Proposal to permit tail docking of working Spaniels and Hunt Point Retrievers

CONSULTATION QUESTIONNAIRE

Please ensure that you have read and understood the consultation document before completing this questionnaire. If you have any queries, please contact us: contact details are provided in the consultation document. When returning this questionnaire, please ensure that you have enclosed your completed Respondent Information Form to ensure that we handle publishing your response in the correct manner. Thank you for taking the time to respond to this consultation.

Respondents should take into consideration the information provided in the consultation document alongside any other knowledge or personal experiences that could be relevant. All opinions are welcome.

We ask that you try to answer all the questions in the “General Questions” section of the questionnaire. However, if you are unable to answer any question then please feel free to move on to the next.

We also ask that those involved in the breeding, sale and working use of Spaniels and Hunt Point Retrievers answer the questions in the “Business Impact” section (questions 5-9) to inform the completion of any necessary business regulatory impact assessment.

In order for us to deal with your response appropriately please ensure you complete a Respondent Information Form. This will ensure that if you ask for your response not to be published that we regard it as confidential and will treat it accordingly.

Sector and Origin

It would be helpful for our analysis if you could indicate which of the sectors you most align yourself/your organisation with for the purpose of this consultation (please tick ONE which is MOST APPLICABLE to you):

- Keeper of Working Dogs
- Dog Breeder (General)
- Dog Breed Association
- Recreational Shooter
- Game Keeper
- Member of the General Public
- Breeder of Working Dogs
- Animal Welfare Organisation
- Veterinary Surgeon
- Shoot Organiser
- Pest Controller

Other (please specify)
British Veterinary Association & British Small Animal Veterinary Association
To allow us to monitor the geographical area of responses, using the list below, please advise where you currently reside.

Scotland ☐
England ☐
Wales ☐
Northern Ireland ☐
Republic of Ireland ☐
Other ☒ National Associations covering UK

The proposed exemption

Question 1: Should the Scottish Ministers allow vets in Scotland to dock Spaniel and Hunt Point Retriever puppies 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?

Yes ☐
No ☒
Don’t Know ☐

Please explain why

We are opposed to the docking of puppies’ tails and therefore do not agree with the Scottish Ministers’ proposal to change the existing legislation to allow vets in Scotland to dock Spaniel and Hunt Point Retrievers puppies.

For the purposes of this consultation we define docking to be the amputation of the tail of a puppy under the age of 5 days without anaesthetic.

We consider that puppies suffer unnecessary pain as a result of docking and are deprived of a vital form of canine expression. Chronic pain can arise from poorly-performed docking. We would like to reiterate that surgical operations should not be undertaken unless necessary for therapeutic purposes and that docking should be banned as a procedure, for all breeds of dog.

Tail-docking involves the cutting through or crushing of skin, muscles, up to seven pairs of nerves, bone and cartilage. ‘A review of the scientific aspects and veterinary opinions relating to tail docking in dogs’, commissioned for Defra’s animal welfare division in 2002\(^1\) concluded that:

‘The arguments put forward by those who wish docking to be continued are unsound from a scientific viewpoint, are contrary to accepted standards for the welfare of the dog(s) and serve only to contribute to artificial physical breed standards. This review of the literature allows the following statements to be made with reference to tail docking in dogs:
• The removal of a tail, whole or in part, from a breed or type of dog that is born with a full tail, deprives the dog of a major body appendage and can result in behavioural changes in individual dogs;
• Tail docking definitely causes pain in neonatal puppies; neither anaesthetics nor post-

\(^1\) A review of the scientific aspects and veterinary opinions relating to tail docking in dogs
http://www.cdb.org/defra/awbillconsulttaiddocking.pdf
surgical analgesics are routinely used'.

Bennett (2003) concluded that ‘all available evidence reviewed thus far is consistent with the claim that docking causes acute pain to those dogs under-going the procedure. In contrast, no evidence could be found to support the counter claim that newborn pups do not experience any pain at the time of docking'.

Docking also impacts on the primary socialisation period, causing pain during a time when puppies should be developing appropriate social skills.

The docking of neonates is a greater welfare concern than the reported percentage of tail injuries. Docking is painful and often carried out without analgesia in the neonatal period. Studies in human babies and laboratory animals suggest that infants retain a “memory” of a previous painful experience and their response to a subsequent painful stimulus is altered. There is no reason to believe this to be any different in cats and dogs who may thus be sensitised to painful experiences for the rest of their lives. This consequence seems to be unique to the neonatal pain experience.

Following a review of the evidence presented in the recently published papers we found no reason to change our stated position and we cannot support lifting the ban in Scotland.

While we acknowledge that the evidence presented in the papers show that Spaniel and HPR dogs were those most likely to be reported to suffer tail injuries we note that the prevalence of tail injuries in these breeds, overall, is still low and many of these tail injuries were not sufficiently serious to require veterinary treatment.

While it is clear that removal of part of a tail will reduce injuries to the tail we would like to highlight the fact that the papers reported that the number of tails that would need to be docked to prevent one tail injury requiring veterinary examination (pointer/setter, HPR or spaniel) is between 81 and 135 and the number of puppies that would need to be docked to prevent one amputation (spaniel) = 320 (in section of 'Numbers Needed to Treat').

In making decisions about any change to the legislation it is important to weigh the potential for reduction in the risk of injury through docking the tail of a puppy with the pain during and after docking inflicted on a large number of puppies.

We were pleased when a complete ban on docking was secured in Scotland in 2007. Any concession would be a retrograde step for Scotland when prior to now it has always been cited as a key example of the Scottish lead on animal welfare.

---

https://www.researchgate.net/publication/8623409_Tail_docking_in_dogs_A_review_of_the_issues


4 Survey of tail injuries sustained by working gundogs and terriers in Scotland
http://veterinaryrecord.bmj.com/content/174/18/451.short

5 The prevalence of tail injuries in working and non-working breed dogs visiting veterinary practices in Scotland
http://veterinaryrecord.bmj.com/content/174/18/450.short
Question 2: If the Scottish Ministers decide, after consultation, to permit limited tail docking for Spaniels and Hunt Point Retrievers, do you agree that such tail docking should be limited to the end third of the tail?

Yes [ ]  No [ ]  Don’t Know [ ]

Please explain why

We do not support a change in legislation as we do not support tail docking in working dogs. Even in the breeds most frequently affected by tail injuries the harm benefit analysis does not provide evidence that docking of the last third of the tail bears any welfare benefit to the dogs. An overall incidence of 4.4% of tail injuries as listed in the cited paper, which does not give any indication of the severity of the injuries, does not justify that 95.6% of dogs need to undergo a painful surgical procedure.

A recent study in piglets\(^6\) demonstrated neuroma formation (a growth or tumour of nerve tissue) in up to 64% of docked tails with implications for chronic pain experience. No difference in neuroma formation was found in different tail lengths (75%, 50% or 25% of original length). Studies in lambs have also demonstrated neuroma formation, therefore it’s likely that dogs may develop neuromas and possibly associated chronic pain regardless of docking length.

We consider that the dog should retain its natural tail - one potential benefit of increasing tail length is in behavioural communication. However, if the decision was made to permit limited tail docking, consideration should be given to the results published by Lederer, Bennett and Parkin\(^7\) which suggest that, in Spaniels and HPRs, there did not appear to be any additional protection against tail injury by docking by more than one third.

Finally, if the tail is to be shortened, then minimising the length to be amputated may at least allow for some level of normal intraspecific communication.

Question 3: If the Scottish Ministers decide, after consultation, to permit limited tail docking for Spaniels and Hunt Point Retrievers, do you think the following would help effectively restrict the exemption to future working dogs?

| Permit all veterinary surgeons to dock on evidence to their satisfaction that dogs are likely to work in future | Yes [ ]  No [ ]  Don’t Know [ ] |
| Permit only specially approved veterinary surgeons to dock on evidence to their satisfaction that dogs are likely to work in future | Yes [ ]  No [ ]  Don’t Know [ ] |
| Require veterinary surgeons that have docked dogs likely to work in future to carry out the microchipping and registration of that dog | Yes [ ]  No [ ]  Don’t Know [ ] |

\(^6\) Effects of tail docking and docking length on neuroanatomical changes in healed tail tips of pigs (2015)  

\(^7\) Survey of tail injuries sustained by working gundogs and terriers in Scotland  
http://veterinaryrecord.bmj.com/content/early/2014/03/27/vr.102041.full
Please explain why

Based on the experience of England, Wales and Northern Ireland, we consider it is difficult to genuinely restrict tail docking to puppies that later go on to be working dogs (Veterinary Record, Feb 24 2007). Even if it were possible, we would be unable to support a change in legislation as we do not support tail docking in working dogs, and as outlined in Question 2 above, in the breeds most frequently affected by tail injuries a large number of puppies have to be docked to prevent a single serious tail injury. Where there are exemptions to the ban for certain working breeds, the rules are being abused and we believe it is impossible to genuinely restrict docking to working dogs.

If tail docking is to be permitted in Scotland, it should be done so on the basis of evidence, there should be a requirement for evidence that puppies from previous litters have been used as working dogs. This should include details of the precise number from each litter which went on to be used as working dogs, in order to build a picture of the authenticity of the breeder as a breeder of working dogs. To support this, there should be a central register of legally docked dogs for traceability.

However, if Scottish Ministers did decide to permit limited tail docking for spaniels and hunt point retrievers, we believe that this should only be performed by a veterinary surgeon.

There are divergent views on whether all veterinary surgeons or only approved veterinary surgeons should be allowed to dock if the law is changed to permit tail docking in Scotland. While we do not consider it necessary for veterinary surgeons to be "approved" to carry out the procedure, there is no doubt that some veterinary surgeons are unwilling to dock puppies tails as they consider that the procedure is an unnecessary mutilation and inflicts significant welfare harms on the puppy.

Therefore, we would support any veterinary surgeon who does not wish to carry out the procedure. If the law is changed in Scotland to permit tail docking the answer may be to allow veterinary surgeons who are willing to carry out the procedure to sign up to a list so that breeders wishing to have their puppy docked can locate a veterinary surgeon willing to carry out the procedure.

In terms of microchipping, it is important that if docking is allowed, then the member of the veterinary practice that carries out the docking should also be responsible for microchipping the puppy, to ensure that certification in respect to identification of the puppy is accurately completed. In the case where the veterinary surgeon microchipping is different to the one who carried out the tail docking, they should be members of the same practice in order to ensure access to client records, correct identification of the puppy and accurate certification.
Question 4: Do you have any additional suggestions that you think might help to effectively restrict tail docking to future working dogs.

Yes ☐ No ☐

Please explain

If tail docking is going to be allowed then there must be a legal requirement for documentary evidence to be produced at the time of docking, similar to that required in England and Wales. Under this legislation, evidence of the dam must be presented, as well as a certificate including a completed statement signed and dated by the owner/representative, and further approved evidence from one of a number of specified groups involved with working dogs.

However, we believe that this system is open to abuse and that it is impossible to genuinely restrict docking to working dogs. It is impossible to assess the suitability of a dog for a working role at 5 days old or less (Alder, 2007). We are therefore unable to make any specific suggestions as to how an exemption could be enforced and believe that any declaration of intent by an owner/breeder, however well supported by evidence at the time, could not reasonably be checked or followed up after the event, particularly if sold on to a new owner, as the majority of puppies will be.

Business Impact

Question 5: Do you have a commercial interest in the breeding, sale or use of working dogs?

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Breeding</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>Sale</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>Use</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>

Question 6: Do you consider that the current total ban on tail docking has had a negative financial impact on the commercial breeding, sale or use of working Spaniels and Hunt Point Retrievers in Scotland?

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
<th>Don't know</th>
</tr>
</thead>
<tbody>
<tr>
<td>Breeding</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Sale</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Use</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>

Please explain

N/A
Question 7: Has the current ban had a negative financial impact on you personally, and was this linked to the sale of working dogs, working days lost through injury, or other reasons?

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
<th>Don't know</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ban has had a negative financial impact on me</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Impact includes loss of dog sales</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Impact includes loss of dog working days</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other impacts</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Please explain

N/A

Question 8: What effect do you think that an exemption to the current ban for working Spaniels and Hunt Point Retrievers is likely to bring to your business, particularly on the expected sale of working dogs, working days lost through injury, the costs of tail docking or other reasons?

<table>
<thead>
<tr>
<th>If an exemption was made:</th>
<th>Increase</th>
<th>Decrease</th>
<th>Not change</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overall financial benefits would</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Working dog sales would</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Loss of dog working days from injury would</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cost of tail docking would</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other impacts would</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Please explain

N/A

Question 9: Are you content for the Scottish Government to contact you for further clarification of the financial effects that you have estimated?

Yes ☐ No ☐

About the consultation

While we have done our best to explain the issues facing us clearly, there may be aspects that you feel we have not explained well or have not covered at all. The following questions in this consultation paper are to provide you with the opportunity to raise such points, and to provide us with feedback on the consultation itself.
Question 10 – Do you have any other comments on whether Scottish Ministers should introduce a tightly defined exemption to the ban on tail docking for working Spaniels and Hunt Point Retrievers?

We would be disappointed if the Scottish legislature reacted to any pressure to enact legislation that was not evidence based.

Dog welfare and veterinary associations agree that the docking of dogs' tails cannot be justified. For that reason, we would urge Scottish Government to stand firm on existing legislation, which exemplifies Scotland’s commitment to animal welfare. Any concession would be a retrograde step.

In relation to the research via an online survey completed by owners of working dogs recruited through three major country sports associations (membership 17,500) – the results relate to a self-selecting sample of 1005 respondents and 2860 dogs. We do not believe that the conclusions drawn from this element of the study support a claim for a change to the legislation for the following reasons:

- The response rate in the study of owners was extremely low relative to the number of owners to whom it was advertised and we note that the authors admit that the low response rate may have resulted in an overestimation of the risk of injury, as owners of dogs which have had tail injuries may have been more likely to complete the survey.
- Although 29% of those completing the survey reported that one or more of their dogs had sustained a tail injury during the survey period (8/8/2011 - 3/10/2011) only 103 dogs (4.4%) received a tail injury which required veterinary treatment.
- The evidence gathered was anecdotal and owners were not required to provide evidence to support their claims, again, potentially leading to an overestimation in the risk.
- Although the authors conclude that these results suggest a clear potential benefit to be gained from docking (at least by one-third) in spaniels and HPRs, this does not take any account of the pain or distress inflicted by docking puppies.

Question 11 – Do you consider that that consultation explained the key issues sufficiently to properly consider your responses?

Yes [ ]
No [ ]

Question 12 – Do you consider that you had sufficient time to respond to the consultation?

Yes [ ]
No [ ]

Question 13 – Do you have any other comments on the way this consultation has been conducted?

Comments: