

Burns PD (Phil)

From: [REDACTED]
Sent: 10 November 2010 10:39
To: Cabinet Secretary for Rural Affairs and the Environment
Cc: Minister for Environment; Russell P (Peter); Hall S (Simon) (CVO); Voas S (Sheila);
 Voas AP (Andrew); [REDACTED] Communications Greener; [REDACTED]
 E (Elaine)
Subject: FW: Briefing request - Meeting with Fergus Ewing - 18 November



Ministerial



Tail Docking

Briefing Templat... Submission - Se...

[REDACTED]

I attach the completed briefing template for Mr Lochhead's meeting with Fergus Ewing MSP and the Scottish Gamekeepers' Association.

As Mr Lochhead is well aware of the issue I have kept the briefing short. However, should he wish to refresh his memory (and for the benefit of copy recipients) I have attached a copy of my submission of 28th September, which dealt with this issue in depth.

[REDACTED] (Comms – Greener) and I shall attend the meeting. If Mr Lochhead would like a short pre-meeting with us, please let me know.

[REDACTED]

From: [REDACTED] **On Behalf Of** Cabinet Secretary for Rural Affairs and the Environment
Sent: 04 November 2010 15:12
To: [REDACTED]
Cc: Hall S (Simon) (CVO); Voas S (Sheila); [REDACTED]
Subject: Briefing request - Meeting with Fergus Ewing - 18 November

Copy as above

REQUEST FOR BRIEFING: MR LOCHHEAD TO meet Fergus Ewing and Scottish Gamekeeper's Association on 18 November 13.30-14.30 in T3.21 Parliament.

0

MCS CASE: 2010/0022482

I refer to the above MCS case which [REDACTED] was action officer on. Mr Lochhead has agreed to **meet Fergus Ewing and Scottish Gamekeeper's Association on 18 November 13.30-14.30 in Parliament.** I am coming to request briefing for this engagement, if you feel this would be better placed elsewhere please let me know as soon as possible. **Please note that this meeting is subject to Parliamentary Business which can be changed at a day's notice.**

My contact for the day is [REDACTED] in Mr Ewing's constituency office [REDACTED] who can provide further information.

I would be grateful if you could provide the Cabinet Secretary with appropriate briefing (following the example attached) to cover this engagement including agenda, hot topics, facts/figures, background, official(s) attending (including mobile no), and any other relevant information by **4pm 11th November 2010**.

Thank you.

[Redacted]

[Redacted]

Diary Secretary / Richard Lochhead MSP
Cabinet Secretary for Rural Affairs and the Environment

[Redacted]

[Redacted]

MINISTERIAL ENGAGEMENT BRIEFING: RICHARD LOCHHEAD

DOC 22

Copied to: Minister for Environment
Peter Russell
Simon Hall
Sheila Voas
Andrew Voas



<i>Engagement Title</i>	Meeting with Fergus Ewing MSP and the Scottish Gamekeepers' Association
<i>Timing</i>	Normal
<i>Organisation/Venue and full address including postcode</i>	The Scottish Parliament, Room T 3.21
<i>Date and Time of Engagement</i>	Date: 18 November 2010 Time: 1:30 – 2:30
<i>Background/Purpose</i>	Meeting arranged at the request on Mr Ewing to discuss the ban on the tail docking of working dogs.
<i>Greeting Party and specific meeting point on arrival (if event is at a non SE Building)</i>	N/A
<i>Specific entrance for Ministerial Car/parking arrangements</i>	None
<i>Venue contact Number</i>	[REDACTED] PS to Mr Ewing ([REDACTED])
<i>Special Dress Requirements</i>	No special requirements
<i>Event Programme</i>	A meeting
<i>Summary Page (key issues, lines to take if pressed and issues to avoid)</i>	Annex: A
<i>Speech/Speaking Points</i>	Annex: No Annex
<i>Guest List or Meeting Attendees</i>	Fergus Ewing MSP [REDACTED] – Chairman, Scottish Gamekeepers' Association [REDACTED] – British Association for Shooting and Conservation

Officials Attending

[REDACTED]

- Animal Welfare

[REDACTED]

[REDACTED]

- Communications - Greener

Supplementary Info:

Directions including map(s)

N/A

Media Handling

Non Media Event

ANNEX A

Latest Position

- Funding for a specific research project on tail injuries in working dogs in Scotland has been secured from the Central Research Fund. The exact research specification is being devised and we shall advertise for tenders.

Facts and Figures

- Tail Docking of all dogs has been banned in **Scotland** since April 2007.
- **England** have a exemption which allows the tail docking of any type of spaniel, terrier, hunt point retrieve breed or their crosses.
- In **Wales**, tail docking is limited to Cocker, English and Welsh Springer Spaniels; Jack Russell, Cairn, Lakeland or Norfolk Terriers; and certain hunt point retrievers.
- In England and Wales, tail docking must be undertaken by a veterinary surgeon who must have seen evidence that the dog is likely to work in law enforcement, activities of Her Majesty's armed forces, emergency rescue, lawful pest control or the lawful shooting of animals.
- Three recent research studies into tail injuries in dogs have been undertaken:
 - Risk Factors for Tail Injuries in Dogs in GB by the Royal Veterinary College and Bristol University
 - A study by Airlie Bruce Jones on tail injuries in working dogs based on responses from gun dog owners.
 - A study by John Houlton on types and causes of injuries to working dogs published in March 2008.

Lines to Take

- The previous research, whilst, helpful did not specifically examine the position of working dogs in Scotland.
- All had shortcomings – the RVC/Bristol university research looked at a very small number of undocked working dogs and recommended that further research be undertaken. There was insufficient data from the Bruce Jones study to give significant results on hunt point retrievers and terriers.
- We shall tender for additional research which will specifically look at the Scottish position and will concentrate on tail injuries in working dogs used in Scotland. The research will look at spaniels, terriers and hunt point retrievers used in a range of working situations.

- [REDACTED]

From: [REDACTED]
Animal health and Welfare Division
28th September 2010

Cabinet Secretary for Rural Affairs and the Environment

TAIL DOCKING OF DOGS

Issue

1. To seek your views on whether the ban on the tail docking of dogs needs to be reconsidered and, if so, how that review should be undertaken.

Priority

2. Routine.

Background

3 Since April 2007 Scottish legislation has prohibited the tail docking of all dogs, including those used as working dogs, whereas, an exemption has been made to the prohibition on mutilations which allows the tail docking of certain working dogs in England and Wales.

4. A recent study on the "*Risk Factors for Tail Injuries in Dogs in GB*" was undertaken by the Royal Veterinary College (RVC) and Bristol University. The report was peer reviewed and published in the Veterinary Record on 26 June 2010. At your request, the report was circulated to interested organisations and individuals who were asked to comment on its findings. These comments are summarised in Annex A. A further unpublished study undertaken by Airlie Bruce Jones which investigated "*The relationship of tail length to tail tip injuries focused on the working dogs of the Spaniel and European hunt point retriever (HPR) gundog breeds in Scotland*" has been submitted to the Scottish Government and the Public Petitions Committee.

5. The RVC/Bristol University report concluded that the incidence of tail injuries is low; breed was an important risk factor and docked dogs are less likely to injure their tails than undocked dogs. However, the report also concluded that tail injuries are not associated with work and most injuries were sustained in the home. This study covered all dogs, not just working dogs.

6. The study undertaken by Airlie Bruce Jones focused on working spaniels (Cocker and Springer) and working hunt point retrievers and concluded that 80% of spaniels with full tails had sustained a tail injury, 9% of "long docked" spaniels had suffered a tail injury and no "short docked" spaniels had injured their tails during the survey period (August 2008 to July 2009). There was a risk factor for working hunt point retrievers but the data was insufficient to provide a statistically significant result. More information about both studies is given in Annex B.

Sensitivity

7. The tail docking ban in Scotland and the differences in legislation within the UK has been an extremely controversial and emotive issue, with those opposed to tail docking defending the Scottish position and those in favour of prophylactic docking for working dogs pressing the

Scottish Government to amend the legislation to mirror the position in England and Wales. Ministers and officials receive a steady stream of letters urging the Scottish Government to remove the ban on the tail docking of working dogs and there are two petitions presently with the Public Petitions' Committee of the Scottish Parliament seeking the Committee's support for the relaxation of the ban. The argument for and against tail docking are summarised in Annex C.

8. Tail docking was discussed in Parliament when the Animal Health and Welfare (Scotland) Bill was discussed both in Committee and during the Stage 3 debate. At the Stage 3 debate an amendment which would have made an exemption from the tail docking ban for working dogs was defeated by 87 votes to 31. There is no guarantee that any proposal to relax the ban would receive the support of the majority of MSPs and it is fairly certain that a debate on the issue would be called when the full Parliament voted on the amending legislation.

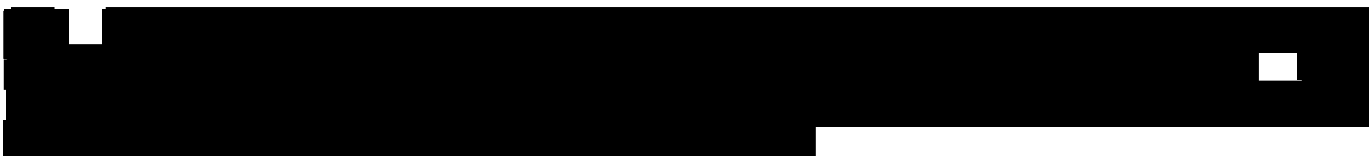
9. A proposal to exempt any dogs from the ban on tail docking would be fiercely opposed by the British Veterinary Association, the British Small Animal Veterinary Association, the Royal College of Veterinary Surgeons, the Companion Animal Welfare Council, animal welfare organisations (including the Scottish SPCA), and the Dogs Trust. It is also worth noting that the animal welfare campaigner, Joanna Lumley, has taken a personal interest having previously commended the Scottish Government for their decision to implement a full ban without any exception for working dogs.

10. However, to take no action will mean that the sport shooting organisations will continue their campaign for an exemption to allow the tail docking of working dogs, and the Council for Docked Breeds and the Scottish Kennel Club will press for any exemption to extend to the tail docking of the breeds of dogs which were traditionally docked.

Position in other parts of the UK

11. In **England** any type of spaniel, terrier, hunt point retrieve breed or their crosses can be docked by a veterinary surgeon as long as the veterinary surgeon has seen evidence that the dog is likely to work in law enforcement, activities of Her Majesty's armed forces, emergency rescue, lawful pest control or the lawful shooting of animals.

12. In **Wales**, tail docking is limited to Cocker, English and Welsh Springer Spaniels; Jack Russell, Cairn, Lakeland or Norfolk Terriers; and certain hunt point retrievers (Braque Italian, Brittany, German Long Haired Pointer, German Short Haired Pointer, German Wire Haired Pointer, Hungarian Vizsla, Hungarian Wire Haired Vizsla, Italian Spinone, Spanish Water Dog, Weinmaraner, Korthals Griffon, Slovakian Rough Haired Pointer, Large Munsterlander, and Small Munsterlander). However, it is not permitted to dock cross breeds. Like England, tail docking must be carried out by a veterinary surgeon who must certify that he or she has seen evidence that the dog is likely to work in law enforcement, activities of Her Majesty's armed forces, emergency rescue, lawful pest control or the lawful shooting of animals.



14. At present there is no prohibition on the tail docking of dogs in **Northern Ireland**, but the recently introduced Welfare of Animals Bill includes a provision which will ban the tail docking of dogs, except as part of medical treatment by a veterinary surgeon or in circumstances to save the life of the dog. There will be no exemption for working dogs. The Bill is now in Committee and officials have commented that this is the most contentious issue with some committee members seeking an exemption for working dogs.

Legal Position

15. Section 20 of the Animal Health and Welfare (Scotland) Act makes it an offence to mutilate an animal and the docking of a puppy's tail is classed as a mutilation. However, Scottish Ministers can make an Order exempting certain procedures from the general ban. It is a requirement in the Act that Scottish Ministers consult on such proposals before making the Order which must be laid in and approved by a resolution of the Scottish Parliament.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Animal Health and Welfare Division

[REDACTED]

28th September 2010

Copy List:	For Action	For Comments	For Information		
			Portfolio Interest	Constit Interest	General Awareness
Minister for Environment					X

DG Rural Affairs, Environment and Services

Peter Russell

Simon Hall

Sheila Voas

Andrew Voas



Annex A

SUMMARY OF RESPONSES AND COMMENTS ON THE RVC/BRISTOL UNIVERSITY REPORT ON "RISK FACTORS FOR TAIL INJURIES IN DOGS IN GB"

30 responses were received from 27 organisations and individuals (3 individuals sent 2 responses).

Organisations responding:

Against Tail Docking	In favour of Tail Docking
SSPCA Advocates for Animals Anti-docking Alliance Dogs Trust League Against Cruel Sports Companion Animal Welfare Council British Small Animal Veterinary Association	Kennel Club Scottish Kennel Club British Association for Shooting and Conservation Scottish Gamekeepers Association Council of Docked Breeds Scottish Countryside Alliance

Arguments supporting an exemption for working dogs and the counter arguments

- **The Report makes it clear that undocked dogs suffer more tail injuries than docked dogs.**

This is undoubtedly true and, as the Report's authors acknowledge, this was to be expected. If there is no tail, it cannot be injured and if the tail has been shortened there is less to injure. The question which needs to be addressed is whether tail docking can be justified in order to prevent tail injuries.

- **Some breeds are more susceptible to tail injuries, e.g. spaniels.**

This is correct. But greyhounds, whippets and lurchers were at a greater risk of tail injury than spaniels. These breeds have never been docked and no one is suggesting that docking should be allowed for these dogs in order to prevent a later injury. However, it can be argued that, if the purpose of tail docking is to prevent injury, then it is illogical to allow the procedure for spaniels, but not for greyhounds.

- **The Report did not concentrate on Working Dogs. Working dogs are only a small proportion of the dogs in the group.**

The study looked at tail injuries in all dogs (all breeds – both working and non-working). 12 dogs (out of 97) in the study group (those with injuries) and 17 (out of 220) in the control group were "working dogs". Thus, there were 25 working dogs (or 7.8%) in the study which was statistically significant. One of the important findings of the study was the clear conclusion that "work" has no effect on the risk of tail injury in spaniels. Most tail injuries occur in the home or in kennels. If an exception were to be made which would allow tail docking there is no logical reason to restrict that exemption to "working dogs".

- **The comment in the Report that one in 500 dogs need to be docked prevent one tail injury applies to all dogs. If restricted to the “Traditionally docked” breeds this would be much smaller.**

This is likely to be true as certain breeds are more prone to tail injuries than other breeds. English Springer Spaniels are 6 times more likely to suffer a tail injury than Labradors (used as the base) and Cocker Spaniels 4.75 times more likely. The study did not specifically examine the number of spaniels which would need to be docked to prevent one tail injury.

- **The study was conducted too soon. The docking ban had only recently been introduced and most “undocked” working dogs would be too young to work.**

There were 19 undocked Spaniels in the case group (injuries) of which 5 were used for work and there were 4 undocked spaniels in the control group. However, the study was quite clear that “work” was not a significant factor in the cause of tail injuries.

- **The study concentrated on England and Wales, thus not valid in Scotland.**

This is not true. 120 of the 281 cases (tail injuries) were from Scotland and of these 120 cases, 48 of the dogs were from urban practices and 72 were from rural practices. Therefore, Scotland was well represented in the study.

Annex B**SUMMARY OF THE REPORT BY THE ROYAL VETERINARY COLLEGE AND BRISTOL UNIVERSITY "RISK FACTORS FOR TAIL INJURIES IN DOGS IN GB"****Background**

1. This research project into the risk factors which cause tail injuries in dogs was jointly funded by the Scottish Government, the Welsh Assembly Government and Defra. This was a case-control study which involved dogs attending veterinary practices in Scotland, Wales and England between March 2008 and March 2009. Information from 52 veterinary practices (15 in Scotland; 22 in England and 17 in Wales) and clinical records for 138,212 dogs which had attended the veterinary practices during the 12 month period were provided. 281 dogs out of the 138,212 had suffered tail injuries. Questionnaires were sent to clients whose dogs had suffered tail injuries and to some of the other clients to establish a control group.
2. Questionnaires were returned for 97 dogs with tail injuries and 222 dogs who attended a veterinary surgery for other reasons. Of the 97 dogs with tail injuries 12 were working dogs.
3. The report of this study was published in the Veterinary Record on Saturday 26th June following a peer review.

Research Results and Conclusions

4. The main conclusions were:
 - Tail injuries are rare. Only 0.23% of dogs visiting a veterinary practice were due to tail injuries. There were no significant differences in the rate of tail injury between urban and rural practises, nor between Scotland, England and Wales.
 - Most tail injuries occur in the home (36.1%) by knocking the tail against the wall, kennel wall and other household objects. 17.5% of injuries were from undergrowth or fences when exercising or working and 14.4% of the injuries were due to the tail being caught in a door.
 - Most tail injuries were treated conservatively (57.7%) but 30.9% of injuries did result in tail amputation.
 - Breed is highly significant in tail injuries. Greyhounds, Lurchers and whippets are 6.85 times more likely to injure their tails when compared to Labradors and other retrievers; English Springer spaniels 5.97 times more likely; Cocker spaniels 4.75 times more likely and terriers only half as likely.
 - Dogs kept in kennels were 3.6 times more likely to sustain a tail injury when compared with dogs not kept in kennels.
 - Dogs with docked tails were far less likely to have a tail injury than undocked dogs.
 - Working dogs are at greater risk of tail injury than non working dogs. However, this was found to be non-significant by a separate examination of data restricted to the spaniel subgroup. This indicates that it is breed rather than whether a dog is used for work which is the deciding factor. However, this conclusion is based on very small numbers.
 - 500 dogs would need to be docked to prevent one tail injury.
 - If no dogs were docked the number of tail injuries would increase by about 11%. (from 1 in 435, to 1 in 392 attending vet practices).

THE AIRLIE BRUCE JONES REPORT “THE RELATIONSHIP OF TAIL LENGTH TO TAIL TIP INJURIES FOCUSED ON THE WORKING DOGS OF THE SPANIEL AND EUROPEAN HUNT POINT RETRIEVER (HPR) GUNDOG BREEDS IN SCOTLAND”.

Background

1. This study was undertaken during 2008 and 2009. It has not been peer reviewed nor published in a scientific journal, however, Biomathematics & Statistics Scotland assisted with the survey form and the protocols.
2. The study used a questionnaire survey form which was issued to owners of working Cocker Spaniels, Springer Spaniels and European hunt point retrievers (HPR). Dog owners were informed of the study via a number of rural organisations, shoot managers and by “word of mouth” these people were issued with questionnaires. Questionnaires were also issued to people who had made inquiries to organisations about the petitions submitted to the Scottish Parliament seeking an exemption from the tail docking ban for working dogs.
3. Dog owners were asked to return the questionnaires for all of their working dogs of the Spaniel and HPR breeds that had worked during the 2008-09 season. Responses were received from over 160 dog workers which provided details on 287 spaniels and 21 HPRs used in the analysis. Dog workers were asked to provide details of all their working dogs, whether that had suffered a tail injury or not.
4. The number of HPRs was too low to provide statistically significant evidence. Therefore, the analysis concentrated on the spaniel breeds.

Research Results and Conclusions

5. The main conclusions were:
 - There were 57 Cocker and Springer Spaniels with undocked tails in the survey of which 46 (80.7%) had sustained a tail injury.
 - Of the 46 Spaniels which had sustained a tail injury, 24 (52%) had a partial amputation to cure the problem. Other owners were expecting their dogs to have an operation due to the repeated occurrence of the injury.
 - Twelve (9%) of the 137 Spaniels which were “long docked” injured their tails during the survey period. Of these, two had an amputation to resolve the problem, 5 had recurring problems and 2 stopped working completely. The remaining 3 dogs were able to continue to working on a reduced or occasional basis.
 - No “short docked” dogs were injured.
 - Undocked Cocker Spaniels were slightly less vulnerable to tail injury than undocked Springer Spaniels. This is likely to be explained by the fact that smaller dogs (cockers) appear to have proportionally shorter tails.
 - The longer the tail the more likely the dog would injure its tail.

ARGUMENTS FOR AND AGAINST TAIL DOCKING

The following organisations are opposed to tail docking, including the prophylactic tail docking of working dogs:

- Royal College of Veterinary Surgeons
- British Veterinary Association
- British Small Animal Veterinary Association
- Moredun Research Institute
- Companion Animal Welfare Council
- Dogs' Trust
- Scottish SPCA
- Advocates for Animals
- Animal Concern
- Animal Aid
- League Against Cruel Sports
- Anti Docking Alliance

The following organisations are in favour of making an exemption to allow the tail docking of working dogs:

- The Scottish Countryside Alliance
- Scottish Gamekeepers' Association
- Scottish Rural Property and Business Association Ltd
- British Association for Shooting and Conservation
- Union of Country Sports Workers
- Scottish Working Dog Association
- Game Conservancy Trust

The Scottish Kennel Club, the Kennel Club and the Council of Docked Breeds are in favour of allowing tail docking for dogs of the traditionally docked breeds.

The case in favour of docking

- Tail docking is painless when performed on very young puppies when they are still in a semi-embryonic state and the nervous and circulatory systems are not fully developed. [*This view is disputed by the veterinary organisations*].
- Tail docking is necessary to protect dogs from serious injury. These injuries occur to dogs who work in thick cover and due to the very vigorous tail action by some breeds, such as spaniels.
- Tail injuries are difficult to avoid.
- Serious tail injuries can be very difficult to heal and, in some cases, the only solution is to amputate the tail or part of the tail, and it is obvious that tail injuries will be avoided if the tail is removed at birth.

- It is wrong to compare spaniels and other working dogs with traditionally docked tails with sheep dogs, Labradors and retrievers as the work is different and they do not work in thick cover. Their tail action is different.

The case against tail docking

- Tail docking is cruel and unnecessary, it is a painful procedure which involves cutting or crushing skin, muscle, nerves, tendons and bone and cartilage connections. This acute pain may not be evident as it is instinct for a young dog not to show this pain as this may have made them more attractive to predators.
- It also causes long-term pain due to pathological nerve activity as a result of tissue damage and the development of neuromas.
- There is evidence that docking weakens the muscles involved in defecation and in maintaining the strength of the pelvic diaphragm, leading to increased risk of faecal incontinence, perineal hernia and urinary incontinence in bitches.
- The removal of the tail deprives the dog of an important means of expression of its intentions and emotions and can lead to misunderstandings with both people and other dogs. The pain and distress caused by docking may also compromise the socialisation process in puppies.
- The number of puppies who need to be tail docked to prevent one tail injury cannot be justified.
- Dogs used in sport shooting receive more injuries to their feet, ears and face than injuries to their tails.
- There is anecdotal evidence of cases where tail docking had led to problems, including wounds which failed to heal.
- There is no evidence to show that tail damage is more of a problem for working dogs compared to other dogs.
- Tail docking is no more than an outdated tradition.
- The lack of a tail can affect a dog's balance and ability to communicate with other dogs. It was suggested that this can lead other dogs to be more aggressive to docked dogs.
- In countries where docking has been banned there is no call from the veterinary profession for the ban to be lifted due to an increase in tail injuries.
- There is anecdotal evidence of working dogs with full tails who are able to work without difficulty.

[4 pages redacted exempt.]

Burns PD (Phil)

From: [REDACTED]
Sent: 10 January 2011 09:00
To: Cabinet Secretary for Rural Affairs and the Environment
Cc: [REDACTED]
Subject: RE: Tail docking

[REDACTED]

We really do not have a standard reply to the letters seeking a lifting of the tail docking ban for working dogs, each letter is slightly different and the replies are drafted to address the points raised. For example, the reply to this letter from [REDACTED] will be different to a reply sent to [REDACTED] of the Scottish Gamekeepers Association.

However, I agree that providing a background note on the whole issue of tail docking of working dogs which could be sent to MSPs would be useful. I shall draft something which will summarise the arguments, outline the present thinking and state that further research is to be commissioned. I'll forward this ASAP for the Cabinet Secretary's consideration.

In the meantime please arrange for the email from [REDACTED] to be placed in MCS.

Kind regards

From: [REDACTED] **On Behalf Of** Cabinet Secretary for Rural Affairs and the Environment
Sent: 05 January 2011 09:14
To: [REDACTED]
Subject: FW: Tail docking

[REDACTED]

Please see the following email that was sent to Mr Lochhead.

Mr Lochhead has asked for sight of a standard response that we could provide to interested MSPs, that they could use as a template, or as a reference for replying.

I'm not sure that we would have something such as a standard response, but would be grateful for your views, please. I would also wish to put the email Mr Lochhead received onto MCS (so it's not lost).

Kind regards

[REDACTED]

[REDACTED]
Private Secretary to Richard Lochhead MSP
Cabinet Secretary for Rural Affairs and the Environment

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

From: [REDACTED]
Sent: Tuesday, January 04, 2011 09:37 PM
To: Lochhead R (Richard), MSP
Subject: Tail docking

Dear
Sir.

My name is [REDACTED]. I work for min wage in a garden centre
seasonally.

In the winter I take part in my
favourite pastime, after spending the summer training my dogs, I reap the rewards in seeing them working in the
beating line on local shoots. I do not shoot myself but I take great pleasure in seeing a dog that I have trained myself
from pup doing what it is meant to do. I don't make any money from beating as it does not even cover my petrol as I
travel far and wide. I do it for the love of it, and the
countryside.

I am telling you the sad story of 3 of my spaniels and how they
have suffered due to not being docked
as puppies.

[REDACTED] now 4 years old started to injure her tail the first time I took her beating,
initially a happy dog with a very waggy tail she started to tuck her bruised and cut tail between her legs, She would
then only wag it occasionally. After several visits to the vet he/we decided that amputation was the only option left.
Amputation cost me £160.00 money I can ill afford on my wages! But my dogs welfare was
priority.

Poor [REDACTED] came home from the vets utterly miserable, bucket collar on
her head and a large plastic syringe casing on her tail to protect it from bumps. She was very sorry for herself she
even managed to reach her tail despite the bucket collar and crushed the plastic casing causing more bruising and
swelling. Luckily the stitches were ok. We had to get her a larger bucket collar, this caused more problems as spaniels
don't like to stay still so she crashed into walls, doors, and anything else in her way she started to limp badly due to
damage to her neck and her shoulder. We had to grin and bear it as the collar was
needed.

The bucket collar and plastic casing had
to stay on for a couple of months to protect the tail, despite this there was frequent lameness and her tail frequently
bled and bruised from wagging (protecting a damaged tail is impossible!) eventually her tail
healed!

I must say since the op now that her tail has healed I have a different dog [REDACTED] is happy and is always
wagging her tail she loves going out to work although she still gets some damage to the scar tissue on her tail as the
vet did not quite take enough off, although this damage is very mild compared to
before.

As you can see there are major welfare
issues if working spaniels are not docked as
puppies!

I got [REDACTED] (now 3 years old) a year after [REDACTED] before I
knew what problems I would have with a undocked spaniel. Again the minute [REDACTED] started hunting cover he damaged
his tail, he also stopped wagging his tail (it would just hang there) I took him straight to the vet and asked for

amputation, rather than messing about trying different things! (I had been there!) I also asked the vet to take his tail a little shorter than [REDACTED]. Like [REDACTED] wore a bucket collar on his head and had large syringe casing on his tail to protect it. He was very lucky as his healing process was more straightforward although he had a miserable two months cooped up with the bucket collar on he had no mishaps and healed really well. Although he still had a very hard time banging into everything! The op again cost me £160.00 but again my dogs welfare was my priority. [REDACTED] has never had another problem with his tail, and even for a spaniel he has an exceptionally waggy tail.

I got [REDACTED] about the same time as [REDACTED] he took longer to train than [REDACTED] so did not work till a year later than him. Same thing happened first day out "blood everywhere" I gave him away as a pet! Couldn't go through it again! My next 2 dogs both came from England at great cost (remember I only get min wage!)

I believe we as Scots are being discriminated against by our own government! Do I really have to move to England for my dogs welfare? You have got to admit that there are serious welfare issues in not docking working spaniel puppies! And surely it will not help the gene pool of these dogs if everyone buys their dogs from England!

Please please listen to us we need an exemption for working spaniels! Please!

Yours [REDACTED]

Burns PD (Phil)

From: [REDACTED]
Sent: 11 January 2011 09:32
To: Cabinet Secretary for Rural Affairs and the Environment
Cc: [REDACTED]
Subject: RE: Tail docking
Attachments: TAIL DOCKING OF DOGS - Briefing Note.doc

[REDACTED]

As promised, I attach a Background Paper on tail docking, which the Cabinet Secretary may wish to send to MSPs.

Regards

From: [REDACTED] **On Behalf Of** Cabinet Secretary for Rural Affairs and the Environment
Sent: 05 January 2011 09:14
To: [REDACTED]
Subject: FW: Tail docking

[REDACTED]

Please see the following email that was sent to Mr Lochhead.

Mr Lochhead has asked for sight of a standard response that we could provide to interested MSPs, that they could use as a template, or as a reference for replying.

I'm not sure that we would have something such as a standard response, but would be grateful for your views, please. I would also wish to put the email Mr Lochhead received onto MCS (so it's not lost).

Kind regards

[REDACTED]

[REDACTED]

Private Secretary to Richard Lochhead MSP
Cabinet Secretary for Rural Affairs and the Environment

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: Tuesday, January 04, 2011 09:37 PM
To: Lochhead R (Richard), MSP
Subject: Tail docking

Dear
Sir.

My name is [REDACTED]. I work for min wage in a garden centre seasonally.

In the winter I take part in my favourite pastime, after spending the summer training my dogs, I reap the rewards in seeing them working in the beating line on local shoots. I do not shoot myself but I take great pleasure in seeing a dog that I have trained myself from pup doing what it is meant to do. I don't make any money from beating as it does not even cover my petrol as I travel far and wide. I do it for the love of it, and the countryside.

I am telling you the sad story of 3 of my spaniels and how they have suffered due to not being docked as puppies.

[REDACTED] now 4 years old started to injure her tail the first time I took her beating, initially a happy dog with a very waggy tail she started to tuck her bruised and cut tail between her legs, She would then only wag it occasionally. After several visits to the vet he/we decided that amputation was the only option left. Amputation cost me £160.00 money I can ill afford on my wages! But my dogs welfare was priority.

Poor [REDACTED] came home from the vets utterly miserable, bucket collar on her head and a large plastic syringe casing on her tail to protect it from bumps. She was very sorry for herself she even managed to reach her tail despite the bucket collar and crushed the plastic casing causing more bruising and swelling. Luckily the stitches were ok. We had to get her a larger bucket collar, this caused more problems as spaniels don't like to stay still so she crashed into walls, doors, and anything else in her way she started to limp badly due to damage to her neck and her shoulder. We had to grin and bear it as the collar was needed.

The bucket collar and plastic casing had to stay on for a couple of months to protect the tail, despite this there was frequent lameness and her tail frequently bled and bruised from wagging (protecting a damaged tail is impossible!) eventually her tail healed!

I must say since the op now that her tail has healed I have a different dog [REDACTED] is happy and is always wagging her tail she loves going out to work although she still gets some damage to the scar tissue on her tail as the vet did not quite take enough off, although this damage is very mild compared to before.

As you can see there are major welfare issues if working spaniels are not docked as puppies!

I got [REDACTED] (now 3 years old) a year after [REDACTED] before I knew what problems I would have with a undocked spaniel. Again the minute R [REDACTED] started hunting cover he damaged his tail, he also stopped wagging his tail (it would just hang there) I took him straight to the vet and asked for amputation, rather than messing about trying different things! (I had been there!) I also asked the vet to take his tail a little shorter than pips.

Like [REDACTED] wore a bucket collar on his head and had large syringe casing on his tail to protect it. He was very lucky as his healing process was more straightforward although he had a miserable two months cooped up with the bucket collar on he had no mishaps and healed really well. Although he still had a very hard time banging into everything! The op again cost me £160.00 but again my dogs welfare was my priority.

[REDACTED] has never had another problem with his tail, and even for a spaniel he has an exceptionally waggy tail.

I got [REDACTED] about the same time as [REDACTED] he took longer to train than [REDACTED] so did not work till a year later than him. Same thing happened first day out "blood everywhere" I gave him away as a pet!

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Couldn't go through it again! My next 2 dogs both came from England at great cost (remember I only get min wage!)

I believe we as Scots are being discriminated against by our own government! Do I really have to move to England for my dogs welfare? You have got to admit that there are serious welfare issues in not docking working spaniel puppies! And surely it will not help the gene pool of these dogs if everyone buys their dogs from England!

Please please listen to us we need an exemption for working spaniels! Please!

Yours

[REDACTED]

TAIL DOCKING OF DOGS

Introduction

1. The tail docking of dogs is an issue which has been both controversial and difficult. A great deal of time and consideration was given to this issue by the Environment and Rural Development Committee and Parliament during the passage of the Animal Health and Welfare (Scotland) Act 2006. The Stage I report from the ERD Committee concluded that making an exception for working dogs to a general ban on tail docking would be difficult to enforce and could create a loophole which would allow non-working dogs of traditionally working breeds to continue to have their tails docked. The Government at that time accepted this recommendation and a complete ban on the tail docking of dogs was implemented in Scotland in March 2007.

2. England and Wales have allowed an exemption which permits the tail docking of certain working dogs (spaniels, Hunt Point Retrievers and terriers) and this difference in legislation between the administrations has resulted in a steady flow of correspondence urging the Scottish Government to amend its legislation and bring it into line with that in England and Wales.

The practice

3. Tail docking involves the amputation of puppies' tails when between two and five days old, using scissors or a tight rubber band which cuts off the blood supply to the tail. It involves cutting through or crushing skin, muscles, nerves, bones and cartilage. The length of tail which is removed varies between and within breeds. Neither anaesthetic or analgesia is generally used.

4. In England and Wales tail docking is now restricted to certain breeds of working dogs to prevent damage to their tails when working in dense cover or confined spaces. Tail docking can only be undertaken by a veterinary surgeon.

Evidence of pain and other problems

5. A report was published by the Animal Welfare Veterinary Division in Defra in 2002, which reviewed docking in farm species as a basis for comparison with the historical, anatomical, behavioural, and views on tail docking in dogs in the UK. It stated that "the arguments put forward by those who wish docking to be continued are unsound from a scientific viewpoint, are contrary to accepted standards for the welfare of the dog(s) and serve only to contribute to artificial physical breed standards".

6. The report concluded that tail docking definitely causes pain in neonatal puppies. It also noted that neither anaesthetics nor post-surgical analgesics are routinely used. However, chronic pain after tail docking in dogs is not supported by firm data derived from scientific studies.

7. There are a number of health and welfare problems which have been associated with tail docking in some dogs. These include hernia and urinary incontinence, movement (a dog's tail aids balance in some activities), communication (a dog's tail is very important in communicating the dog's emotional state and mood, including friendliness, dominance, submission and antagonism). It can affect the way docked dogs can be treated by other dogs, for example, other dogs have been known to act aggressively towards docked dogs.

Views of veterinary and canine organisations

8. The **Royal College of Veterinary Surgeons** support the prohibition on docking of puppies' tails for cosmetic and breed standard reasons. For many years the College has been firmly opposed to the docking of dogs' tails, at any age, except when it is required for therapeutic or genuinely prophylactic reasons. They oppose routine tail docking.

9. The **British Veterinary Association (BVA)** has strongly supported the Scottish position of a total ban on the docking of dogs' tails. It considers that the scientific evidence that puppies perceive pain at the time of docking to be sound, and that the long-term inability to properly communicate with other dogs resulting from the loss of the tail to be significant. The BVA argue strongly that there should be no exception for working dogs to the general ban as there is insufficient evidence to show increased liability to damage to the tail in working dogs compared to other appendages. They also consider that any exemption would be unworkable and would result in dogs continuing to be docked unnecessarily. They believe that the blanket ban is easier to implement and enforce, and that exemptions would create loopholes open to exploitation.

10. The **Dogs' Trust** and the **Scottish SPCA** are totally against tail docking and do not believe that there is any need for an exemption for working dogs.

Views of the Field Sports Organisations

11. The **Scottish Gamekeepers' Association**, the **British Association of Shooting and Conservation (BASC)** and the **Scottish Countryside Alliance** all support an exemption for working dogs. They maintain that tail docking is necessary to protect dogs from serious injury, which occur when they work in thick cover. This is due to the very vigorous tail action by some breeds, such as spaniels. It is difficult for dogs to avoid these injuries which are often serious and difficult to heal. In some cases, the only solution is to amputate the tail or part of the tail, and it is obvious that tail injuries will be avoided if the tail is removed shortly after birth.

12. These organisations stress that it is wrong to compare spaniels and other working dogs who have had their tails traditionally docked with sheep dogs, Labradors and retrievers as their tail action is different, the work undertaken is different and they do not work in thick cover.

Recent Research of tail injuries in dogs

a. "Risk Factors for Tail Injuries in Dogs in GB" a report by the Royal Veterinary College and Bristol University – June 2010

13. This research project was jointly funded by the Scottish Government, the Welsh Assembly Government and Defra. This was a case-control study which involved dogs attending veterinary practices in GB between March 2008 and March 2009. Information from 52 veterinary practices (15 in Scotland; 22 in England and 17 in Wales) and clinical records for 138,212 dogs were provided. 281 dogs out of the 138,212 had suffered tail injuries. Questionnaires were sent to clients whose dogs had suffered tail injuries and to some of the other clients to establish a control group. Questionnaires were returned for 97 dogs with tail injuries and 222 dogs who attended a veterinary surgery for other reasons (the control group). Of the 97 dogs with tail injuries 12 were working dogs.

14. The main conclusions were:

- Tail injuries are rare. Only 0.23% of dogs visiting a veterinary practice were due to tail injuries. There were no significant differences in the rate of tail injury between urban and rural practises, nor between Scotland, England and Wales.
- Most tail injuries occur in the home (36.1%) by knocking the tail against the wall, kennel wall and other household objects. 17.5% of injuries were from undergrowth or fences when exercising or working and 14.4% of the injuries were due to the tail being caught in a door.
- Most tail injuries were treated conservatively (57.7%) but 30.9% of injuries did result in tail amputation.
- Breed is highly significant in tail injuries. Greyhounds, Lurchers and whippets are 6.85 times more likely to injure their tails when compared to Labradors and other retrievers; English Springer spaniels 5.97 times more likely; Cocker spaniels 4.75 times more likely and terriers only half as likely.
- Dogs kept in kennels were 3.6 times more likely to sustain a tail injury when compared with dogs not kept in kennels.
- Dogs with docked tails were far less likely to have a tail injury than undocked dogs.
- Whilst working dogs were found to be at greater risk of tail injury than non working dogs, this was found to be non-significant by a separate examination of data restricted to the spaniel subgroup. This indicated that it is breed rather than whether a dog is used for work which is the deciding factor. However, this conclusion is based on very small numbers.

b. "The relationship of tail length to tail tip injuries focused on the working dogs of the Spaniel and European hunt point retriever (HPR) gundog breeds in Scotland" a report by Airlie Bruce Jones – 2010

15. This study was undertaken during 2008 and 2009 and was based on completed questionnaires from owners of working Cocker and Springer Spaniels and European hunt point retrievers. Dog owners were informed of the study via a number of rural organisations, shoot managers and by "word of mouth", and these owners were invited to complete questionnaires. Questionnaires were also issued to people who had made inquiries to organisations about the petitions submitted to the Scottish Parliament seeking an exemption from the tail docking ban for working dogs.

16. Dog owners were asked to return the questionnaires for all of their working dogs of the Spaniel and HPR breeds that had worked during the 2008-09 season, whether or not they had suffered a tail injury. Responses were received from over 160 dog workers which provided details on 287 spaniels and 21 HPRs. The number of HPRs was too low to provide statistically significant evidence. Therefore, the analysis concentrated on the spaniel breeds.

Research Results and Conclusions

17. The main conclusions were:

- There were 57 Cocker and Springer Spaniels with undocked tails in the survey of which 46 (80.7%) had sustained a tail injury.
- Of the 46 Spaniels which had sustained a tail injury, 24 (52%) had a partial amputation to cure the problem. Other owners were expecting their dogs to have an operation due to the repeated occurrence of the injury.
- Twelve (9%) of the 137 Spaniels which were "long docked" injured their tails during the survey period. Of these, two had an amputation to resolve the problem, 5 had recurring problems and 2 stopped working completely. The remaining 3 dogs were able to continue to working on a reduced or occasional basis.
- No "short docked" dogs were injured.
- Undocked Cocker Spaniels were slightly less vulnerable to tail injury than undocked Springer Spaniels. This is likely to be explained by the fact that smaller dogs (cockers) appear to have proportionally shorter tails.
- The longer the tail the more likely the dog would injure its tail.

The next steps

18. The Royal Veterinary College/Bristol University study did not include a large enough number of undocked dogs of particular breeds to obtain sufficient data to specifically address whether undocked working dogs of these breeds experience a higher incidence of injury than those which are not worked.

19. The Airlie Bruce Jones study suggests that undocked working Spaniels are at a considerable risk of tail injuries compared to those who have been docked, the incidence of tail injuries in Spaniels is directly linked to the length of the tail, and some injuries are not treated by veterinary surgeons. However, this study has not been published in a peer-reviewed journal and is based on data from a self-selected group of volunteers, nor did it include a large enough number of Hunt Point Retrievers to provide a statistically significant result and no information was provided about terriers.

20. Any policy decision on whether the Scottish Government's position on tail docking should be changed or confirmed, needs to be based on the provision of robust evidence of the incidence of tail injuries in specific working dog breeds in Scotland. Neither study provided appropriate robust evidence which would justify a change to the present legislation. Nevertheless, this continues to be a contentious issue. Therefore, the Scottish Government believe that a further study focusing on working dogs (including Springer and Cocker Spaniels, Hunt Point Retrievers and terriers) is required.

21. Thus the Government will be commissioning a robust research project focussed on this group of dogs.

Rùnaire a' Chaibineit airson Cùisean Dùthchail agus na h-Àrainneachd
 Cabinet Secretary for Rural Affairs and the Environment
 Ridsèard Lochhead BPA
 Richard Lochhead MSP



F/T: [REDACTED]

Mr Rob Gibson MSP
 The Scottish Parliament
 EDINBURGH
 EH99 1SP



Ar faidhle/Our ref: 2012/0035876

21st November 2012

Ken Ash

Thank you for your letter of 29th October 2012 regarding the tail docking of working dogs.

As you are aware, Scottish legislation has prohibited the tail docking of all dogs since April 2007, including those used as working dogs, whereas tail docking of certain working breeds or breed type dogs is permitted in England and Wales.

The Scottish Government agreed that if evidence came to light that the ban was compromising the welfare of dogs we would review the position. To this end, we helped to fund a case control study by the University of Bristol and the Royal Veterinary College, aiming to document the risks of tail injuries in dogs in Great Britain, to evaluate whether docking of tails reduces the risk of tail injury, and to identify other major risk factors for tail injury. The research was conducted during 2008/2009 and the report was published in the Veterinary Record on 26 June 2010. Unfortunately the study was not robust enough to give guidance on whether working dogs should be exempted from the ban on tail docking due to the small number of un-docked working dogs available at that time.

The ban on tail docking has been in place in Scotland for several years, and significant numbers of undocked dogs have now been trained and worked. In order to provide a greater insight into the situation, the Scottish Government commissioned a research project, from the University of Glasgow, to look at the incidence of tail injuries in working dogs in Scotland, specifically spaniels, hunt point retrievers and terriers. The study should provide clear evidence regarding the impact of the ban on tail docking on working dogs in Scotland and should, therefore, enable an objective review of the current legislation.

/This...

This research has finished and it is anticipated that the results of the project will also be published shortly in peer-reviewed scientific papers which are expected to be submitted for publication in the next few months. We will consider the issue further once the work has been peer reviewed.

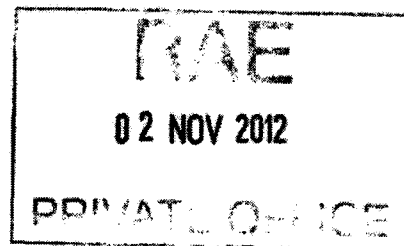
I hope this is helpful.

*Just work
Richard*

RICHARD LOCHHEAD



The Scottish Parliament
Pàrlamaid na h-Alba



DOC 26

ROB GIBSON MSP

Member of the Scottish Parliament for
CAITHNESS, SUTHERLAND AND ROSS

4 Grant Street, Wick, KW1 5AY, [REDACTED]
Room M4.06, Scottish Parliament, Edinburgh EH99 1SP, [REDACTED]
[REDACTED]

29/10/12

Dear Richard,

Tail Docking of Working Dogs

I have been approached by [REDACTED] the Regional Chairman for North of Scotland for the Scottish Associations for Country Sports.

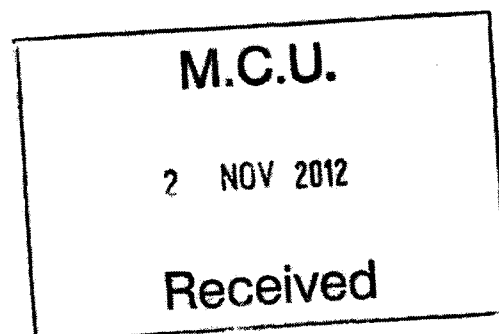
[REDACTED]

He wishes to establish if the Scottish Government has done any review of the orders that banned tail docking. Evidence he has gained suggests that spaniels in particular are still being harmed by the order which bans tail docking.

Can you bring me up to date with the Government's thinking?

Yours sincerely,

Rob Gibson MSP



Burns PD (Phil)

From: [REDACTED]
Sent: 25 January 2013 11:42
To: Cabinet Secretary for Rural Affairs and the Environment
Cc: Williams B (Beverley)
Subject: RE: Tail docking

[REDACTED],

Please find enclosed an update on the issue of tail docking.

Happy to provide further information if required.

Thanks,

[REDACTED]



Tail Docking Update.docx

From: [REDACTED] **On Behalf Of** Cabinet Secretary for Rural Affairs and the Environment
Sent: 22 January 2013 19:32
To: [REDACTED]
Subject: FW: Tail docking

Received [REDACTED] out of office and in case this gets lost

[REDACTED]

[REDACTED]

Deputy Private Secretary (DPS) to Mr Lochhead, Cabinet Secretary for Rural Affairs and the Environment

[REDACTED]

[REDACTED]

Mail: 1N.08-09 | St Andrews House | Edinburgh | EH1 3DG

[REDACTED]

From: [REDACTED] **On Behalf Of** Cabinet Secretary for Rural Affairs and the Environment
Sent: 22 January 2013 19:06
To: [REDACTED]
Cc: Voas S (Sheila); Cabinet Secretary for Rural Affairs and the Environment
Subject: Tail docking

[REDACTED]

Cab Sec would be grateful for an update on tail docking.

We have lost track on where things are at with this issue.

Grateful for an update in due course.

Thanks

[REDACTED]
[REDACTED]

Deputy Private Secretary (DPS) to Mr Lochhead, Cabinet Secretary for Rural Affairs and the Environment

[REDACTED]
[REDACTED]

Mail: 1N.08-09 | St Andrews House | Edinburgh | EH1 3DG

[REDACTED]

TAIL DOCKING OF DOGS

- Tail docking has been prohibited in Scotland since April 2007, including tail docking of working dogs. This decision was not taken lightly and has been the subject of considerable consultation.
- The issue is both controversial and difficult, with strong views held by those on both sides of the argument. The Scottish Government agreed that if evidence came to light that suggested the ban compromised the welfare of dogs then we would review the position.
- The Scottish Government helped fund research by the University of Bristol and the Royal Veterinary College on the issue of tail injuries in working dogs which was conducted during 2008/2009, and published in 2010.
- The research did not provide sufficient information about tail injuries in working dogs in Scotland to justify a change in present policy.
- In 2011, the Scottish Government commissioned a further research project, from the University of Glasgow, to look at the incidence of tail injuries in working dogs in Scotland, specifically spaniels, hunt point retrievers and terriers. The University of Glasgow study should provide clear evidence regarding the impact of the ban on tail docking on working dogs in Scotland and should therefore enable an objective review of the current legislation.
- This research commenced in June 2011 and has now been completed; however, it would not be appropriate to propose changes to the current legislation until the research has been peer reviewed and published. We understand that drafts of the two papers intended for submission will be available by the 1st of Feb 2013.

Animal Health and Welfare Division
January 2013