Dc:JZ4-

cabinet secretary for Environment, Oimate Chanae and Land Reform
Roseanna Cunningham MSP

scott1sh Government
Riaghaltas na h-Alba
gov.scot

T: 0300 244 4000
E: scottish.mlnisters@gov.scot

Mr John Swinney MSP
The Scottish Parliament
EDINBURGH
EH991SP

Our ref: 2016/0023442
al♦ July 2016

Dear John,

Thank you for your e-mail of 13 July 2016 to Fergus Ewing MSP. Cabinet Secretary for Rural Economy and Connectivity, on behalf of your constituent Mr [redacted] about the consultation on the 'Proposal to Permit Tail Docking of Working Spaniels and Hunt Point Retrievers'. I am replying as the Cabinet Secretary with portfolio responsl>fflty fer the welfare of non-agricultural animals.

The consultation closed on 3 May 201-6 with 913 responses having been received. The responses for which the Scottish Government was given consent to publish can be found at https://consult.scotland.gov.uk/animal-welfare/proposal-to-permit-tail-docking. All of the responses will be independenfly analysed and as I inform·ed the Environment, Climate Change and Land Reform Committee of the Scottish Parrament, on 28 June 2016, the ana lysls report ls expected to be received this autumn.

The Scottish Government takes the welfare of animals, incudlng working dogs, very seriously. The current position on tail docking in Scotland was not taken lightly, but only after consultation and Parliamentary debate. Any decision taken on whether or not to amend that position must take into account the welfare of every dog, and we need to decide where the balance is best struck between protecting the welfare of puppies and of adult working dogs. The Scottish Ministers will consider the responses, and the independent analysis of these, before making a decision on what will happen.

I hope you find this reply helpful.

Yours

Roseanna

Roseanna Cunningham

From: [redacted]
Sent: 14 July 2016 10:08:52
To: Ministerial Correspondence Unit
Subject: FW: Tail Docking research results

MCU

MR for maces please.

Thanks

[redacted]
Correspondence Secretary
Cabinet Secretary for the Environment, Climate Change and Land Reform
2nd Floor | St Andrew?s House | Regent Road | Edinburgh | EH1 3DG

From: [redacted] On Behalf Of Cabinet Secretary for the Rural Economy and Connectivity
Sent: 13 July 2016 14:15
To: Cabinet Secretary for the Environment, Climate Change and Land Reform
Subject: FW: Tail Docking research results

[redacted]

Thanks

[redacted]
Portfolio Private Secretary to Cabinet Secretary for Rural Economy and Connectivity and
Minister for Transport and Islands
[redacted]

From: [redacted]
Sent: 13 July 2016 13:03
To: Cabinet Secretary for the Rural Economy and Connectivity
Subject: FW: Tail Docking research results

Dear Mr Ewing

Ref: 2016/0007836

John Swinney MSP has been contacted by his constituent [redacted] regarding the consultation on tail docking of working dogs. [redacted] requests when a decision will be made on this matter now that the consultation has closed. [redacted]

Mr Swinney would appreciate your assistance in replying to his constituent and looks forward to hearing back from you.
Kind regards
[redacted]
Assistant to John Swinney
Perthshire North Constituency Office
17-19 Leslie Street

Blairgowrie
PH106AH

[17 pages redacted exempt.]

Dec 15

Cabinet Secretary for Environment, Climate Change and Land Reform
Roseanna Cunningham MSP

[redacted]
E: scottish.ministers@gov.scot

Scottish Government
Riaghaltas na h-Alba
gov.scot

[redacted]
Scottish Countryside Alliance
16 Young Street
EDINBURGH
EH2 4JB

Our ref: 2016/0023623
26 July 2016

Dear [redacted]

Thank you for your letter of 14 July 2016 to my Private Secretary, [redacted] about [redacted] and on progress with the issue of tail docking for certain breeds of working dogs.

[redacted]

The consultation on the 'Proposal to Permit Tail Docking of Working Spaniels and Hunt Point Retrievers' closed on 3 May 2016 with 913 responses having been received. The responses for which the Scottish Government was given consent to publish can be found at https://consult.scotland.gov.uk/animal-welfare/proposal-to-permit-tail-docking. All of the responses will be independently analysed and, as I informed the Environment, Climate Change and Land Reform Committee of the Scottish Parliament, on 28 June 2016, the analysis report is expected to be received this autumn.

The Scottish Government takes the welfare of animals, including working dogs, very seriously. The current position on tail docking in Scotland was not taken lightly, but only after consultation and Parliamentary debate. Any decision taken on whether or not to amend that position must take into account the welfare of every dog, and we need to decide where the balance is best struck between protecting the welfare of puppies and of adult working dogs. The Scottish Ministers will consider the responses, and the independent analysis of these, before making a decision on what will happen.

I hope this reply is helpful.

Yours Roseanna

Roseanna Cunningham

From: [redacted]
Sent: 19 July 2016 16:32:37
To: Ministerial Correspondence Unit
Subject: [redacted]

Attachments: [Untitled]6546456546.pdf

[redacted]
Correspondence Administrator
Ministerial Correspondence Unit
St Andrews House
Edinburgh, EH1 3DG

Ext: [redacted]

[redacted]

From: [redacted]
Sent: 14 July 2016 12:26
To: Scottish Ministers
Subject: Roseanna Cunningham
Attachments: Roseanna Cunnigham.docx response letter.docx

Categories: [redacted]

[redacted]

Letter attached in relation to the ministerial response.

Kindest Regards

[redacted]

[redacted]

Director

Scottish Countryside Alliance

[redacted]

Tel: [redacted]

[redacted]

Scottish Countryside Alliance

16 Young Street

Edinburgh

EH2 4JB

SCOTTISH COUNTRYSIDE ALLIANCE

The voice of the countryside

14/07/2016

Your ref: 2016/0018380

Dear [redacted],

Thank you for your most recent response to my request for a meeting with the minister. I quite understand that the draw on her time will be significant but do hope to meet with her in due course.

[redacted] I wanted to ask the minister how she was progressing with the overdue responses on the prophylactic shortening of certain dogs breeds tails and [redacted].

Richard Lochhead MSP and Dr Aileen McLeod MSP had indicated that decisions were imminent on both subjects. Whilst I appreciate the cabinet shuffle may have slowed the process we would at this time press the minister for answers.

I look forward to your response

Kind Regards

[redacted]

Countryside Alliance
Director for Scotland

Dec 17

CABINET SECRETARY FOR ENVIRONMENT, CLIMATE CHANGE AND LAND REFORM

Briefing for meeting with the British Veterinary Association

What	[redacted]
Where	*Scottish Parliament*
When	*Wednesday 14 September at 10:00 to 10:45*
Key Message(s)	[redacted]
Who	[redacted] *President BVA Scottish Branch* [redacted] *BVA Junior Vice President* [redacted] *BVA Head of Media and Public Affairs* [redacted] *BVA Head of Policy and Governance*
Why	*An opportunity for the BVA to discuss some of their current animal welfare concerns.* *MACCS No: 2016/00019821*
Supporting official	Sheila Voas, CVO Scotland, Blackberry [redacted] Mob [redacted] Andrew Voas, Veterinary Adviser
Briefing contents	**Annex A:** [redacted] **Annex B:** [redacted] **Annex C:** [redacted] **Annex D:** [redacted]
Media Handling	[redacted]
Social Media	[redacted]

CABINET SECRETARY FOR ENVIRONMENT, CLIMATE CHANGE AND LAND REFORM
Briefing for meeting with the British Veterinary Association

Annex C

Top Brief

[4 lines redacted exempt.]

Tail Docking
• The Scottish Government are considering the responses to the tail docking consultation along with other evidence and will come to a decision soon.

[16 lines redacted exempt.]

CABINET SECRETARY FOR ENVIRONMENT, CLIMATE CHANGE AND LAND REFORM
Briefing for meeting with the British Veterinary Association

Tail Docking

- The issue of tail docking in working dogs is contentious, with strong views being held by those on both sides of the debate. All parties profess to have the welfare of dogs in mind.

- SG has always agreed that if evidence came to light that suggested the ban compromised the welfare of working dogs then we would review the current position.

- Research commissioned from the University of Glasgow was published in April 2014 that provided data on the incidence of tail injuries in working dogs.

- This was followed up by a consultation in 2016 designed to seek the views of all interested parties, and any evidence they can furnish, on whether permitting to the docking of tails, of up to a third in length, will offer welfare benefits to working Spaniels and Hunt Point Retrievers.

- The consultation elicited 914 responses and the decision was made, owing to the volume of replies, for an external analysis contract to be awarded. The completed independent analysis report is expected to be available to the Cabinet Secretaries by 19th September; a decision and announcement would not be advisable until after this report has been considered.

Andrew Voas
Ext [redacted]

BRITISH VETERINARY ASSOCIATION ANNUAL SCOTTISH DINNER

Date and Time of Engagement	7:00 pm, Tuesday 13 September 2013
Where	Scottish Parliament Members Restaurant
Key Message	[redacted]
Who	BVA President - [redacted] BVA Scottish Branch President - [redacted] Event Host – [redacted] Event Organiser – [redacted] Officers of the British Veterinary Association (BVA) in Scotland and UK, plus representatives from most livestock stakeholders.
Why	[redacted]
Official Support Required	Sheila Voas, CVO Scotland Mob: [redacted]
Media Handling	N/A
Dress code	Lounge suit
Greeting Party and specific meeting point on arrival (if at a non SE Building)	[redacted], BVA Public Affairs Manager Mob: [redacted] Arrive at Members' Restaurant Bar
Specific entrance car/parking arrangements	N/A
Briefing contents	Annex A – [redacted] Annex B – [redacted] Annex C – [redacted] Annex D – [redacted]

Tail Docking

Top line

- The Scottish Government are considering the responses to the tail docking consultation along with other evidence and come to a decision over the next few months.

Background

- The issue of tail docking in working dogs is both controversial and difficult, with strong views being held by those on both sides of the debate. All parties profess to have the welfare of dogs in mind.

- SG has always agreed that if evidence came to light that suggested the ban compromised the welfare of working dogs then we would review the current position.

- Research commissioned from the University of Glasgow was published in April 2014 that provided data on the incidence of tail injuries in working dogs.

- This was followed up by a consultation in 2016 designed to seek the views of all interested parties, and any evidence they can furnish, on whether permitting to the docking of tails, of up to a third in length, will offer welfare benefits to working Spaniels and Hunt Point Retrievers.

- The consultation elicited 914 responses and the decision was made, owing to the volume of replies, for an external analysis contract to be awarded. The completed independent analysis report is expected to be available to the Cabinet Secretaries by 19th September; a decision and announcement would not be advisable until after this report has been considered.

[redacted]
Ext [redacted]

Doc 16

Cabinet Secretary for Environment, Climate Change and Land Reform
Roseanna Cunningham MSP

Scottish Government
Riaghaltas na h-Alba
gov.scot

T: [redacted]
E: scottish.ministers@gov.scot

Angela Constance MSP

By email [redacted]

Your ref: con 11338
Our ref: 2016/0023447
24 August 2016

Dear Angela,

Thank you for your e-mail of 13 July 2016, on behalf of a constituent, about the 'Proposal to Permit Tail Docking of Working Spaniels and Hunt Point Retrievers'.

The consultation closed on 3 May 2016 with 913 responses having been received. The responses for which the Scottish Government was given consent to publish can be found at https://consult.scotland.gov.uk/animal-welfare/proposal-to-permit-tail-docking.
Now all of the responses will be independently analysed and, as I informed the Environment, Climate Change and Land Reform Committee of the Scottish Parliament on 28 June 2016, the analysis report is expected to be received this autumn.

The Scottish Government takes the welfare of animals, including working dogs, very seriously. The current position on tail docking in Scotland was not taken lightly, but only after consultation and Parliamentary debate. Any decision taken on whether or not to amend that position must take into account the welfare of every dog, and we need to decide where the balance is best struck between protecting the welfare of puppies and of adult working dogs. The Scottish Ministers will consider the responses, and the independent analysis of these, and a decision will be made by the end of the current year.

As your constituent has stated to you it is perfectly legal for a person to buy a dog that has been born and docked in another country in the UK. However, this is not a loophole but a conscious difference in the legislation of those countries; and there is no requirement for such an animal to be co-owned by a Scottish resident and a person living in those other countries.

I hope this reply is helpful.

Yours

Roseanna

Roseanna Cunningham

From: [redacted]
Sent: 14 July 2016 10:09:54
To: Ministerial Correspondence Unit
Subject: FW: con 11338 [redacted]

MCU

MR for maces please.

Thanks

[redacted]
Correspondence Secretary
Cabinet Secretary for the Environment, Climate Change and Land Reform
2nd Floor | St Andrew's House | Regent Road | Edinburgh | EH1 3DG

From: [redacted] On Behalf Of Cabinet Secretary for the Rural Economy and Connectivity
Sent: 13 July 2016 13:49
To: Cabinet Secretary for the Environment, Climate Change and Land Reform
Subject: FW: con 11338 [redacted]

One for you.

Thanks

[redacted]
Portfolio Private Secretary to Cabinet Secretary for Rural Economy and Connectivity and
Minister for Transport and Islands
[redacted]

From: [redacted]
Sent: 13 July 2016 11:34
To: Cabinet Secretary for the Rural Economy and Connectivity
Subject: con 11338 [redacted]

Fergus,

Angela has a constituent who has been pursuing the need for changes to the tail docking of dogs legislation with her since 2013. I am aware that the latest consultation closed in May 2016 and that over 900 responses were received. I have spoken to the Department and they have mentioned that they are in the process of appointing someone to undertake the analysis of those responses prior to the analysis being forwarded on to Ministers. There appears to be no timetable as yet for this process to be concluded.

Angela's constituent states that Scotland is the only country in the UK that did not include an exclusion for 'working dogs' within its legislation. He states that there are loopholes and he can co-own a dog with a family member in England who undertakes the purchase, has the animal tail docked within three days of its birth and then bring the dog to Scotland to 'work'.

It would be much appreciated if you could clarify what is happening at present with regard to any possible changes to the legislation.
Regards,

[redacted]

Office Manager to Angela Constance MSP
Unit 4, Ochil House, Beveridge Square Livingston, EH54 6QF
Telephone [redacted]

cabinet Secret ary for Environment Oimate Change and Land Relo m
Roseanna cunn ingham MSP

[redacted]
E: scottish.ministers@gov.scot

The Scottish Government
Riaghalt.as na h,.Alba

[redacted]
Dogs Trust

Clarissa BaldWn House
17 Wakley Sb[eet
LONDON
EC1V7RQ

Our ref:2016 2016/0018933

28 June 2016

Dear-[redacted]

Thank you for your letter of 2 June 2016 to Fergus Ewing M SP, Cabinet Secretary for Rural Econom y and Connectlvl ty, to discuss pet welfare issues. [redacted].

Your-request has been redirected to the office of Rosearina Cunnlngham MSP, Cabinet Secretary for Environment, Climate Change and Land Refo mwhose portfolio includes the welfare of non-agricultural animals.

Ms Cunningham would be deli ghted to meet with you to discuss the recent consultations on tail dockin g [redacted] with you. [redacted].

I would be grateful if you could contact Ms Cunningham's Otary Secretary, - [redacted], to arrange a meeting conveni ent to you both.

[redacted]

[redacted]
Private Secretary

DogsTrust

DIARY

Mr Fergus Ewing MSP
The Scottish Parliament
Edinburgh
EH99 1SP

RAE
10 JUN 2016
PRIVATE OFFICE

2nd June 2016

Dear Mr Ewing,

[20 lines redacted exempt.]

In particular I am keen to discuss the recent consultations on tail docking [4 words redacted] with you, [13 words redacted exempt) If this would be possible, t would be grateful if your office could please contact me at [redacted] I look forward to hearing from you.

Yours sincerely,

[redacted]
Head of Public Affairs

Dogs Trust
17 Wi:lki1:y Street
London [(1\1 !RQ
T [redacted]
F [redacted]
www.dogstrustorg,uk

Doc 8

Burns PD (Phil)

From: Burns PD (Phil)
Sent: 22 September 2016 16:26
To: Cabinet Secretary for the Environment, Climate Change and Land Reform
Cc: Cabinet Secretary for the Rural Economy and Connectivity; DG Economy; Pryce JM (Jonathan); [redacted] Voas S (Sheila); [redacted] Voas AP (Andrew); [redacted] Communications Rural Economy & Environment; [redacted]
Subject: TAIL DOCKING OF WORKING SPANIELS AND HUNT POINT RETRIEVERS

Tracking:

Recipient	Delivery	Read
Cabinet Secretary for the Environment, Climate Change and Land Reform	Delivered: 22/09/2016 16:26	
Cabinet Secretary for the Rural Economy and Connectivity	Delivered: 22/09/2016 16:26	
DG Economy	Delivered: 22/09/2016 16:26	
Pryce JM (Jonathan)	Delivered: 22/09/2016 16:26	
[redacted]	Delivered: 22/09/2016 16:26	Read: 22/09/2016 16:54
Voas S (Sheila)	Delivered: 22/09/2016 16:26	
[redacted]	Delivered: 22/09/2016 16:26	Read: 28/09/2016 16:04
Voas AP (Andrew)	Delivered: 22/09/2016 16:26	
[redacted]	Delivered: 22/09/2016 16:26	
[redacted]	Delivered: 22/09/2016 16:26	Read: 23/09/2016 09:10
[redacted]	Delivered: 22/09/2016 16:26	
Communications Rural Economy & Environment	Delivered: 22/09/2016 16:26	Read: 22/09/2016 16:30
[redacted]	Delivered: 22/09/2016 16:26	Read: 27/09/2016 14:52

Please find attached submission from Andrew Voas inviting you to

- note the forthcoming publication of the attached consultation analysis report (PDF); and
- to inform officials of your decision on whether or not to permit the tightly defined exemption on tail docking for working spaniels and hunt point retrievers

Tail Dock Sub Final.docx

452186_P1.pdf

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

[redacted]

OFFICIAL – ADVICE TO MINISTERS

From: Andrew Voas
AFRC – Animal Health & Welfare
22 September 2016

Cabinet Secretary for Environment, Climate Change and Land Reform

TAIL DOCKING OF WORKING SPANIELS AND HUNT POINT RETRIEVERS

Purpose

1. To present you with the independent analysis of the responses to the consultation on tail docking; for you to note that this will be published in early October 2016; and to seek your decision on whether legislation should be amended to allow docking of the end third only of the tails of working spaniel and hunt point retriever puppies if vets are satisfied on the evidence presented to them that the puppies are likely to be used as working dogs later in life. A copy of the final consultation report is enclosed.

Priority

2. **Routine.** It is noted that you have expressed a wish to announce the way forward on tail docking and [redacted] on or before 5 October 2016.

Background

3. After much public debate, tail docking of all dogs was banned in Scotland in 2007 when the Animal Health and Welfare (Scotland) Act 2006 was brought into force. At that time, the Scottish Government stated that if in future evidence showed that the ban compromised the overall welfare of working dogs then it would review the position.

4. In 2011 The Scottish Government commissioned, research from the University of Glasgow on the incidence of tail injuries to working dogs. Further information on this research, views of key stakeholders and the options considered are at **Annexes A and B**.

5. On 10 December 2015 the Cabinet Secretary for Rural Affairs wrote to the Convener of the Rural Affairs, Climate Change and Environment Committee (RACCE) to inform him that the Scottish Government would consult on a tightly defined exemption to the ban on tail docking for working Spaniel and Hunt Point Retriever puppies only. That letter came following correspondence with the RACCE Convener on 24 June, 27 August, 26 October and 4 November 2015; the last of which confirmed RACCE support for consultation on a tightly defined exemption to the tail docking ban.

6. A public consultation seeking views from all interested parties was held between 10 February and 3 May 2016. This attracted 906 responses and the independent analysis report, prepared by [redacted] was recently accepted by the Scottish Government.

Views expressed in the consultation

7. This remains a divisive issue with firmly held views and it was not surprising that individual respondents involved in field sports were almost unanimous in their agreement to the tightly defined exemption. However a significant minority suggested that a greater length of tail should be removed and that other breeds, such as terriers, should also be included. On the other hand, those individual respondents with an interest in animal welfare were unanimous in suggesting that the ban should remain. The small number of individual veterinary surgeons who responded to the consultation were divided as to whether docking should or should not be allowed.

8. In strictly numerical terms, 92% of all respondents considered that docking should be permitted – probably partly due to 77% of the respondents identifying themselves as being involved in field sports to some extent. 52% of respondents agreed that docking should be limited to the end third of the tail, and that the procedure should be carried out by any qualified veterinary surgeon (82%) who should be the same veterinary surgeon that later microchips the dogs (58%).

9. Organisational responses were also split with those from the field sports sector in favour of docking and those from the animal welfare sector being opposed. The field sports sector suggested that docking tails prevents later injury, that only momentary pain is felt at the time of docking and that this would support Scottish gun dog breeders; whereas the animal welfare sector considered that tail docking is a painful unnecessary operation, the number of dogs requiring to be docked to prevent one tail injury is too great, the research was insufficiently robust to provide conclusive data and that docking can impair the use of the tail for communication.

10. The British Veterinary Association and British Small Animal Veterinary Association response raised the same concerns as the animal welfare sector, adding that surgical operations such as tail docking should only be carried out for therapeutic reasons and that docking can result in behavioural change.

Options

11. The consultation document limited the possible actions following consultation. The two potential options available are:

- Retain the current ban on tail docking, except where performed for the purpose of medical treatment, as in section 20 of the 2006 Act. This is the preferred option of the BVA, SSPCA and those other animal welfare organisations responding to the consultation. The Chief Veterinary Officer supports the current ban and recommends that it should remain in place.

- Permit an exemption to the current ban on tail docking to allow for the removal, on animal welfare grounds and by a veterinary surgeon, of up to the end third of the tail of working spaniels and hunt point retriever puppies. This is the preferred option of those with field sports interests. This will require an amendment to the Prohibited Procedures on Protected Animals (Exemptions) (Scotland) Regulations 2010.

Next Steps

12. The analysis report of the consultation will be published on the Scottish Government website in early October 2016. Scottish Ministers will wish to clarify their position on whether or not to permit a tightly defined exemption on tail docking when the report is published. If that is not done there is likely be continued pressure for a decision to be made.

13. Officials will produce press lines, for your clearance, to respond to any enquiries that may be received once the Ministerial decision is made.

14. If Scottish Ministers decide to permit an exemption, policy officials will work with legal colleagues to produce a Secondary Statutory Instrument for presentation to the Scottish Parliament in early 2017.

Recommendation

15. You are invited to:

- **note the forthcoming publication of the consultation analysis report; and**
- **to inform officials of your decision on whether or not to permit the tightly defined exemption on tail docking for working spaniels and hunt point retrievers.**

Andrew Voas
Veterinary Adviser
AFRC - Animal Health and Welfare
[redacted]

22 September 2016

Copy List:	For Action	For Comments	For Information: Portfolio Interest	Constit Interest	General Awareness
Cabinet Secretary for Rural Economy and Connectivity			X		

DG Economy
Jonathan Pryce, Director AFRC
[redacted]
Sheila Voas, Chief Veterinary Officer
[redacted]
Phil Burns, Animal Welfare
[redacted]
Comms Economy, Rural Economy and Environment
[redacted]

Annex A - BACKGROUND BRIEFING ON TAIL DOCKING

The process of tail docking involves the removal of part of a puppy's tail without anaesthetic between two and five days old - only vets are permitted to dock tails. After much public debate, tail docking of all dogs was banned in Scotland in 2007 by the previous administration. At the time, the Scottish Government stated that if in the future there was evidence to suggest that the ban compromised the overall welfare of working dogs then it would review the position.

Since then, field sports interests in Scotland have continued to campaign for exemptions from the ban for dogs used for shooting or pest control - they argue that the process of tail docking is less traumatic than having the tail injured and possibly amputated in later life. Whilst this is true for a small proportion of the dogs used in shooting that suffer serious tail injuries, tail docking would be a surgical procedure for a much larger number of puppies.

It is estimated that there are 30,000 working dogs used in shooting in Scotland and around 1% of these are taken to veterinary surgeons for treatment of tail injuries each year. Many more will however have minor injuries that are treated by their owners.

Position elsewhere

Whilst tail docking is also banned elsewhere in the UK there are some exemptions for "working" dogs of certain breeds, including spaniels, Hunt Point Retrievers and terriers – these exemptions applied when the general ban came into effect (2007 in England and Wales and 2013 in Northern Ireland) and there now appears to be general acceptance of the position from the range of stakeholders. Many thousands of dogs will have been legally docked since the legislation was introduced.

To reduce demand for docked dogs for cosmetic reasons, the other administrations also prohibit the showing of docked dogs (even if a dog was docked for medical purposes) at dog shows where the public pay an admission fee. This was the most controversial of the docking measures as many owners considered that it was discriminatory.

Research

The Scottish Government co-funded research on tail injuries in working dogs by the University of Bristol and the Royal Veterinary College in 2009 but this did not provide sufficient information on tail injuries in working dogs in Scotland to justify a change in policy. In 2011, we commissioned further research by the University of Glasgow into Scottish working dogs, specifically spaniels, Hunt Point Retrievers and terriers, and two papers were published in 2014.

The first paper reported an internet survey of over 1,000 owners of working **dogs** and found that:

- In one shooting season 57% of undocked spaniels and 39% of Hunt Point Retrievers experienced a tail injury of some sort. **(including minor injuries not requiring veterinary treatment.)**

- Docking the tails of spaniel and Hunt Point Retriever puppies by one third could significantly decrease the risk of injury for working dogs of these breeds.

- There was no apparent protective effect in removing more than one third of the tail or in docking the tails of terriers.

- In order to prevent one tail injury of any sort to a working dog of these breeds between 2 and 18 puppies need to be docked (depending on the numbers of puppies from a litter that went on to be used as working dogs.)

The second study looked at records of working **breed** tail injuries from veterinary practices in Scotland and showed that:

- Around 1% of dogs of all working **breeds** (including terriers and not necessarily actual working dogs) taken to a veterinary surgery were treated for a tail injury.

To prevent one tail injury **that resulted in veterinary treatment** to any pointer/setter, spaniel or Hunt Point Retriever, between 81 and 135 puppies would need to be docked. To prevent one such injury to any working dog of any breed (including terriers), 230 puppies would need to be docked

A planned third part of the research, a prospective study of a group of undocked dogs over one shooting season which would have provided the most reliable scientific evidence, could not be completed because not enough working dog owners agreed to take part in this study.

Stakeholder views

Field sports stakeholders including the British Association for Shooting and Conservation (BASC), Scottish Gamekeepers' Association (SGA), Scottish Association for Country Sports (SACS) and Scottish Countryside Alliance (SCA) remain of the opinion that tail docking of puppies is less traumatic than having the tail injured and potentially amputated in later life. They would like the legislation changed to allow for puppies of the spaniel and Hunt Point Retriever breeds that are intended to be used for working to be exempt from the ban.

Breeder's organisations (The Kennel Club and the Scottish Kennel Club) would support a change in legislation to allow the docking of working Spaniels and Hunt Point Retriever dog breeds. The Kennel Club believes that the recent research papers prove beyond reasonable doubt that undocked dogs involved in working are at significantly greater risk of tail injury.

Animal welfare groups such as OneKind, Blue Cross and Dogs Trust believe there should not be exemption to the tail docking ban for working dogs. Although some concerns were raised about the validity of the research, their fundamental position remains that it is not ethically acceptable to inflict pain on puppies and alter their natural conformation by docking, regardless of the possibility of future injury. The League Against Cruel Sports and the BVA Animal Welfare Foundation have expressed this view in the past but did not respond to the recent consultation.

The **British Veterinary Association (BVA)** and the **British Small Animal Veterinary Association (BSAVA)** believe that the Glasgow research does not present any reason to change current legislation. They suggest that the response rate in the internet survey of owners was low and the second study suffered from a small number of participating veterinary practices. They are also of the opinion that exemptions to the ban in England, Wales and Northern Ireland are hard to enforce and, as a result, some dogs are being docked for purely cosmetic reasons. However, we are aware that these views are not shared by all BVA members and there remain a small number or practising vets who support docking for working dogs of certain breeds.

The **Scottish Society for the Prevention of Cruelty to Animals (SSPCA)** were not previously completely opposed to an exemption on docking some working breeds but would have liked more research to be carried out. The SSPCA feels the Glasgow research was inconclusive and that the evidence is not solid enough to justify a complete rethink of the current legislation. Their response to the 2016 consultation, however, notes that they are opposed to the exemption. They realise that Scottish Ministers may decide to introduce the exemption but have also noted that tail docking should not be seen as a preventative measure for what is mainly a pastime and that there should be a strict licensing scheme for breeders of any breeds that could be docked.

Apart from the SSPCA, there has been little change in the established positions of the interested organisations. Those organisations and individuals previously in favour of allowing tail docking of working dogs feel the research provides the evidence needed for a change in the legislation. Those previously in favour of a complete ban remain opposed to an exemption and do not consider the research results conclusive enough to justify a ban.

The underlying position of those opposed seems to be that it is not ethically justified to balance a definite injury for many animals against the possibility of avoiding a future injury associated with a particular activity in a smaller number of animals. They argue that the way in which dogs are worked should be adjusted to reduce injury rather than the natural anatomy of the dog. Although some concerns about the validity of the research findings were raised, further work to provide more information on the types of injuries in working dogs or the pain associated with docking is unlikely to change this ethical position.

Effectiveness of limitation to working dogs

The legislation currently in place in England, Wales and Northern Ireland requires vets to see evidence that puppies are intended for use as working dogs, including a certificate from the owner and other supporting evidence such as a firearms certificate. Puppies must also be identified by microchip when they are old enough for a microchip to be implanted (usually after they are 8 weeks old). No stakeholders provided any significant new proposal on how docking of puppies could be effectively restricted to those that went on to be working dogs, other than by mirroring these arrangements.

All stakeholders, including those in favour of docking, acknowledged that it is simply not possible to accurately predict which puppies from a litter intended for use as working dogs will actually go on to be become working dogs in practice. Some will inevitably be found to be unsuitable during training or be kept simply as pets by their new owners.

Hence, the arrangements in place elsewhere in the UK effectively, though unintentionally, allow the docking of a proportion of non-working dogs.

There were different views on whether there is still an incentive for breeders of puppies that are unlikely to be used for working to have them docked. The stakeholders in favour of docking noted that relatively few veterinary surgeons are now willing to dock and that there are restrictions on entering docked dogs for shows. They suggested that it is therefore unlikely that breeders would seek to have puppies docked purely for cosmetic reasons. However, those opposed to docking, including the BVA and BSAVA, provided copies of advertisements which appeared to show that the rules in other administrations are being abused and that docking of working breeds for cosmetic purposes alone rather than for protection during work still persists.

Options

The evidence and arguments remain finely balanced. However, it appears there may be a case to change the legislation to allow vets in Scotland to exercise their professional judgement and dock spaniel and Hunt Point Retriever pups **only** if they believe on the evidence presented to them that they are **likely to be used for working** in future and that the pain of docking is outweighed by the possible avoidance of more serious injuries later in life.

In line with the research findings, any exemption would be **restricted to spaniels and Hunt Point Retrievers only** and allow removal of the **end third of the tail only**, which would be more restrictive than other parts of the UK.

Individual vets would of course be under no obligation to dock puppies if they disagree with the principle of docking or their judgement is that puppies presented for docking are unlikely to be used for working later in life.

Alternatively, it would be possible to maintain the current position given that there is no certainty that puppies will be used for working later in life. We would, however, still be able to review the position if further robust scientific evidence becomes available in future.

Annex B – Glasgow University Research

Paper 1: Survey of tail injuries sustained by working gundogs and terriers in Scotland

Abstract

Working dog owners in Scotland were invited to take part in an internet survey regarding the 2010/2011 shooting season, which was designed to estimate the prevalence of tail injuries; assess the risk of tail injuries in docked and undocked working dogs; and identify risk factors for owner-reported tail injuries. Of 2860 working dogs, 13.5 per cent sustained at least one tail injury during the 2010/2011 shooting season. Undocked spaniels and hunt point retrievers (HPRs) were at greatest risk of tail injury with 56.6 per cent of undocked spaniels and 38.5 per cent of undocked HPRs sustaining at least one tail injury during the season. There was no statistically significant difference in the risk of tail injury in dogs with tails docked by one-third, half or shorter. To prevent one tail injury in one shooting season, between two and 18 spaniels or HPRs would need to be docked as puppies. The authors believe that this work provides the best available evidence on which to base a consultation for changes to the legislation on tail docking in working dogs in Scotland. Docking the tails of HPRs and spaniels by one-third would significantly decrease the risk of tail injury sustained while working in these breeds.

Paper 2: The prevalence of tail injuries in working and non-working breed dogs visiting veterinary practices in Scotland

Abstract

The aim of this paper was to estimate the prevalence of tail injuries that required veterinary examination in different breeds of dog in Scotland. The study population included all dogs that had visited one of 16 veterinary practices located in Scotland between 2002 and early 2012. The overall prevalence of tail injuries in dogs visiting one of the 16 veterinary practices was 0.59 per cent. The prevalence of tail injuries in dogs of working breeds was estimated to be 0.90 per cent. Working dog breeds that were examined by a veterinary surgeon were at a significantly greater risk of sustaining a tail injury than non-working breeds ($P<0.001$). To prevent one such tail injury in these working breeds approximately 232 dogs would need to be docked as puppies. To prevent one tail amputation in spaniels, 320 spaniel puppies would need to be docked. Spaniels presented after January 2009 were 2.3 times more likely to have a tail injury than those presented before April 29, 2007 (date of the legislation that banned tail docking in Scotland). Given the results of this and the accompanying paper it may be appropriate to consider changes to the current legislation for specific breeds of working dogs.

Doc 20

Cabinet Secretary for Environment, Climate Change and Land Reform
Roseanna Cunningham MSP

Scottish Government
Riaghaltas na h-Alba
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[redacted]
E: scottish.ministers@gov.scot

Mr John Lamont MSP
The Scottish Parliament
EDINBURGH
EH99 1SP

Your ref: [redacted]
Our ref: 2016/0030128
27 September 2016

Dear John,

Thank you for your e-mail of 13 September 2016 to Fergus Ewing MSP, Cabinet Secretary for Rural Affairs and Connectivity, on behalf of your constituent [redacted] about the docking of working dogs' tails. I am replying as overarching responsibility for animal welfare rests in my portfolio.

The consultation on a limited exemption to permit docking of working spaniels and hunt point retrievers closed on 3 May 2016 with 913 responses having been received. The responses for which the Scottish Government has been given consent to publish can be found at https://consult.scotland.gov.uk/animal-welfare/proposal-to-permit-tail-docking.
All of the responses have been independently analysed and the analysis report has been recently received by the Scottish Government.

The Scottish Government takes the welfare of animals, including working dogs, very seriously. The current position on tail docking in Scotland was not taken lightly, but only after consultation and Parliamentary debate. Any decision taken on whether or not to amend that position must take into account the welfare of every dog, and we need to decide where the balance is best struck between protecting the welfare of puppies and of adult working dogs. I will consider the responses, and the independent analysis of these, and make a decision by the end of the current year.

I hope this reply is helpful.

Yours

Roseanna

Roseanna Cunningham

St Andrew's House, Regent Road, Edinburgh EH1 3DG
www.gov.scot

From: [redacted]
Sent: 13 September 2016 11:48:23
To: Scottish Ministers
Subject: Letter for Fergus Ewing ***IHM***

Fergus Ewing MSP
Cabinet Secretary for Rural Economy and Connectivity
Scottish Government

BY EMAIL
September 2016

OUR REF [redacted]

Dear Fergus

TAIL DOCKING

[redacted] would like to know the outcome to the enquiry on permitting working dogs to have their tails docked at birth. [redacted] was under the impression that the Scottish Government was to review this ban in May of the year.

I would be grateful if you could clarify this situation.

Kind regards.

Yours sincerely

John Lamont MSP
Ettrick, Roxburgh and Berwickshire
Scottish Conservatives

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*

[redacted]