

# Review of the Implementation of the Welfare of Animals Act (NI) 2011

## DRAFT Action Plan

15 April 2016 (version 1.0)

### Timescale key:

Complete: the required actions have been delivered and the Recommendation has been implemented;

Short-term (S): to be completed within 6 months;

Medium-term (M): to be completed in 6 months to 18 months;

Long-term (L): unlikely to be completed within 18 months; and

Ongoing: the recommendation requires actions to be continued indefinitely and these actions have begun.

Theme	Number	Recommendation	Body	Actions required	Timescale
Sentencing	1	<p>DARD considers increasing penalties for animal welfare offences as follows: -</p> <ul style="list-style-type: none"> <li>• <b>Summary Offences</b> - Increase the maximum penalty on summary conviction for the offences of <b>causing unnecessary suffering</b> (section 4) and <b>animal fighting</b> (sections 8(1) &amp; 8(2)) to twelve months imprisonment, a fine not exceeding £20,000, or both.</li> <li>• <b>Indictable Offences</b> - Increase the maximum sentence for conviction on indictment, from two years imprisonment to five years.</li> <li>• The following summary only offences are amended to make them hybrid, which will allow the most serious cases to be heard in the Crown Court: -</li> </ul>	DARD	Consider policy on maximum sentences.	Complete
			DARD	Provide legislative drafting instructions setting out new sentencing requirements.	Complete

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		<ul style="list-style-type: none"> <li>Knowingly supplying, publishing , showing or possessing with intent to supply photographs, images or video of an animal fight;</li> <li>Breaching a disqualification order; and,</li> <li>Selling or parting with an animal pending the outcome of an appeal to a deprivation order.</li> </ul> <ul style="list-style-type: none"> <li>The range of ancillary post-conviction powers available to the courts following conviction for animal fighting offences are extended to be available following a conviction for supplying, publishing showing and possessing with intent to supply photographs, images or video of an animal fight. This would, for example, give courts the power to confiscate an animal from an owner convicted of supplying images or video of an animal fight, and to disqualify such persons from owning or keeping animals.</li> </ul>	DOJ	Include provisions in the Justice No. 2 Bill to amend the Welfare of Animals Act (NI) 2011.	Complete
	2	DOJ to consider adding the following hybrid offences to the Unduly Lenient Sentencing Scheme (which would apply in circumstances where these cases are heard before the Crown Court): - 1) Unnecessary suffering (section 4), and 2) Causing/Attending an animal fight (sections 8(1) and 8(2)).	DOJ	Make a Statutory Rule to include animal welfare offences within the ULS Scheme.	Complete
	3	DOJ to write to the Lord Chief Justice to share the detail of the proposed increase to the maximum penalties as this may impact on existing sentencing guidelines. Consideration should also be given to giving DARD and local Councils an opportunity to provide the Judicial Studies Board with background about their enforcement roles.	DOJ DARD Councils	Write to the LCJ Consider opportunity to provide JSB with information on enforcement roles.	Complete S
Delivery	4	DARD VS review performance standards as part of the post-	DARD		S

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<b>Structures – Farmed Animals</b>		implementation review of the animal welfare enhancements to APHIS.			
	<b>5</b>	DARD VS monitor the level and outcome of anonymous and vexatious calls and if necessary review their procedures. In addition, they should consider reporting the number of anonymous and vexatious calls in the annual report.	DARD		S
	<b>6</b>	DARD VS continue to review policies, procedures, standard forms and guidance as and when the need arises (e.g. changes in legislation, review of best practice in a case).	DARD		M
	<b>7</b>	DARD VS incorporate lessons learned from case reviews in staff training in the implementation and enforcement of the appropriate legislation.	DARD		S
	<b>8</b>	DARD VS to continue with the current arrangement of monitoring the effectiveness of call-handling and, if any problems are detected, provide additional training.	DARD		S
<b>Delivery Structures – Non Farmed Animals</b>	<b>9</b>	Councils continue to report to the Animal Welfare Project Board on achievement of the targets set out in their Call Prioritisation policy and the Animal Welfare Project Board should continue to monitor and review performance and response time targets.	Councils	Ongoing reports at bi-monthly Project Board meetings	S
	<b>10</b>	Councils continue to review the volume of work, budget and spend on a quarterly basis and continue to seek to create efficiencies, where possible and, in conjunction with DARD and the Animal Welfare Project Board, continue to review the required level of funding for enforcement of the non-farmed animal welfare service.	Councils DARD	Ongoing Financial Reports provided at bi-monthly Project Board meetings & level of funding reviewed in line with claims submitted as per MOU	S
	<b>11</b>	Chief Executives of the eleven new Councils should consider the information provided to them by the Review when making decisions about the operating model for the delivery of the animal welfare service.	Councils	Report provided to SOLACE on 22 April 2016	S

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	12	Councils advise DARD as soon as possible of the structures in relation to the animal welfare service post LGR to inform decisions in relation to budget planning.	Councils	Complete	M
	13	Each Council adopts a consistent approach in relation to delegating the power to instigate legal proceedings.	Councils	Matter for each individual Council. Arrangements in place to ensure consistent approach	S
	14	Councils build into future training, guidance and practice the experience gained from on-going investigations and legal cases.	Councils	Experience shared at regularly planned meetings & regional guidance updated on intranet as necessary	S
	15	Councils provide guidance to AWOs in relation to offending by children and young people.	Councils	Ongoing training for AWOs	S
	16	Councils provide specific training on dealing with vulnerable adults.	Councils	Training completed by Mindwise	S
	17	Councils to formalise the procedures which are currently in draft form for AWOs and continue to undertake routine periodic review of policies, procedures, standard forms and guidance documents as good practice, address procedural gaps and periodically conduct consistency audits.	Councils	Regional Guidance updated as necessary on intranet Draft procedures finalised & updated on intranet To Develop a consistency audit protocol	M
	<b>Delivery Structures – Wild Animals</b>	18	The PSNI obtain input from Council AWOs to training for new officers and call handlers; and update and regularly review guidance on the PSNI intranet site for operational officers to include common offences/incidents.	PSNI	
19		The PSNI make information available for call handlers on the investigative responsibilities of PSNI, DARD and Councils for animal welfare issues, and to include contact details of relevant	PSNI		S

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		agencies should the matter need referred to another body.			
	20	The PSNI continue their current enforcement policy that all offences under the 2011 Act investigated by the PSNI are reported to PPS for direction.	PSNI		M
	21	The PSNI provide operational officers with guidance that can be accessed when out on patrol, advising on animal welfare responsibilities of each of the three enforcement bodies (PSNI, DARD, Council) and focusing on the common animal welfare offences police officers are likely to investigate i.e. animal fighting, horses on roads.	PSNI		S
	22	The PSNI investigating officer, upon securing a Disqualification Order, should forward details to the Wildlife Liaison Officer and local policing team. The information should also be placed and flagged on their computer system. The Order should be formally monitored at least twice a year and evidence of monitoring should be entered on their computer for audit purposes.	PSNI		M
<b>Working Together</b>	23	The draft MOU between the three enforcement bodies and the current MOUs between DARD and Councils be updated to reflect the outcome of this Review and the new structures adopted by Councils following LGR.	DARD Councils PSNI	Complete	S
	24	The three enforcement bodies establish protocols for working together in certain situations i.e. abandoned horses and missing pets.	DARD Councils PSNI	Awaiting legal opinion	S
	25	The three enforcement bodies meet regularly to discuss enforcement of the 2011 Act and to share best practice and lessons learned from specific investigations, NICTS should be invited when required.	DARD Councils PSNI	Ongoing	S
	26	The three enforcement bodies develop templates for Disposal, Deprivation and Disqualification Orders for use by prosecutors.	DARD Councils PSNI	Templates to be developed	M
	27	DARD in conjunction with DOJ, progress its application for access to the CRV and investigate options regarding sharing relevant conviction data with Councils.	DARD DOJ	DOJ consider access to CRV for DARD CET	Complete

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			DARD DOJ	Consider options around providing access to relevant conviction data for Councils	S
			Councils	Liaise with DARD when implementation of the new system is agreed	M
	28	DARD, with DOJ support, arrange an event bringing animal re-homing organisations together to share best practice and discuss steps that can be taken to ensure the suitability of individuals applying to re-home an animal.	DARD DOJ	Organise event to discuss re-homing best practice.	Complete
	29	Councils continue to work with organisations that are in a position to take ownership of animals which may be re-homed as a result of Disposal Orders granted by the Courts pending consideration of a licensing system for such organisations.	Councils	Continue to work with such organisations	Ongoing
	30	DARD consider licensing of animal sanctuaries, re-homing charities and dog pounds.	DARD	Review policy on licensing sanctuaries etc alongside review of legislation of petshop etc licensing.	M
	31	Enforcement Bodies make guidance available on how the public and animal welfare organisations should deal with an animal welfare incident.	DARD	Ensure up-to-date information available on animal welfare web presence	Complete
			Councils PSNI	Make updated animal welfare leaflet available to welfare organisations and the public.	Complete
	32	Councils to meet annually with key animal welfare representative groups to discuss enforcement of the 2011 Act as regards non-farmed animals.	Councils	Organised for June 2016	M

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	33	Councils meet with their counterparts in the Republic of Ireland on an annual basis or more frequently if required, to discuss issues of joint interest.	Councils	Meeting To be organised	M
	34	Councils work with cat welfare organisations to produce guidance for use by AWOs in determining when cats are of a feral kind.	Councils	Meeting To be organised	M
Serving The Public	35	DARD establish a single animal welfare website to bring together information from all enforcement bodies, informing the general public of the needs of animals, the responsibilities of owners, and the potential for criminal proceedings.	DARD	Establish an NIDirect web presence on animal welfare.	Complete
	36	DARD provide a series of 'quick-guides' to explain the legal responsibilities of animal owners and the enforcement arrangements.	DARD	Publish quick-guides to cover a range of species.	M
	37	An awareness campaign be undertaken to increase public awareness of who to contact if they are concerned about the welfare of animals.	DARD Councils PSNI	Enforcement bodies to conduct a range of activities, as appropriate to that body, to raise awareness of enforcement arrangements.	M
	38	Enforcement bodies revise, update and enhance sources of information on animal welfare, including provision of guidance, leaflets and CoP and links on Council websites and ensure that the CoP for non- farmed animals should be publicised.	Councils	Revise and update animal welfare leaflet and ensure links to Council website up-to-date	S
DARD Councils PSNI			Revise and update COP's and ensure they are publicised	M	

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	39	Enforcement bodies continue to encourage the public to report information that might indicate a welfare concern and consider how such information is gathered, analysed and acted upon to see if any improvements are possible.	DARD Councils PSNI	Information considered at regularly planned meetings	S
	40	DARD provide an annual report setting out information relevant to the public in relation to the animal welfare service provided by each of the three enforcement bodies.	DARD	Publish an annual report.	M
	41	Enforcement bodies should work with their respective media services to review Press Releases (including content, recipients and timing) to maximise uptake. Press Releases should also be published on the single animal welfare web presence.	DARD Councils PSNI	Councils will continue to forward Press Releases to DARD for uploading to NI Direct website	S
	42	Enforcement bodies include a standard line in Press Releases to inform the public how to report an animal welfare concern and provide a link to the animal welfare website.	DARD Councils PSNI	Complete	S
	43	Officials in DARD and DE to meet to discuss how they might highlight animal welfare educational awareness programmes in schools.	DARD	Consider issues to be covered, possible use of charities.	S
			DE	Advise on options for providing programmes in schools, age range etc	S
	44	Enforcement bodies provide briefing material on the 2011 Act, including on the welfare needs of animals to media outlets, which should be updated regularly.	DARD	Publish guidance on the 2011 Act which can be supplied to media outlets alongside welfare information, and referred to in press releases.	Complete
	45	Councils appropriately publish complaints procedures when established within the new Councils so that they are readily accessible to animal welfare stakeholders and members of the public.	Councils	Complete	M



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Dog Breeding and Online Pet Sales	46	Guidelines should be revised to require Council Enforcement Officers to verify implementation of socialisation, enhancement and enrichment programmes during inspections and this requirement to be written into the Regulations at the earliest possible opportunity.	DARD Councils	Revise guidelines on socialisation, enhancement and enrichment programmes.	M/L
	47	Councils should draw up a protocol for risk based unannounced inspections to ensure consistency across all local Council areas.	Councils	Protocol to be developed	M
	48	DARD and Councils to carry out a review of licence fees for dog breeding establishments. This should be on the basis of full cost recovery of costs to the Councils and should take into account the need, on occasions, for multiple inspections of dog breeding establishments. To ensure consistency of approach, this review of the licence fee should be carried out in tandem to a forthcoming review of the legislation for Petshops, Animal Boarding and Riding Establishments and Zoos which will also cover inspection activities and fees	DARD Councils	Councils awaiting Review of legislation	L
	49	The Guidance for Council Enforcement Officers issued by the DARD to Councils should be reviewed, in conjunction with Councils, by DARD and strengthened. This strengthened guidance should be made available to Dog Breeders and members of the public via the single animal web presence.	DARD Councils	Councils awaiting final guidance from DARD	M
	50	DARD reviews guidance for work areas such as New Owners Guide for animal boarding establishments to ensure a consistent approach is adopted.	DARD Councils	Councils awaiting final guidance from DARD	M
	51	Councils finalise training requirements, following the outcome of this Review, so that any relevant areas can be addressed as part of an accredited course.	Councils	Nominated Council will liaise with training provider (SERC)	M
	52	DARD should monitor the implementation of staff to dog ratio conditions by local authorities in Wales with a view to considering this option in the future.	DARD		Ongoing
	53	DARD to amend legislation to allow the details contained within Council held registers of Licensed Dog Breeding Establishments to be made available to the public and on the	DARD	Make a Statutory Rule to amend legislation on licensing of dog breeding establishments.	L

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		single animal welfare web presence.			
	54	DARD and DAFM to include dog breeding and the movement of dogs as a standing item at meetings of the North South Animal Welfare and Transport Working Group, to facilitate the sharing of information, intelligence, best practice and lessons learned.	DARD		Ongoing
	55	The conditions required for obtaining a dog breeding licence should be made available on Council websites, and the single animal welfare web presence.	DARD Councils	Include information on websites.	S
	56	DARD in conjunction with DE to consider including buying and caring for a pup in any animal welfare educational awareness programmes in schools arising from the implementation of Recommendation 43; and include relevant links/guidance on the new animal welfare web presence.	DARD DE		M
	57	DARD to formalise its links with PAAG and IPAAG and work with these organisations to promote better self regulation of online sites advertising pets.	DARD	Formalise links with PAAG and IPAAG by joining and regularly attending meeting of both bodies.	Ongoing
	58	DARD and Councils should raise awareness of the legislation available, and the relevant enforcement bodies, that the public have recourse to by the inclusion of relevant links/guidance on the new animal welfare web presence.	DARD Councils	Completed	M
	59	DARD includes the issue of the selling pets from all premises as part of its consultation when reviewing and revising the legislation relating to petshops, riding and animal boarding establishments.	DARD		S
Equines	60	The legislative requirement for the registration of premises where equines are kept to be reviewed based on the Review feedback, and when further information is available on what, if any, requirements may be included in the new EU AHRs.	DARD		M
	61	The Equine Coordination Working Group to develop a multi	DARD		S

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		agency communication strategy to address issues raised by stakeholders including awareness and education in relation to responsible breeding and ownership, and end of life.			
	62	DARD to support the British Horse Society in their planned Spring 2016 castration clinic here.	DARD		S
	63	The Review recommends that DARD continues to monitor the level of equine welfare and abandonment cases and keep the need for action under review. This should include continuing to engage with DAFM officials through the North South Animal Welfare and Transport Working Group.	DARD		S
	64	DARD seek to amend the 2011 Act to add a clause to enable an accelerated process for the re-homing or disposal of abandoned, unidentified equines.	DARD	Introduce Primary legislation to the Assembly to amend the 2011 Act.	L
	65	Councils to continue to monitor the ongoing training and development requirements of Animal Welfare Officers in relation to equine management and welfare.	Councils	Additional training provided to AWOs in relation to Donkeys in Jan 2016 & training needs monitored on ongoing basis	S
	66	DARD to highlight the consequences of an unidentified horse being taken into possession on welfare grounds in its planned Communications strategy in relation to the Horse Passport Regulations.	DARD		S
	67	In relation to abandoned equines that are not microchipped and therefore their previous ownership cannot be established, ensure that any Disposal Order states that the equines are not microchipped and ownership is untraceable. This is to ensure that the court is aware that it will not be possible to establish any ownership for these unidentified equines, in addition to being in breach of the Horse Passport Regulations (note: only equines born after June 2009 require microchip).	DARD		S

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	68	DFP to review the Animals Order 1976 to reflect the current legislative requirements regarding the electronic traceability of animals and passporting and the limited availability of outlets to sell or auction animals that have been taken into possession, including consideration of additional disposal options that are now available and retention periods.	DFP	Introduce Primary legislation to the Assembly to amend the 1976 Order	L