



Working dogs and the Animal Welfare Act 2006 - ensuring compliance with Section 9

Under the [Animal Welfare Act 2006 \(AWA\)](#) which applies to England and Wales¹, a person commits an offence if he does not take such steps as are reasonable in all the circumstances to ensure that the needs of an animal for which he is responsible are met to the extent required by good practice.

The following guide provides an overview of the key points of section 9 of the AWA and how to interpret and apply the English Code of Practice for the Welfare of Dogs to ensure compliance. For those to which the Welsh, Scottish or Northern Irish Codes of Practice for the Welfare of Dogs apply, it is strongly recommended that these separate documents be consulted when reading this document. (For links to all documents please see below).

Key points:

- **Where does it apply?** The Animal Welfare Act 2006 applies to England and Wales.
- **What are reasonable steps?** This is dependent on what the prevailing circumstances are.
- **What does it mean in all the circumstances?** The Act applies throughout all the life stages and thus for working dogs includes breeding, rearing, selection, procurement, operational deployment, retirement and euthanasia.
- **Who is responsible?** The Act always applies to those who own an animal but it also applies to those who are in charge of an animal whether on a permanent or temporary basis.
- **What are an animal's needs?** There are five welfare needs (and these are different to the five freedoms):
 1. The need for a suitable environment.
 2. The need for a suitable diet.
 3. The need to be able to exhibit normal behaviour patterns.
 4. The need to be housed with, or apart from, other animals.
 5. The need to be protected from pain, suffering, injury and disease.
- **What does the extent required by good practice mean?** Defra and the Welsh Government have produced Codes of Practice concerning dog welfare that provide practical guidance in respect of the AWA and in particular section 9. The Codes do not tell people how to precisely care for their animal but summarise important things they should consider when making decisions about how best to care for a dog and are based upon what a dog needs to be physically fit and psychologically fulfilled.

You can download the different Codes of Practice from here:

- the [English Code of Practice](#)
- the [Welsh Code of Practice](#)
- the [Scottish Code of Practice](#)
- the [Northern Irish Code of Practice](#)

¹ There is separate, but similar legislation that covers Scotland (the [Animal Health and Welfare \(Scotland\) Act 2006](#)) and also Northern Ireland (the [Welfare of Animals Act \(Northern Ireland\) 2011](#)).

Failure to comply with – or compliance with – a relevant provision of the Codes of Practice may be relied upon as tending to establish or negate liability for an offence under the Act (section 14(4)).

Interpreting Section 9 of the Animal Welfare Act

The following questions are intended to help you interpret section 9 and identify whether you are meeting the welfare needs of animals in your care in accordance with the Defra Code of Practice for the Welfare of Dogs.

1. The need for a suitable environment - making sure your dog has a suitable place to live

- Is the environment safe and clean? Is there adequate protection from hazards?
- Do the dogs have a rest area which is comfortable, clean, dry, quiet and draught-free?
- Are dogs checked frequently to ensure they are not in danger or distressed?
- Do dogs have choice and control over their environment? For example, can they move away from things that frighten them or move towards things they might like to see?
- Are dogs provided with opportunities to toilet regularly?
- Is the environment large enough, at all times, for the dog to be comfortable with effective ventilation and temperature control?
- Can the dog move around to ensure its comfort, avoiding becoming too hot or too cold?
- Is the dog safe and comfortable at all times during transportation?
- Is the dog left unattended in any situation, or for any period of time, that it is likely to cause distress?

2. The need for a suitable diet - making sure your dog has a healthy diet

- Do dogs have access to fresh clean drinking water at all times or as frequently as is necessary given the circumstances?
- Can dogs reach food and water easily in all situations or as frequently as is necessary given the circumstances?
- Are dogs fed a balanced diet suitable for its individual needs?
- Do dogs maintain a stable weight such that they are neither over or underweight?
- Changes in intake can be a sign of ill health - is the amount of food and water intake monitored?
- Do dogs get the right amount of food at the right times of the day?
- Are dog's diets introduced gradually?
- Do feeding practices minimise any risk of harm?

3. The need to be able to exhibit normal behaviour patterns - making sure your dog behaves normally

- Are toys, feeding enrichment and chews available to dogs on a daily basis to prevent them becoming bored? Are they safe and suitable for the individual dog?
- Do dogs have plenty of opportunities to rest undisturbed when needed?
- Do dogs have opportunity to play with other friendly dogs or people?
- Do dogs get the daily exercise they need to be fit, active and stimulated?
- Do dogs get additional opportunities for toileting?
- Do all those who interact with the dog know its behaviour when fit and healthy? Are changes in behaviour monitored, are processes in place if there is a change in behaviour?

- What methods of training are used? Are they all positive reward methods? Are harsh potentially painful or frightening training methods avoided?
- Are dogs introduced gradually and positively to things which they might find frightening?

4. The need it has to be housed with, or apart from, other animals - making sure your dog has the company it needs

- Do any of the dogs have the opportunity to spend time with other dogs and other people so they can play and interact and not become bored or lonely (where appropriate)?
- Are any of the dogs left alone for long periods of time or long enough for the dogs to become distressed? What about overnight?
- Are all the dogs encouraged to be friendly towards other dogs and are they allowed to interact with other dogs?
- If you have puppies, are they adequately and appropriately socialised with other dogs and people?
- If handlers have more than one dog, are the dogs kept together (where appropriate)?
- Are there sufficient resources for the numbers of dogs if pair or group housed?
- Are dogs managed in such a way that they can avoid situations which they are fearful of or which can lead to aggression?
- Do you strive for a relationship with your dog where all your interactions are positive?
- Are all who interact with the dogs consistent in the way they deal with a dog?
- Who cares for the dog when handlers are off sick, or on holiday, etc? How do they meet the welfare needs of the dog? Are they aware of their legal responsibilities?

5. Prevention of pain, suffering, injury and disease

- What precautions are taken to ensure dogs are kept safe from injury? How can this be applied when the dog is working?
- Do dog handlers regularly check dogs over for signs of injury, disease or illness? Who does this in the handler's absence?
- Are there processes in place for when changes such as to eating or drinking habits, which could indicate a health problem, are noticed?
- Do handlers regularly groom their dogs' coats? Do kennel staff regularly groom dogs' coats?
- Do you have prompt access to veterinary care if a dog is suspected of being in pain, ill or injured?
- Is routine preventative health care, such as worming, defleaing and vaccination, provided?
- Are medicines authorised for use in dogs?
- Do dogs wear collars and an ID tag? Are they microchipped?

Applying Section 9 to practical situations

Section 9 of the AWA can be used as a framework by individuals and organisations to identify shortfalls in relevant policies, procedures, training, etc and to assist with their subsequent development.

The RSPCA has produced several guidance documents to help individuals and organisations comply with the provisions of Section 9 of the AWA as well as further advice for good practice. Each has been

developed using up to date animal welfare science and expertise from persons working within the relevant sector.

To date, we have developed guidance for agencies kennelling dogs and transporting working dogs in vehicles and have provided training for agencies with the responsibility for working dogs to further their understanding of the AWA.

The following example provides guidance for the provision of toy and feeding enrichment *fulfilling the need to exhibit normal behaviour and making sure your dog has enough to do so that it does not become distressed or bored*. The word **must** indicates what has to be done to ensure compliance and **should** is what would achieve best practice.

Toy and food enrichment

- a) Dogs show a natural drive to chew and **must** be provided with safe, suitable toys, bones or other items as an outlet for this behaviour, appropriate for the individual dog.
- b) Safe, durable, chewable, food-flavoured or food-filled toys **should** be provided to each dog every day e.g. Kong toys.
- c) Devices **should** be presented in such a way as to maintain interest and activity in the dogs. This can be achieved, for example, by changing toy types to increase novelty.
- d) Not all dogs will be motivated by the same type of enrichment, so it is important to try different types and provide a range of options to ensure all dogs benefit.
- e) Toys **must** be checked daily to ensure they are safe and **must** be replaced when necessary.
- f) Toys **must** be disinfected before being given to another dog.

The RSPCA is able to assist working agencies in developing policies and procedures in this area. For further information and advice please contact Dr Samantha Gaines, Head, Companion Animals Department sam.gaines@rspca.org.uk or Claire Robinson, Government Relations Manager, claire.robinson@rspca.org.uk