

Proposal to permit tail docking of working Spaniels and Hunt Point Retrievers

Consultation response by OneKind

April 2016



Extract from consultation paper

The Scottish Government is seeking views on the proposed introduction of a tightly defined exemption to allow vets to dock Spaniel and Hunt Point Retriever puppies only, if they believe on the evidence presented to them that they are likely to be used for working in future and that the pain of docking is outweighed by the possible avoidance of more serious injuries later in life.

Any such amendment would be subject to the scrutiny and approval of the Scottish Parliament before it could take effect.

Proposed changes:

To permit the docking, by up to a maximum of one third in length, of the tails of working Spaniels and Hunt Point Retrievers before they are not more than five days old; and

To require such tail docking to be carried out by veterinary surgeons and only where:

- they have been provided with sufficient evidence that the dogs will be used for working purposes in the future; and

- in their professional judgment the pain of docking is outweighed by the possible avoidance of more serious injuries in later life.

Question 1

Should the Scottish Ministers allow vets in Scotland to dock Spaniel and Hunt Point Retriever puppies if they believe on the evidence presented to them that they are likely to be used for working in future and that the pain of docking is outweighed by the possible avoidance of more serious injuries later in life?

Answer: No

OneKind is opposed to the tail docking of all dogs, on animal welfare grounds. We would consider reviewing this position if it was proven beyond doubt that, taking all factors into account, the welfare benefits of tail docking outweighed the welfare costs.

OneKind appreciates that the intention behind the Scottish Government's proposal is to minimise, as far as possible, the incidence of painful and disabling tail injuries in adult dogs used for working. We accept that these injuries can be serious and in the worst cases can result in full or partial tail amputation. At present, however, we do not believe that there is sufficient evidence of a net benefit for animal welfare to be gained from the proposed exemption to justify its introduction at this stage.

We are aware of the research commissioned by the Scottish Government from the University of Glasgow, published in the Veterinary Record on 23 April 2014¹, and referred to in the consultation document. *Survey of tail injuries sustained by working gundogs and terriers in Scotland* (referred to as Paper 1); *The prevalence of tail injuries in working and non-working breed dogs visiting veterinary practices in Scotland* (Paper 2).

We are not surprised by the conclusions in both papers that the incidence of tail injury has increased since the prohibition on tail docking was introduced.

We note however the observation in Paper 2 that a high number of puppies would need to be docked in order to prevent one tail injury resulting in veterinary treatment – between 81 and 135. A further relevant conclusion in Paper 2, given the prevalence of Spaniels in the case studies presented by those lobbying for the exemption, is that to prevent one tail amputation in a Spaniel, a minimum of 320 Spaniel puppies would need to be docked.

Before introducing any exemptions, therefore, OneKind believes that a number of questions remain to be resolved:

1. Net gain or loss for animal welfare

Further consideration must be given to whether the infliction of a painful mutilation on thousands of newborn puppies is the most ethical or scientifically justifiable solution to potential future suffering in a smaller number of adult dogs. It is no longer accepted that performing procedures on animals at younger ages results in less pain than in adults – indeed, there is a considerable body of evidence that the reverse is true.

The short- and long-term pain experienced by puppies due to tail docking requires to be quantified and a full cost-benefit analysis carried out of this pain versus the pain suffered by dogs that experience tail injuries in later life. Research needs specifically to evaluate whether the pain of non-docked dogs injured in adult life can be said to outweigh that of puppies who undergo tail docking. Injury rates would need to be compared, bearing in mind that the injury rate of docked puppies is 100%.

The authors (Paper 2) acknowledge the evidence “that neonates have similar, if not increased, sensitivity to pain compared to adults”. There are, however, limited scientific data regarding the pain perception of puppies at docking and we hope the Scottish Government will be prepared to obtain further evidence on this before making any change of policy.

While we appreciate the difference between species, there is considerable evidence that pigs and lambs suffer significant pain at the time of docking and afterwards. In its *Report on the Implications of Castration and Tail Docking for the Welfare of Lambs*² the Farm Animal Welfare Council noted the ability of very young animals to feel pain – something that was often dismissed by proponents of tail docking (para 55):

¹Survey of tail injuries sustained by working gundogs and terriers in Scotland’, R Lederer, D Bennett & T Parkin, Veterinary Record 23 April 2014; Published Online First: 4 April 2014 doi:10.1136/vr.102041 (Paper 1)

The prevalence of tail injuries in working and non-working breed dogs visiting veterinary practices in Scotland’, N Cameron, R Lederer, D Bennett & T Parkin, Published Online First: 4 April 2014 doi:10.1136/vr.102042 (Paper 2).

² <http://www.fawc.org.uk/pdf/report-080630.pdf>

“There is now solid evidence, which demonstrates that newborn lambs, and even those born prematurely, have the basic neuronal circuitry needed for processing nociceptive information and are capable of showing behavioural and physiological responses to noxious stimulation. Although it is a moot question what this evidence tells us about the experience of pain in young animals, it is now generally accepted that newborn of all vertebrate species are capable of experiencing pain and that its prevention and management are important.”

The FAWC report also comments (para 51):

“[...] it is a difficult ethical judgement as to whether to perform a painful procedure on large numbers of animals for the potential benefit of a small minority.”

The severity and duration of pain caused by tail docking in young puppies need to be described and measured and should not be considered less significant than that of adult dogs injuring their tails, without objective evidence.

2. Comparison of tail docking with adult injuries

Without further information on the issue of short-term pain and distress, we cannot see how vets can be expected to decide what constitutes “more serious” injuries in later life.

For example, while it might be agreed that an injury leading to tail amputation in an adult dog is “more serious” than an injury caused by early docking, can the same be said of lacerations and contusions which vary in severity? The authors of the Glasgow University Paper 1 comment:

“Intuitively one would hypothesise that repeated tail tip injuries, followed by an amputation as an adult, would be more painful than the pain of being docked as a puppy.”

This is a reasonable hypothesis but being confined to the most serious scenario – repeated injuries followed by amputation as an adult – it does not represent the majority of cases. In addition, adult animals undergoing tail amputation would do so under general anaesthesia and be provided with pain relief. The tail tip injury may hurt but the actual amputation could be less painful than a puppy being docked.

And, as already stated in this response, and in the consultation paper, to spare that one adult the pain of injury and amputation, between 81 and 135 puppies would – hypothetically – need to undergo the pain of docking.

It is difficult to see how veterinary surgeons are to compare these scenarios.

3. Guidance on pain relief

Assessment of different forms of analgesia, with guidelines as to adequate pain relief, would also need to be provided, to ensure that practitioners are enabled and obliged to provide the optimum pain relief. Our understanding is that these matters remain the subject of research.

OneKind understands that veterinary surgeons routinely would give non steroidal anti inflammatory drugs (NSAID) to an adult dog undergoing tail amputation for pain relief, but that the two main NSAIDs in use are not suitable for animals under 8 weeks old. These would only be used with extreme caution in puppies under 5 days old as they do not have a mature enough liver to metabolise them. A vet might use them if absolutely necessary but it is not established that docking is absolutely necessary. Therefore, vets would probably dock with no pain relief or put the animal at risk by using pain relief.

4. Likelihood of working in the field

Guidance as to how to assess the probability of a dog going on to work in the field would need to be issued.

OneKind is aware of the procedures for certification put in place south of the border under s.6 of the Animal Welfare Act 2006, and elsewhere in the UK, mainly relying on a statement from the puppy's owner³. There are two difficulties with this – firstly, the possibility that the owner's statement is not true, as highlighted by the Royal College of Veterinary Surgeons (RCVS) in its response to the consultation on the proposed Welfare of Animals (Docking of Working Dogs' Tails and Miscellaneous Amendments) Regulations (Northern Ireland) in 2011⁴. The RCVS stated:

“7. Anecdotal evidence from England and Wales points to a number of cases where dogs being docked do not go on to become working dogs, nor in some cases was it the intention of the owner/breeder presenting the dog for docking that it would ever become a working dog. Such anecdotal reports suggest that the evidence that veterinary surgeons are required to be shown before certifying that a dog is one permitted to have its tail docked does not provide adequate assurance that a dog is likely to go on to work.”

As indicated here, the second difficulty is that even a puppy that was genuinely intended as a working dog may for some reason not be used in that manner, meaning that it would undergo the procedure of tail docking unnecessarily.

There are also issues connected with the concept of ownership - at five days old, the owner would be the breeder who is unlikely to keep and work all puppies. Even if they have been reserved, it is questionable whether the intended owner is a “true” owner.

Question 2

If the Scottish Ministers decide, after consultation, to permit limited tail docking for Spaniels and Hunt Point Retrievers, do you agree that such tail docking should be limited to the end third of the tail?

Answer: Don't know

It may appear logical that, if docking is to be carried out at all on young puppies, the consequences for the dog's behaviour and communication abilities are likely to be less serious if a smaller part of the tail is removed. We assume that some of the longer-term effects such as chronic health problems associated with damage or degeneration to the tail, back and pelvic area, or adverse effects on movement, communication and behaviour, would be reduced to some extent.

³ As set out in the certificate to be signed by veterinary surgeon
<http://webarchive.nationalarchives.gov.uk/20130402151656/http://archive.defra.gov>

⁴ RCVS response to DARD Consultation on the Draft Docking of Working Dogs' Tails Regulations September 2011

While there is less tissue to cut through further away from the body, pain sensation is probably the same throughout the length of the tail. We assume that the pain of cutting through skin, nerves, cartilage and blood vessels in a new-born puppy's tail would be similar whether the cut is close to the end of the tail or close to the body. We also question whether removing only a third of the tail would reduce long term consequences such as inflammation, neuroma formation or phantom limb pain, or negative effects on socialisation due to the early pain and distress of tail docking.

For this reason, we are unable to give a view whether the removal of a shorter section is to be preferred, or not.

Question 3

If the Scottish Ministers decide, after consultation, to permit limited tail docking for Spaniels and Hunt Point Retrievers, do you think the following would help effectively restrict the exemption to future working dogs?

Permit all veterinary surgeons to dock on evidence to their satisfaction that dogs are likely to work in future.

Answer: No

On balance we feel that this first proposal is too general and would require much more detail and support for veterinary surgeons, as described in our response to Question 1.

As already stated, the issue immediately arises of adequate evidence that dogs are likely to work in future. Referring once again to the RCVS response to the proposed Welfare of Animals (Docking of Working Dogs' Tails and Miscellaneous Amendments) Regulations (Northern Ireland)⁵, we note the comment that "there are difficulties associated with a system whereby the decision to dock the tail of a pup is made by the breeder before it is known with certainty that the pup will go on to be used as a working dog by the buyer."

Even when a dog is presented in good faith by the owner or his agent, it remains entirely possible that the puppy will not grow up to work in the field. The veterinary surgeon would therefore have carried out the painful mutilation unnecessarily. This is an ethical issue for the profession and the individual, as well as a matter of animal welfare concern.

Permit only specially approved veterinary surgeons to dock on evidence to their satisfaction that dogs are likely to work in future.

Answer: No

OneKind appreciates that by approving selected veterinary surgeons to dock, a degree of expertise in the procedure, and in assessing the evidence that dogs are likely to work in future, may be expected to develop. Unfortunately, we believe that this could become a minority interest and that those vets who are willing to dock could potentially be individuals who take a less rigorous approach to evidence and assessment of the

⁵ RCVS response to DARD Consultation on the Draft Docking of Working Dogs' Tails Regulations September 2011

complex issues. There would therefore be little mitigating effect in approving certain vets.

Require veterinary surgeons that have docked dogs likely to work in future to carry out the microchipping and registration of that dog.

Answer: Yes

In its response to the consultation on the proposed Welfare of Animals (Docking of Working Dogs' Tails and Miscellaneous Amendments) Regulations (Northern Ireland)⁶, the RCVS described cases in England and Wales where the puppy presented for microchipping was not the same puppy that had previously had its tail docked. It has therefore been suggested that reducing the time period between docking and microchipping from three months to eight weeks and requiring the same veterinary practice to perform the docking and microchipping would eliminate this possibility. If the exemption should proceed, OneKind agrees that this would be a useful safeguard.

Question 4

Do you have any additional suggestions that you think might help to effectively restrict tail docking to future working dogs?

If the exemption should proceed, OneKind believes it would be essential to prohibit the showing of docked working breeds at dog shows where an entrance fee is charged.

Question 5

Do you have a commercial interest in the breeding, sale or use of working dogs?

Breeding Answer: No

Sale Answer: No

Use Answer: No

Question 6: Do you consider that the current total ban on tail docking has had a negative financial impact on the commercial breeding, sale or use of working Spaniels and Hunt Point retrievers in Scotland?

Breeding Answer: Don't know

Sale Answer: Don't know

Use Answer: Don't know

Question 7

Has the current ban had a negative financial impact on you personally, and was this linked to the sale of working dogs, working days lost through injury, or other reasons?

⁶ RCVS response to DARD Consultation on the Draft Docking of Working Dogs' Tails Regulations September 2011

Ban has had a negative financial impact on me

Answer: No

Impact includes loss of dog sales

Answer: No

Impact includes loss of dog working days

Answer: No

Other impacts

Answer: No

Question 8

What effect do you think that an exemption to the current ban for working Spaniels and Hunt Point Retrievers is likely to bring to your business, particularly on the expected sale of working dogs, working days lost through injury, the costs of tail docking or other reasons?

Answer: N/a

Question 9

Are you content for the Scottish Government to contact you for further clarification of the financial effects that you have estimated?

Answer: Yes

Question 10

Do you have any other comments on whether Scottish Ministers should introduce a tightly defined exemption to the ban on tail docking for working Spaniels and Hunt Point Retrievers?

In view of the references in the consultation paper to the Glasgow University research (Papers 1 and 2 in this response), we would add that, as we understand it, the research was not required to consider the pain of docking, long term health and behavioural effects, or alternatives to docking such as selecting safer terrain or not using a vulnerable dog when shooting (proponents of tail-docking often cite repeated injuries to a single dog).

Paper 1 does, however, point out that docking as a puppy does not entirely remove the risk of subsequent tail injury, or indeed injuries to other parts of the body. The paper recommends that "gun dog owners should also be encouraged to reduce the risk of tail injury by, for example, ensuring dogs are housed in suitable kennels and if feasible selecting less hazardous areas for a shoot or field trial. It is recognised that the selection of the area for a shoot is difficult to manage. However, the fact that 44.3 per cent and 36.8 per cent of 'worst tail injuries' were reported to have occurred while working in 'cover' or woodland, respectively may help owners with dogs prone to tail injury decide which shoots or field trials to attend."

OneKind welcomes the Scottish Government's commitment to commissioning original research on animal welfare, but without further information specific to the above issues we think it would be premature to introduce exemptions to Scotland's overall ban on tail docking of dogs.

Finally, OneKind hopes that the Scottish Government will consider seriously the view expressed by the British Veterinary Association, representing the veterinary profession, in its Policy Statement⁷:

"We are opposed to the docking of puppies' tails. We believe that puppies suffer unnecessary pain as a result of docking, and are deprived of a vital form of canine expression. Chronic pain can arise from poorly-performed docking. We would reiterate that surgical operations should not be undertaken unless necessary for therapeutic purposes and that docking should be banned as a procedure, other than for veterinary medical reasons, for all breeds of dog."

Question 11

Do you consider that the consultation explained the key issues sufficiently to properly consider your responses?

Answer: Yes

Question 12

Do you consider that you had sufficient time to respond to the consultation?

Answer: Yes

Question 13

Do you have any other comments on the way this consultation has been consulted?

Answer: No

Submitted 1 May 2016

Thank you for completing the consultation.

Your response ID is ANON-3T2J-P1F6-Z. Please have this ID available if you need to contact us about your response.

⁷http://www.bva.co.uk/uploadedFiles/Content/News,_campaigns_and_policies/Policies/Companion_animals/Tail_Docking_Policy_Statement.pdf