

BVA response to The British Horseracing Authority consultation on the use of the racing whip in British horseracing

Introduction

1. BVA is the national representative body for the veterinary profession in the United Kingdom and has over 18,000 members. Our primary aim is to represent, support and champion the interests of the veterinary profession in this country, and we therefore take a keen interest in all issues affecting the profession, including animal health and welfare, the ethical use of animals, and regulatory issues.
2. We welcome the Horse Welfare Board strategic plan for the welfare of horses bred for racing 2020-2024 'A life well lived'¹, recognise the main insights listed in relation to the use of the whip, and support the overarching statement that:
“Racing must signal a proactive, positive direction of travel in relation to the whip, taking steps to eliminate misuse and leading any discussions around the future removal of the whip for encouragement.”
3. As such, we welcome this opportunity to respond to the BHA consultation on the use of the racing whip in British horseracing. We fully accept and support the need to carry a whip for the purpose of protecting the safety of horse, jockey, other competitors, and spectators, but do consider that there is a need for change in relation to penalties and the use of the whip for encouragement.
4. The use of animals in sport is subject to increasing public scrutiny and we believe it is vital that leading organisations, such as the BHA, are not only promoting, but clearly seen to be promoting, the highest standards of welfare. Public perception is important, and we believe BHA, which exists to promote the health, development, and growth of the sport, should take a strong lead that does not lag behind public opinion.
5. Jointly with the British Small Animal Veterinary Association, we already support and recommend positive training methods as the most effective training intervention for companion animals in terms of health, welfare and behavioural outcomes.² Under the UK Animal Welfare Acts, humans responsible for animals must ensure that the animals under their care are protected from unnecessary pain, suffering, injury and disease. This includes unnecessary pain or suffering inflicted with inappropriate and aversive training methods.
6. We support the ethical use of animals in sport and many veterinary surgeons work at the heart of the horse racing industry. However, the ethical use of animals in sport must be predicated upon high standards of welfare and, as vets, we have a role in promoting that welfare.
7. Recognising that the whip has a role to play in protecting safety when other methods of communication have failed, we would not wish to see a complete ban on use. However, use must be closely regulated such that it represents a last resort option. We acknowledge the challenges faced by stewards when policing the rules regarding whip use, but this should not influence future development of the Rules of Racing.

¹ http://media.britishhorseracing.com/bha/Welfare/HWB/WELFARE_STRATEGY.pdf

² <https://www.bva.co.uk/media/1156/full-bva-policy-position-on-the-use-of-aversive-training-devices-in-dogs-and-cats.pdf>

Penalties

8. We would not normally comment on the suitability of penalties in relation to illegal activity or breaches of codes of practice or other regulatory frameworks. However, we are mindful that our discussions with equine veterinary professionals who have experience of horse racing have suggested that the existing framework for racing whip penalties is not felt to offer an appropriate deterrent for misuse of the whip under the Rules of Racing. Anecdotally, we understand that some jockeys who breach the rules may be under pressure from the owner or trainer and we therefore consider that stronger penalties which recognise and address the multiplicity of stakeholders is necessary in order to foster real change.

Use of the racing whip for encouragement

9. We consider it is ethically difficult to justify the use of the whip in the final stages of a race for the purposes of encouragement. Evidence to support the long-held view that whipping encourages a horse to compete more effectively is equivocal. One recent study which compared 126 whip-free and whip-permitted races found no statistically significant differences between race finishing times.³ A previous study on jump-racing demonstrated an apparent correlation between use of the whip and progress through the race, but also demonstrated that such progress was associated with an increased risk of falling.⁴ A subsequent study found that increased whip use was not associated with significant variation in velocity as a predictor of superior placing at the finish.⁵
10. Assessing welfare impacts of use of the whip upon horses is complex. Impacts of whipping on a horse may be physical or psychological, and short or longer term. Physical impacts may involve superficial or deeper structures. The former may be detected by clinical examination, but this is harder where deeper structures are involved. Current veterinary examinations in the immediate post-race period focus on assessing 'wealing' in the more superficial tissues. The BHA's own 2011 report 'A Review of the use of the whip in Horseracing' found that out of (approximately) 90-100,000 runners each year, there are around 20 occasions where a horse is observed to have a weal. The report goes on to state that Veterinary Officers look for signs of inflammation including discomfort or pain on examination and in the behavioural response of the horse and no such signs have been seen.⁶ However, a subsequent critical analysis of the review suggested that an explanation for this zero prevalence is that the protocol is inadequate to determine whether pain has been caused and that it is misleading to conclude that there is no pain from whip strikes.⁷
11. There is currently a lack of evidence in relation to the short and medium-term damage caused to underlying tissue. However, a recent comparative histological study aimed to give a better understanding of the capacity of horse skin to detect pain when directly compared to human skin. This study showed that, although horse skin is thicker overall than human skin, the part of the skin that is thicker does not insulate them from pain that is generated during a whip strike, and that humans and horses have the equivalent basic anatomic

³ Is Whip Use Important to Thoroughbred Racing Integrity? What Stewards' Reports Reveal about Fairness to Punters, Jockeys and Horses. Kirrilly Thompson, Phil McManus, Dene Stansall, Bethany J. Wilson and Paul D. McGreevy <https://www.mdpi.com/2076-2615/10/11/1985>

⁴ Whip use and race progress are associated with horse falls in hurdle and steeplechase racing in the UK. G L Pinchbeck, P D Clegg, C J Proudman, K L Morgan, N R French. <https://pubmed.ncbi.nlm.nih.gov/15253077/>

⁵ An Investigation of Racing Performance and Whip Use by Jockeys in Thoroughbred Races. David Evans, Paul McGreevy <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0015622>

⁶ <https://www.britishhorseracing.com/wp-content/uploads/2014/03/WhipReview.pdf>

⁷ A Critical Analysis of the British Horseracing Authority's Review of the Use of the Whip in Horseracing. Bidda Jones, Jed Goodfellow, James Yeates, and Paul D. McGreevy. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4494335/>

structures to detect pain in the skin.⁸ There have been very few, if any controlled studies using non-clinical methods, (for example thermography) to assess the effect of whipping on deeper tissues in the short and medium term. The psychological impact of whipping is also unknown.

12. Taking a precautionary principle, we consider that the racing whip should not be used for encouragement in racing. Although not well-evidenced, it is probable that some physical and psychological harm results from the use of the whip. Given that the benefit of using the whip is unproven, and potentially damaging to the reputation of the sport, it is difficult to present a convincing ethical argument in favour of whip use for anything other than safety reasons.

Use of the racing whip internationally

13. Although international harmonisation is an admirable aim, it is clear that there is variation internationally in what is considered to be acceptable use of the whip. Harmonisation should not result in a reduction in GB standards, nor would we wish to see it result in delays to the efforts of the Horse Welfare Board to ensure that the racing industry in GB demonstrates leadership in horse welfare.

⁸ A Comparative Neuro-Histological Assessment of Gluteal Skin Thickness and Cutaneous Nociceptor Distribution in Horses and Humans. Lydia Tong, Melinda Stewart, Ian Johnson, Richard Appleyard, Bethany Wilson, Olivia James, Craig Johnson, Paul McGreevy <https://www.mdpi.com/2076-2615/10/11/2094>