In the dock

An AWF Case Study

A CASE WHICH EXPLORES THE LEGALITY OF TAIL DOCKING IN DOGS AND HOW PRACTISING VETS CAN PROCEED IN A CONSTRUCTIVE MANNER WHEN THE LAW HAS BEEN BROKEN.
In the dock

You are working in England and are presented with an 8-week-old, Springer Spaniel puppy for his first vaccination. He has a docked and fully healed tail. He has been brought as a pet, not a working animal, and has no paperwork to prove he has been legally docked.

What do you do and what are you obliged by law to do? How would your approach and discussion differ if the puppy was a Rottweiler?

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

• The puppy

This dog has had part of his body amputated because the breeders may have tried to avoid the risk of accidental damage at a later date or because of tradition. He is unlikely to have received anaesthesia or analgesia during the procedure. It can be argued that he has been caused suffering at the time of the procedure and his ability to communicate with other dogs may be affected for life.

• The owner

The new owner may be totally unaware of docking and it can be very upsetting for them when they find out what it entails. They may experience guilt about the procedure and feel complicit. Equally, they may be hesitant to be involved legally and may be very reluctant to divulge the breeder’s details because they don’t want to drop them in it. This is particularly relevant where the breeder is a friend or has become friendly during the puppy selection process. If you stick to what the law dictates you do, this can help persuade reluctant owners of the right thing to do.
Stakeholders and relevant considerations

• The breeder

If the breeder has docked this puppy’s tail or had it docked by anyone other than a vet then they are guilty of a crime and should be prosecuted. Ignorance of the law is not an excuse. If the puppy has been legally docked they should have passed on the docking certificate to the puppy’s purchasers.

• The vet

The RCVS has long believed that docking is an unnecessary mutilation. The law is helping things but unless vets chase these cases up, especially those of exempt breeds, then animals will continue to suffer and in some cases die while breeders continue to dock themselves. You can’t alleviate or prevent the suffering to this animal but your actions could make a huge impact on future litters from these breeders.
Relevant legislation and professional guidance

Further information can be found in the AWF tail docking advice leaflet for vets.

RCVS Code of Professional Conduct for Veterinary Surgeons, Annex R gives professional guidance on tail docking for veterinary professionals. RCVS Advice Note 20 gives advice on client confidentiality and reporting alleged criminal activity.

In England the Animal Welfare Act 2006 s. 6 and Docking of Working Dogs' Tails (England) Regulations 2007 (SI 2007/1120) make it an offence to remove the whole or part of a dog's tail other than for the purpose of medical treatment, subject to the exemption for docking the tails of certain working dogs.

Veterinary surgeons practising in England should also be aware of the provisions which apply in other parts of the United Kingdom, as they might be asked to undertake docking that could be illegal in the client's normal country of residence.
Relevant legislation and professional guidance

In Wales the regulations are similar to those which apply in England but not identical and are covered in the Animal Welfare Act 2006 s. 6 and Docking of Working Dogs' Tails (Wales) Regulations 2007 (SI 2007/1028 (W. 95)).

In Northern Ireland The Welfare of Animals Act (Northern Ireland) 2011 banned docking with exemptions for certain types of working dog and where docking is performed as part of medical treatment or in an emergency to save the dogs’ life.

The Welfare of Animals (Docking of Working Dogs’ Tails and Miscellaneous Amendments) Regulations (Northern Ireland) 2012 specifies the type of dogs that may be docked.

In Scotland the Animal Health and Welfare (Scotland) Act 2006 s. 20 prohibits the mutilation of animals, apart from procedures specified in regulations. Although initially the regulations did not include docking, they were amended in 2017 to do so provided that the puppy is of certain breeds and not more than a third of the tail is removed. The regulations are The Prohibited Procedures on Protected Animals (Exemptions) (Scotland) Amendment Regulations 2017.
What could be done in practice?

The key point is that often the owner is unaware not only of any legislation but that docking has even taken place. Under the law the owner (if they are not the breeder or the person who had the dog docked) is not responsible and not liable for prosecution. Many owners are keen to help once the procedure has been explained.

Good client communication is essential in tackling this problem and flushing out the breeders who are still docking puppies’ tails themselves.

• Gently broach the subject. Explain that the puppy has been docked and should, under the law, be accompanied by a certificate from the vet who carried out the docking. Explain that it is your duty to complete this certificate when the puppy is microchipped as the law states it must be. The owner can either contact the breeder themselves or you can offer to do it for them.

• If no certificate is forthcoming then the RSPCA should be contacted to pursue prosecution under the AWA 2006. Usually the only involvement needed on behalf of the owner is a statement to say where and when they acquired the puppy and that the puppy was docked when they got it. The vet (you) will also probably need to give a statement to state your findings that the tail was docked and fully healed when the puppy was presented to you.

• According to the RCVS guidelines you are not obliged to report illegal activity but obviously you may feel a moral obligation to do so.

• If the puppy is not an exempt breed, as in the case of the Rottweiler mentioned in the scenario, then you explain the situation and that the breeder has broken the law. If the owner is unwilling to divulge the breeder’s details then there is little anyone can do. If they will share the details, then you can contact the RSPCA, as above. If they don’t want you to contact the RSPCA to report the offence, you will need to decide if you want to break client confidentiality to proceed. According to the RCVS Code of Professional Conduct for Veterinary Surgeons you can breach client confidentiality in some circumstances where your welfare concerns or an alleged illegality may override the trust in the client-vet bond.

However, in any such circumstance you should ring the RCVS Professional Conduct Department first to discuss your concerns and whether or not you should go ahead. This would also apply, for instance, if you knew who the breeder was or if the breeder was a client of yours who presented the puppy for vaccination. For further information, see RCVS advice note 20.

IN THE DOCK – AWF CASE STUDY
What could be done in policy?

It is widely believed that the exemption to the law in England and Wales is unnecessary and that a total ban would have been more workable and more ethically sound. This is supported by evidence from countries such as Sweden where docking has been banned for over 20 years and by some research in the UK since the ban came into place. Further research has been undertaken in Scotland. The resulting paper has significant bias but showed that un-docked dogs did injure their tails while working. This research resulted in the initial Scottish ban being revoked to allow limited docking of some breeds. Continued pressure to DEFRA and the government could help change the secondary legislation so that a full ban may come into force in future years.

Some vets believe that the RCVS should be keeping a central record of certificates to get an idea of which vets are docking, how many dogs are being docked and whether they are in working or pet homes. Pressure on the RCVS may accomplish this.
About AWF

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.
- **Education**: Investing in education for the public and veterinary professions, particularly students, on animal welfare issues.
- **Debate**: Providing a forum for discussion to highlight and promote animal welfare best practice.

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