

Doc 01

**Burns PD (Phil)**

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**From:** [REDACTED]  
**Sent:** 04 May 2009 11:51  
**To:** Cabinet Secretary for Rural Affairs and the Environment  
**Cc:** Minister for Environment [REDACTED]  
[REDACTED] Voas AP (Andrew); [REDACTED]  
**Subject:** TAIL DOCKING OF WORKING DOGS - RESULTS ON THE TAIL INJURY STUDY



Tail Docking  
Submission.doc



Tail\_injury\_repor...

[REDACTED]

Please see the attached short Ministerial submission and a copy of the draft report on the Tail Injury study prepared by the Royal Veterinary College and the University of Bristol.

The submission is for information and highlights the main findings from the study. The report needs to be peer reviewed and it will be the autumn when it can be published. In the meantime, I shall send a holding reply to the Clerk of the Public Petitions' Committee explaining that we will need to wait until the report is finalised and the peer review process completed before we will be in a position to review our policy on tail docking.

[REDACTED]

Animal Welfare Branch

[REDACTED]

From: [REDACTED]

Animal Welfare Branch  
4 May 2009

PS/Cabinet Secretary for Rural Affairs and the Environment

Copy to: Minister for Environment

[REDACTED]  
Andrew Voas  
[REDACTED]

## **TAIL DOCKING OF WORKING DOGS – RESULTS ON THE TAIL INJURY STUDY**

### **Purpose**

1. To provide a copy of the draft report (attached) for the Cabinet Secretary of the “Risk Factors for Tail Injuries in Dogs in GB” from the Royal Veterinary College and Bristol University.

### **Priority**

2. Routine.

### **Background**

3. The 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 were involved. 281 dogs out of the 138,212 had suffered tail injuries. Questionnaires were sent to clients whose dogs had suffered tail injuries and to other clients to establish a control group.

4. 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

5. This report has still to be finalised, but the findings and conclusions are likely to remain. The final report will need to be peer-reviewed before the report can be published and this is expected to be in the Autumn.

### **Research Results and Conclusions**

6. The main conclusions are:

- 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% 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.

**Burns PD (Phil)**

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**From:** [REDACTED]  
**Sent:** 29 January 2010 16:11  
**To:** Cabinet Secretary for Rural Affairs and the Environment  
**Cc:** Minister for Environment; DG Rural Affairs Environment and Services; Russell P (Peter); Hall S (Simon) (CVO); [REDACTED] Voas AP (Andrew); [REDACTED] Communications Greener  
**Subject:** Tail Injury Study - Publication of Final Report



Tail Docking  
Submission.doc



Risk Factors for  
Tail Injuries...

Please see the attached 2-page submission and a copy of the final report on the Tail Injury Study prepared by the Royal Veterinary College and the University of Bristol.

The submission highlights the main findings from the Study and, since the peer review of the Study report found the methodology and the study results robust, recommends no change to our legislation to make an exemption which would allow the tail docking of working dogs in Scotland.

The Petitions Committee are presently considering two petitions calling for the Government to make an exemption on the ban on tail docking for working dogs. A holding response was sent to them pending the results of the Study and the publication of the final report. The Committee will now require a full response.

[REDACTED]  
Animal Welfare Branch  
Rural Directorate  
Pentland House  
[REDACTED]

From: [REDACTED]  
Rural/ Animal Health & Welfare  
29 January 2010

Cabinet Secretary for Rural Affairs and the Environment

## **TAIL DOCKING OF WORKING DOGS – RESULTS OF THE TAIL INJURY STUDY**

### **Purpose**

1. (a). To provide a copy of the final report (attached) of the “Risk Factors for Tail Injuries in Dogs in GB” from the Royal Veterinary College and Bristol University.
- (b). To obtain your agreement, in view of the report, to continue with the total prohibition on the tail docking of dogs in Scotland.

### **Priority**

2. Routine.

### **Background**

3. As you know, the tail docking of dogs is still an extremely controversial issue and strong views are held both by those who support the ban in Scotland and those who think an exemption should have been made for working dogs, as was the case in England.
4. Because of the ongoing interest, a 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 involving dogs attending veterinary practices in Scotland, Wales and England between March 2008 and March 2009. Information from 52 veterinary practices was involved and clinical records showed that 281 dogs out of a total of 138,212 had suffered tail injuries. Questionnaires were sent to clients whose dogs had suffered tail injuries and to other clients to establish a control group. Questionnaires were returned for 97 dogs with tail injuries, of which 12 were working dogs, and 222 dogs who attended a veterinary surgery for other reasons.
6. The report on this study has now been finalised and peer-reviewed and was published on the Defra website today (29 January 2010).

### **Research Results and Conclusions**

7. The main conclusions are:
  - 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 practices 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% 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. But the researchers admit that 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 12%. (from 1 in 435 to 1 in 392 attending vet practices).

#### **Next Steps - The Petitions Committee**

8. The Petitions Committee are presently considering two petitions calling for the Government to make an exemption on the ban on tail docking for working dogs. You wrote to the Committee's Convenor on 1 December 2008 stating that our policy would be reviewed once the results of this research was available.

9. A holding reply was also sent to the Petitions' Committee Clerk stating that the Government was waiting for the results of the study to be peer-reviewed before a decision could be made on whether there should be an exemption made to allow the tail docking of working dogs. The Petitions Committee will now require a full response.

#### **Conclusion**

10. Since the peer review found the methodology and the study results robust, there is no justification to change our legislation to make an exemption which would allow the tail docking of working dogs.

#### **Recommendation**

11. That you decide to continue with our current policy which bans the tail docking of all dogs in Scotland and agree that we write to the Petitions Committee accordingly.

  
 Rural Directorate: Animal Health and Welfare Division  
 Extr 

29 January 2010

Minister for Environment					X
DG Environment					X
Peter Russell					X
Simon Hall					X
[Redacted]					X
Andrew Voas					X
[Redacted]					X
[Redacted]					X
Communications Greener					X

Doc 03

**Burns PD (Phil)**

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**From:** [REDACTED]  
**Sent:** 19 February 2010 17:05  
**To:** [REDACTED]  
**Subject:** FW: Tail Injury Study - Publication of Final Report

[REDACTED] - in case you need it!

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**From:** [REDACTED] **On Behalf Of** Cabinet Secretary for Rural Affairs and the Environment  
**Sent:** 09 February 2010 11:56  
**To:** [REDACTED]; Cabinet Secretary for Rural Affairs and the Environment  
**Cc:** Minister for Environment; DG Environment; Russell P (Peter); Hall S (Simon) (CVO); [REDACTED]; Voas AP (Andrew); [REDACTED]; Communications Greener  
**Subject:** RE: Tail Injury Study - Publication of Final Report

[REDACTED]

Thank you for your submission of 29 January.

Mr Lochhead was content to note its content and to agree in principal to continue with the total prohibition on the tail docking of dogs in Scotland.

He would be grateful for additional information outlining why this view was reached, please, and I would appreciate it if you could provide this advice in due course.

Kind regards

[REDACTED]

[REDACTED]

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

Tel: [REDACTED]

[REDACTED]

[REDACTED]

All e-mails and attachments sent by a Ministerial Private Office to another official on behalf of a Minister relating to a decision, request or comment made by a Minister, or a note of a Ministerial meeting, must be filed appropriately by the primary recipient. Private Offices do not keep official records of such e-mails or attachments.

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**From:** [REDACTED]  
**Sent:** 29 January 2010 16:11  
**To:** Cabinet Secretary for Rural Affairs and the Environment  
**Cc:** Minister for Environment; DG Environment; Russell P (Peter); Hall S (Simon) (CVO); [REDACTED]; Voas AP (Andrew); [REDACTED]; Communications Greener  
**Subject:** Tail Injury Study - Publication of Final Report

<< File: Tail Docking Submission.doc >> << File: Risk Factors for Tail Injuries in Great Britain.pdf >>

Please see the attached 2-page submission and a copy of the final report on the Tail Injury Study prepared by the Royal Veterinary College and the University of Bristol.

The submission highlights the main findings from the Study and, since the peer review of the Study report found the methodology and the study results robust, recommends no change to our legislation to make an exemption which would allow the tail docking of working dogs in Scotland.

The Petitions Committee are presently considering two petitions calling for the Government to make an exemption on the ban on tail docking for working dogs. A holding response was sent to them pending the results of the Study and the publication of the final report. The Committee will now require a full response.

[REDACTED]  
Animal Welfare Branch  
Rural Directorate  
Pentland House  
[REDACTED]



**Burns PD (Phil)**

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**From:** [REDACTED]  
**Sent:** 28 September 2010 10:34  
**To:** Cabinet Secretary for Rural Affairs and the Environment  
**Cc:** Minister for Environment; DG Rural Affairs Environment and Services; Russell P (Peter); Hall S (Simon) (CVO); Voas S (Sheila); Voas AP (Andrew); [REDACTED]  
[REDACTED] Communications Greener  
**Subject:** Tail Docking Submission - September 2010



Tail Docking  
Submission - Se...

[REDACTED]

As requested by the Cabinet Secretary, I attach a submission on the tail docking of dogs. This submission details the issues, outlines the background, stresses the sensitivity of the issue and offers a number of options for the Cabinet Secretary's consideration.

Much of the detail is contained in the Annexes, including the arguments for and against tail docking (in Annex C) and an assessment of the options in Annex D.

Kind regards

[REDACTED]

From: [REDACTED]

Animal health and Welfare Division  
28<sup>th</sup> 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.

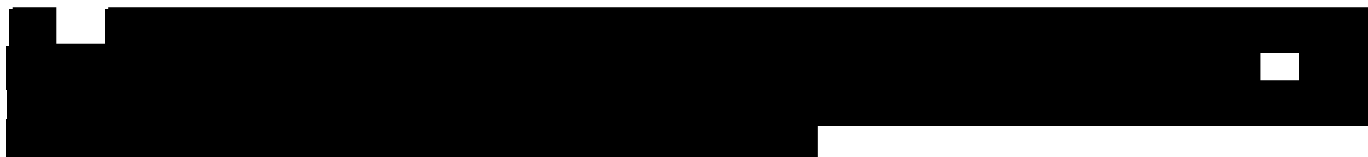
9. A proposal to exempt any dogs from the ban on tail docking would be fiercely opposed by the British Veterinary Association, the British Small Animal Veterinary Association, the Royal College of Veterinary Surgeons, the Companion Animal Welfare Council, animal welfare organisations (including the Scottish 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.


**[23 lines redacted exempt.]**

[redacted]

Animal Health and Welfare Division Ext. [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  
  
 Comms – Greener

## 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.

**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 26<sup>th</sup> 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.]**

Doc 05

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]  
**Subject:** FW: Briefing request - Meeting with Fergus Ewing - 18 November



Ministerial



Tail Docking

Briefing Template Submission - See -

[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 28<sup>th</sup> 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]  
Ext: [REDACTED]

---

**From:** [REDACTED] On Behalf Of cabinet Secretary for Rural Affairs and the Environment  
**Sent:** 04 November 2010 15:12  
**To:** Strachan IW (Ian)  
**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 11<sup>th</sup> 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

Copied to: Minister for Environment

Peter Russell

Simon Hall

Sheila Voas

Andrew Voas



Comms Greener

<i>Engagement Title</i>	Meeting with Fergus Ewing MSP and the Scottish Gamekeepers' Association
<i>Timing</i>	<b>Normal</b>
<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>	<b>Annex: A</b>
<i>Speech/Speaking Points</i>	<b>Annex: No Annex</b>
<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  
2a<sup>th</sup> 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.

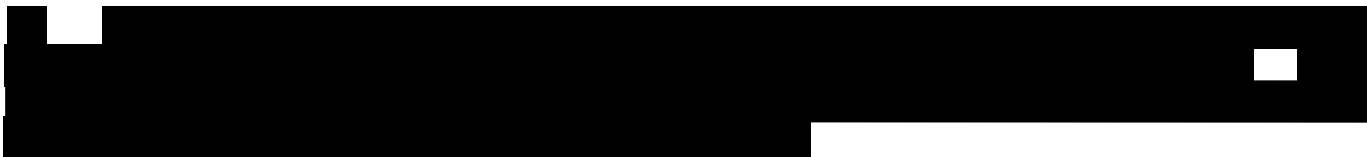
9. A proposal to exempt any dogs from the ban on tail docking would be fiercely opposed by the British Veterinary Association, the British Small Animal Veterinary Association, the Royal College of Veterinary Surgeons, the Companion Animal Welfare Council, animal welfare organisations (including the Scottish 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.



4. 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.


[22 lines redacted exempt.]

[redacted]

Animal Health and Welfare Division Ext. [redacted]

28th September 2010

CONFIDENTIAL					
Minister for Environment					X

DG Rural Affairs, Environment and Services  
Peter Russell  
Simon Hall  
Sheila Voas  
Andrew Voas  
  
Comms - Greener

## 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.

## **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 25<sup>th</sup> 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; EngUsh 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
- AnimalAid
- 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.]**

Dec 06

**Burns PD (Phil)**

---

**From:** [REDACTED] on behalf of Cabinet Secretary for the Environment, Climate Change and Land Reform  
**Sent:** 02 June 2016 08:48  
**To:** Williams B (Beverley); Burns PD (Phil)  
**Cc:** Voas AP (Andrew); Voas S (Sheila); Pryce JM (Jonathan); Higgins K (Kate); Cabinet Secretary for the Environment, Climate Change and Land Reform; Cabinet Secretary for the Rural Economy and Connectivity  
**Subject:** Working dogs consultation

Morning Beverley,

[REDACTED], I understand an SG consultation on working dogs ended in early May. Could you let us know when analysis of that is expected? Could you also advise what "working dogs" covers and whether further legislation is needed in this area? If so, when is it likely that a Bill will be published?

Many thanks,

[REDACTED]

[REDACTED] | PS to Cabinet Secretary for Environment, Land Reform and Climate Change | 2N.08 | St Andrews House | Edinburgh | EH3 1DG | T: [REDACTED]

[REDACTED]

Doc 07

**Burns PD (Phil)**

**From:** Burns PD (Phil)  
**Sent:** 02 June 2016 12:38  
**To:** Cabinet Secretary for the Rural Economy and Connectivity; [REDACTED]  
**Cc:** Voas AP (Andrew); Voas S (Sheila); Pryce JM (Jonathan); [REDACTED] Cabinet Secretary for the Environment, Climate Change and Land Reform; [REDACTED]  
**Subject:** RE: Tail docking - secondary legislation

Tracking:	Recipient	Delivery	Read
	Cabinet Secretary for the Rural Economy and Connectivity	Delivered: 02/06/2016 12:38	
	[REDACTED]	Delivered: 02/06/2016 12:38	Read: 02/06/2016 12:47
	Voas AP (Andrew)	Delivered: 02/06/2016 12:38	Read: 02/06/2016 13:23
	Voas S (Sheila)	Delivered: 02/06/2016 12:38	
	Pryce JM (Jonathan)	Delivered: 02/06/2016 12:38	
	[REDACTED]	Delivered: 02/06/2016 12:38	Read: 02/06/2016 12:39
	Cabinet Secretary for the Environment, Climate Change and Land Reform	Delivered: 02/06/2016 12:38	Read: 02/06/2016 12:41
	[REDACTED]	Delivered: 02/06/2016 12:38	
	[REDACTED]		Read: 02/06/2016 12:39

This e-mail also replies to [REDACTED] e-mail of 2 June 2016 about the consultation of working dogs (proposal to permit tail docking of working Spaniels and Hunt Point Retrievers).

Remit of the Consultation

The consultation was limited to a possible exemption to allow the docking of up to one third of the tail of spaniels and hunt point retriever puppies intended to go on to work, generally in the shooting industry. The limitations to these specific types of dogs were placed as a result of the former Cabinet Secretary's discussions with the Rural Affairs and Climate Change Committee in late 2015.

Legislative Basis for any Change

An exemption to the current ban on tail docking may be made on animal welfare grounds by affirmative secondary legislation, under powers contained in s.20(5) of the Animal Health and Welfare (Scotland) Act 2006. Any change is likely to be made to the Prohibited Procedures on Protected Animals (Exemptions)(Scotland) Regulations 2010.

Timing of Decision

The consultation elicited 914 responses and the decision was made, owing to the volume of replies, for an external analysis contract to be awarded. An invitation to tender was published through the Research Framework on 21 May 2016 but there were no bids for the contract.

The invitation to tender was reissued 31<sup>st</sup> May 2016 to a wider range of contractors and it is expected that the contract will be awarded on, or around, 11<sup>th</sup> July. The completed independent analysis report is expected to be available to the Cabinet Secretaries by 19<sup>th</sup> September; a decision and announcement would not be advisable until after this report has been considered.

I hope this is helpful.

Phil

Phil Burns  
AFRC – Animal Health & Welfare  
P Spur  
Saughton House  
Broomhouse Drive  
Edinburgh  
EH11 3XD

[REDACTED]

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**From:** [REDACTED] **On Behalf Of** Cabinet Secretary for the Rural Economy and Connectivity  
**Sent:** 02 June 2016 10:19  
**To:** Williams B (Beverley)  
**Cc:** Voas AP (Andrew); Voas S (Sheila); Pryce JM (Jonathan); [REDACTED] Cabinet Secretary for the Rural Economy and Connectivity; Cabinet Secretary for the Environment, Climate Change and Land Reform; Burns PD (Phil)  
**Subject:** Tail docking - secondary legislation

Hi Beverley and copied

Mr Ewing has asked for official advice as to whether a lifting of the tail docking ban (for specific species of dogs only) could be implemented by secondary legislation? If so, he would be keen for a decision to be taken soon and an announcement made over the summer. Are you able to advise, and if so, could we have a note up by early next week if possible please?

[REDACTED]

Thanks, [REDACTED]

[REDACTED]  
**Ministerial Private Offices**  
[REDACTED]

**Burns PD (Phil)**

---

**From:** [REDACTED]  
**Sent:** 14 June 2016 16:12  
**To:** Cabinet Secretary for the Environment, Climate Change and Land Reform  
**Cc:** Voas S (Sheila); Voas AP (Andrew); [REDACTED]; [REDACTED]; Pryce JM (Jonathan); [REDACTED] Communications Rural Economy & Environment; [REDACTED]  
**Subject:** Urgent - Publication of Consultation Responses - Tail Docking of Working Dogs

PS/Ms Cunningham

**Purpose**

1. To inform you that the consultation responses to the consultation on a "Proposal to permit tail docking of working Spaniels and Hunt Point Retrievers" are ready to be routinely published on the Scottish Government website.

**Priority**

2. Urgent. It is proposed to arrange the publication of the responses on Friday 17 June 2016. The publication of the responses is routine procedure and would not normally be alerted to Ministers or be the subject of a Press Release. However, given the divisive nature of the issue of tail docking it was thought appropriate to notify the Cabinet Secretary.

**Background**

3. The docking of any dog's tail is currently prohibited in Scotland, unless as part of veterinary treatment. Docking of certain working dogs' tails is permitted in England, Wales and Northern Ireland.

4. The consultation ran from 10 February to 3 May 2016 and was limited to the possible exemption of ban on tail docking for a limited number of working dogs – namely spaniels and hunt point retrievers. The limitations to these specific types of dogs were placed as a result of the former Cabinet Secretary's discussions with the Rural Affairs and Climate Change Committee in late 2015.

5. The consultation elicited 913 responses and the decision was made, owing to the volume of replies, for an independent external analysis contract to be awarded. It is expected that the analysis contract will be awarded on, or around, 11<sup>th</sup> July. The completed independent analysis report is expected to be available to the Cabinet Secretary by 19<sup>th</sup> September.

**Recommendation**

6. You are invited to note the imminent publication of the responses.

Phil Burns  
 AFRC – Animal Health & Welfare  
 P Spur  
 Saughton House  
 Broomhouse Drive  
 Edinburgh  
 EH11 3XD





**Burns PD (Phil)**

---

**From:** [redacted] on behalf of Cabinet Secretary for the Environment, Climate Change and Land Reform  
**Sent:** 16 June 2016 10:30  
**To:** Burns PD (Phil); Cabinet Secretary for the Environment, Climate Change and Land Reform  
**Cc:** Voas S (Sheila); Voas AP (Andrew); [redacted] Pryce JM (Jonathan); [redacted] Communications Rural Economy & Environment; [redacted]  
**Subject:** RE: Urgent - Publication of Consultation Responses - Tail Docking of Working Dogs

Thanks Phil – Ms Cunningham has noted.

[redacted]

[redacted] | PS to Cabinet Secretary for Environment, Land Reform and Climate Change | 2N.08 | St Andrews House | Edinburgh | EH3 1DG | T: [redacted]

[redacted]

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**From:** [redacted]  
**Sent:** 14 June 2016 16:12  
**To:** Cabinet Secretary for the Environment, Climate Change and Land Reform  
**Cc:** Voas S (Sheila); Voas AP (Andrew); [redacted] Pryce JM (Jonathan); [redacted] Communications Rural Economy & Environment; [redacted]  
**Subject:** Urgent - Publication of Consultation Responses - Tail Docking of Working Dogs

PS/Ms Cunningham

**Purpose**

1. To inform you that the consultation responses to the consultation on a “Proposal to permit tail docking of working Spaniels and Hunt Point Retrievers” are ready to be routinely published on the Scottish Government website.

**Priority**

2. Urgent. It is proposed to arrange the publication of the responses on Friday 17 June 2016. The publication of the responses is routine procedure and would not normally be alerted to Ministers or be the subject of a Press Release. However, given the divisive nature of the issue of tail docking it was thought appropriate to notify the Cabinet Secretary.

**Background**

3. The docking of any dog’s tail is currently prohibited in Scotland, unless as part of veterinary treatment. Docking of certain working dogs’ tails is permitted in England, Wales and Northern Ireland.  
4. The consultation ran from 10 February to 3 May 2016 and was limited to the possible exemption of ban on tail docking for a limited number of working dogs – namely spaniels and hunt point retrievers. The

limitations to these specific types of dogs were placed as a result of the former Cabinet Secretary's discussions with the Rural Affairs and Climate Change Committee in late 2015.

5. The consultation elicited 913 responses and the decision was made, owing to the volume of replies, for an independent external analysis contract to be awarded. It is expected that the analysis contract will be awarded on, or around, 11<sup>th</sup> July. The completed independent analysis report is expected to be available to the Cabinet Secretary by 19<sup>th</sup> September.

Recommendation

6. You are invited to note the imminent publication of the responses.

Phil Burns  
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