This case explores the role of a vet as an expert witness in cases involving animal welfare.
An inspector calls

An RSPCA Inspector visits your surgery and the receptionist asks you to speak to her. She explains that she has received a complaint via World Horse Welfare about the management of some horses on a pasture on the outskirts of a town 10 miles away. The town is 1000 feet up in some hills and has a reputation for bad weather. She requests that you accompany her and the representative of WHW on a visit to see the horses.

The complainant is the neighbour of the premises where the horses are kept. The owner of the horses is known to the RSPCA inspector – he lives 5 miles away. He is not a client of your practice but the inspector informs you that he has horses dotted all over the county. The owner has not been notified of your visit; the RSPCA inspector feels that if he has advance warning he will simply move the animals elsewhere and she will lose track of them.

What should you do? (continue for answers)
Stakeholders and relevant considerations

- The horses
  Their welfare should be assessed using the five welfare needs. We do not know exactly what state they are in, but the complaint is about their “management”. Maybe their diet is unsuitable in quantity or quality. Maybe they have no shelter or their field is predominantly mud. Maybe they are in ill health.

- RSPCA Inspector
  Wants to find a solution that will ensure the horses’ welfare needs are met. Depending on individual personality may be keen to pursue prosecutions. Regardless, will pursue prosecution if required.

- Receptionist
  May be indifferent to situation, or may be interested in animal welfare and wish to see practice helping in any way it can. If latter, and practice refuses to help, may affect staff morale.

- World Horse Welfare
  An international charity dedicated to caring for horses which works with RSPCA to bring prosecutions as the organisation has no in-house prosecution team.

  To report a welfare problem in the UK, contact World Horse Welfare on 0800 480180 Hotline staffed 8am to 6.30pm Monday to Friday. Working hours for Field Officers are 8.30am to 5pm Monday to Friday. Emergency calls falling outside these times will be referred to another appropriate organisation.
Stakeholders and relevant considerations

• Neighbour (complainant)

Presumably wants to see horses returned to state where their welfare needs are met. May have personal issues with their neighbour (neighbourly dispute) but we have no information about this.

• Horse Owner

Known to the RSPCA inspector, suggesting he has provided substandard animal care in the past. Why is he keeping horses if he is unable to care for them properly? Commercial reasons – money taking priority over good care? Ignorance?

• Vet

Can decide whether or not to provide assistance to RSPCA. Might feel too busy to take case on. Hopefully wants to help in improving conditions for the horses, so will co-operate. Should have fee structure in place for cases like this which practice and client are both aware of from outset.
Relevant legislation and professional guidance

The horse owner is not your client but the RSPCA inspector is (if you choose to assist).

As to whether you should notify the owner of your visit, you may wish to call the RCVS for their advice – and record what they say in your case notes.

The Animal Welfare Act 2006 permits an inspector appointed by Animal Health or a police constable to enter premises. To be clear, an “inspector” does not include RSPCA inspectors or Official Veterinarians, but does include police officers and Animal Health Veterinary Surgeons (and in some areas, appointed animal welfare inspectors).

Under s. 18 of the AWA, if a veterinary surgeon certifies that an animal’s condition warrants it, then an animal can be destroyed or taken in to possession. This certification can only be given by the vet if he/she has full personal knowledge of the situation, so the vet must visit the site and examine the animals. Therefore, a vet can legally accompany an inspector or constable on to the owner’s premises without risk of trespassing.

Power of entry conditions are laid out in AWA 2006 s.19: Power of entry for s. 18 purposes

1. An inspector or a constable may enter premises for the purpose of searching for a protected animal and of exercising any power under section 18 in relation to it if he reasonably believes
   a) that there is a protected animal on the premises, and
   b) that the animal is suffering or, if the circumstances of the animal do not change, it is likely to suffer.

Remember, RSPCA inspectors do not have power of entry; they must seek assistance from the local police force who may ask a magistrate for a search warrant.

Scottish SPCA’s inspectors, however, are designated under the Animal Health and Welfare (Scotland) Act 2006 s. 49(2)(a), which enables them to exercise powers of entry, search, seizure and issue of binding notices under the Act, such as "care notices".
What could be done in practice?

The following guidelines are kindly reproduced, with permission, from the BEVA Guidelines on Welfare Statements. It is stressed that the vet should make a detailed examination with contemporaneous notes and forensic chain as mentioned. The use of digital photographs is very useful. Animals must be positively identified. One must be clear of the difference between factual evidence and expert opinion.

These guidelines indicate the need for serious thought to be given to the following areas when preparing to offer evidence in a court case or where that direction may develop. The principal areas for thought are:

1. Report what you see; no more - no less.
2. Provide physical evidence that can be preserved and that can be clearly tracked and identified.
3. Insist on a second veterinary surgeon’s presence to consult and agree conditions, samples and investigations.
4. When formulating any report, be very careful that you mean what you write and particularly avoid emotive or inexact terminology.
5. Clear, well formulated evidence, explained in simple terms helps the court more readily than complicated science.
What could be done in practice?

6. Opinion evidence moves you into the realm of the expert - are you able to justify this recognition to the court and before your peers?

7. An up-to-date CV with evidence of CPD and qualifications is obligatory for expert witnesses; expect your qualifications, experience and CPD to be questioned.

8. References where necessary should be available in court to support any science that may be challenged.

9. Ethical issues shape our laws and society and the application of the law is for the court to decide and not an issue for your patronage.

10. Do not be afraid to seek advice - RCVS, VAAJ, AWSELVA and VDS, as well as the specialist species divisions of BVA, have experience and expertise in these areas and will offer advice and/or support.

11. Keep up to date with the species that you commonly see, join the specialist divisions of BVA and become active - it may only serve to reassure you that what you do is right (or accepted common practice) but that is a great comfort in times of stress.

12. Recognise the limits of your own expertise and do not be afraid to acknowledge them.
What could be done in policy?

The BEVA would like to “encourage veterinary surgeons to offer opinion on welfare issues”. The “BEVA Guidelines on Welfare Statements” are produced to help vets in this position.
The Animal Welfare Foundation (AWF) aims to alleviate unnecessary pain and suffering in all animals including working and livestock animals, wildlife, and pets. We do this by focusing out charitable activities on three main areas:

- **Research**
  - Grant funding research which has a direct impact on animal welfare.

- **Debate**
  - Providing a forum for discussion to highlight and promote animal welfare best practice

- **Education**
  - Investing in education for the public and veterinary professions, particularly students, on animal welfare issues

AN INSPECTOR CALLS – AWF CASE STUDY
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www.animalwelfarefoundation.org.uk

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Thank you for taking part

For more information

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