neither an efficient nor an effective piece of legislation and that it does not adequately serve to protect the public against dogs that are dangerously out of control.
10. The fundamental problem with the Dangerous Dogs Act 1991 is that it is breed-specific legislation. There is no compelling evidence that the breed-specific approach provides an effective means to protect the public from dangerously out-of-control dogs. Breed specific legislation, such as the Dangerous Dogs Act, is extremely difficult to enforce, largely because identifying that a dog is one of the breeds or types specified under the Act is notoriously difficult, and enforcement requires the use of considerable resources in terms of kenneling dogs during trials and appeals, and such kenneling has significant animal welfare implications.
11. The RCVS supports the repeal of the Dangerous Dogs Act 1991 and the removal of all breed-specific references from the legislation relating to dangerous dogs.
12. The College considers that new legislation that adopts a 'deed' rather than 'breed' approach to the control of dangerous dogs should be introduced. This approach would allow resources to be effectively used and targeted at the real causes of dangerous dogs, irresponsible owners that allow their dogs to be dangerously out of control and those that have deliberately trained their dogs to be aggressive.
13. A 'deed not breed' approach to legislation is also supported by the British Veterinary Association (BVA), the British Small Animal Veterinary Association (BSAVA), and the Federation of Veterinarians of Europe (FVE), together with the members of the Dangerous Dogs Act Study Group. Moreover, 88% of those who responded to the 2010 Defra consultation on Dangerous Dogs considered that the current breed-specific legislation was not effective in protecting the public.

Compulsory Microchipping

14. The RCVS strongly supports the compulsory microchipping of all dogs and considers that such a policy would have an important role to play in the control of potentially dangerous dogs, on the grounds that the accurate identification of an animal and its owner is crucial to the enforcement of legislation and to achieving successful prosecutions. Moreover, the RCVS considers that permanent identification would have a positive effect on animal welfare. I have enclosed the

RCVS position statement on the 'Compulsory Microchipping of Dogs' which provides further background as to the views of the RCVS on the benefits of compulsory microchipping.

15. In order to be effective, any legislation requiring the compulsory microchipping of dogs would need to be both enforceable and enforced. The RCVS has real concerns relating to the role of veterinary surgeons in enforcing any policy of compulsory microchipping and it does not consider that veterinary surgeons should be expected to 'police' any such policy, as this could have a negative effect on animal health and welfare.
16. If, for example, it were widely known that veterinary surgeons routinely scan all dogs coming into their practices to check for the presence of a microchip, it might deter those with dogs that, for whatever reason, had incorrect details on the microchip database, from taking their animals to a veterinary surgeon. If, therefore, compulsory microchipping were to be introduced it should not be the role of a veterinary surgeon to act as 'police officer' as to do so could adversely affect the relationship between veterinary surgeon and client. For the above reasons, the RCVS does not advocate the mandatory scanning of dogs entering veterinary practices. The attached position statement on 'The Routine Scanning of Dogs and Cats for Microchips' provides further clarification of the RCVS concerns in this regard.
17. If you require any clarification on the above comments, please do not hesitate to contact me. Alternatively, representatives from the RCVS would be happy to meet with you to discuss and expand upon our position

Anthony Roberts
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