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TRANSCRIPT OF "FILE ON 4" - "RSPCA"

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REPORTER: Allan Urry

PRODUCER: Paul Grant

EDITOR: David Ross

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THE ATTACHED TRANSCRIPT WAS TYPED FROM A RECORDING AND NOT COPIED FROM AN ORIGINAL SCRIPT. BECAUSE OF THE RISK OF MISHEARING AND THE DIFFICULTY IN SOME CASES OF IDENTIFYING INDIVIDUAL SPEAKERS, THE BBC CANNOT VOUCH FOR ITS COMPLETE ACCURACY.

“FILE ON 4”

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Producer: Paul Grant

Reporter: Allan Urry

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URRY: The RSPCA claims thousands of suffering animals are waiting to be rescued and it wants your help.

EXTRACT FROM RSPCA ADVERT

PRESENTER: This is an urgent public appeal for the RSPCA ...

URRY: The world's largest animal welfare says it needs to recruit more inspectors to implement new laws.

MAN: The fact is, we need more money to cope with this extra workload. I don't intend to let one animal down – and I know you don't either.

URRY: But File on 4's uncovered serious concerns about some of its investigations and prosecutions.

RICH: I'm very troubled by the sort of defendants that are almost becoming typical in RSPCA cases. The idea of criminalising children, the mentally

URRY: There was no treatment that would cure her?

NALLY: No, only food. I'd discussed it a number of times with vets and German Shepherd breeders that I knew. They just recommended the food and it worked, so you know, she was never going to be a fat dog but she was physically fit and happy.

URRY: For six years Annette cared for Holly, but then, following a routine visit by the RSPCA to her stables, concerns were raised about the condition and weight of the animal. Annette Nally says she told them there were good reasons Holly was thin, but it didn't seem to make much difference. Inspectors continued to visit, apparently unswayed by her explanations.

NALLY: It just went on for months and months where, you know, they would visit probably once a fortnight or once a week or something like that and they'd be dropping food over the door. And obviously then that would trigger a bout of diarrhoea, then they'd come back two days later and yes, it would be in a mess because you know, her bowels would be in a mess.

URRY: Well, why would they drop food over the door for a dog that's on a special diet?

NALLY: I don't know. I don't know, you know, and again, you know, I would phone them the minute I'd seen that they do that, I'd arrive home, there's a notice on the door they've put food over the door. I can see that, you know, there's been some food left and I'd phone them up and I'd just plead with them not to do it and they just weren't listening.

URRY: What sort of notices were they leaving?

NALLY: Just like a welfare notice that, you know, saying what their concerns were and that they need addressing. And, you know, a couple of times I would have notices on there to say the dog had food, the dog had water, it had bedding but they still left a welfare notice and, you know, I just couldn't, couldn't understand why they were harassing me.

URRY: That's what it felt like, did it – harassment?

NALLY: Yeah, totally, yeah.

URRY: One day, Annette Nally returned home from work to find Holly had been taken. She had to wait almost two years until the case was brought to trial. Her defence team say it took so long because there were serious delays caused by a failure to hand over prosecution documents vital to the fair preparation of their case. That's known as disclosure. Defence barrister Anne Marie Gregory wanted to see Holly's kennel and treatment records during her time in the care of the RSPCA, but there was a mix up and the wrong records relating to another dog were sent. The trial was put back. Finally, after wrangling over the issue, the right paperwork came through. Armed with that, Anne Marie Gregory was able to mount a successful defence.

GREGORY: The significance, I suppose, in a nutshell, was that the RSPCA were complaining that Annette Nally had not given x, y and z treatments. When we finally did get disclosure it turns out that the dog had not received x, y and z treatments in the RSPCA care either.

URRY: What sort of treatment should the dog have had?

GREGORY: Miss Nally was being criticised for, I think it was not treating redness to the ears, some kind of skin infection. When the documents were finally released, it shows that there was no proper treatment given to the dog and the court found that Annette Nally had done absolutely nothing, nothing different to what the RSPCA had done or would have done while the dog was in their care. The court also were told to make it very clear that Annette Nally had been doing her best for what was an old dog and had done nothing to cause this dog to suffer. In fact, she had gone out of her way to try and ensure it wasn't suffering.

URRY: She was cleared of all charges. Although the RSPCA says it accepts the decision of the courts, it insists it had enough evidence to bring the case. Prosecution case manager Phil Wilson disputes the defence's version of events.

WILSON: The evidence presented to the prosecutions department clearly demonstrated there was a case for this lady to answer. There was sufficient veterinary evidence, which concluded this animal had suffered unnecessarily.

URRY: It's an old dog with a stomach condition. You should have spotted that before it came to court.

WILSON: Well perhaps the owner should have spotted it and taken it for veterinary treatment.

URRY: But there was no treatment that was effective. Your people treated it and they failed to make it any better.

WILSON: And I accept that. If that is the reason why she was acquitted, that's quite proper. It's a proper function of the court.

URRY: Yes, but my point is you knew about that months before it came to trial. You'd had the dog in your care for ten months. You knew it wasn't responding to treatment. So what I'm asking is, why didn't you just stop the case.

WILSON: Because it's not appropriate just to stop the case. It usurps the role of the court.

URRY: Why all the delays over the disclosure of the right information to the defence?

WILSON: There was criticism of both parties in respect of disclosure.

URRY: You were directed to disclose all the boarding and veterinary records of the dog and you didn't do that at that time.

WILSON: And if that is the case then I apologise for that. We should have done.

URRY: For Annette Nally it was a bitter victory. She says delays in disclosing documents meant not only was she denied for too long the opportunity to clear her name, but that they hid another truth. Holly had died whilst in the care of the RSPCA, well before the case got to trial.

NALLY: We kept going back to court and the first thing my judge would say was, 'Since we were here last we still don't know where the dog is or what condition the dog's in,' so in the end the judge ordered that their lawyer find out. And the same day he did then inform the court that she'd died.

URRY: So you heard because the court was informed, not because anybody told you?

NALLY: Yeah absolutely yeah, that's how I found out in the courtroom yeah. I was absolutely devastated because, sorry, (cries) ... the whole idea of going through this was to get her back, so to find out what, you know, going through all this and not going to get her then, you know, what was the point?

URRY: How did the dog end up dying in the care of the RSPCA?

WILSON: I think my understanding of it was this dog was somewhere in the region of ten or eleven years old when it was taken into care, and not unsurprisingly, aged animals pass away.

URRY: Did you have a post-mortem then to establish the cause of death?

WILSON: I'm afraid I don't know the specific details to that extent.

URRY: Did anyone establish what the dog did die of? You're suggesting it was old age, but how do we know?

WILSON: I'm not suggesting anything. I'm telling you the dog was ten or eleven years old and that old animals pass away.

URRY: Given that the dog was at the centre of a case of neglect, shouldn't you know what the dog died of?

WILSON: Well, I'm not saying the RSPCA doesn't know. That's not information that I have.

URRY: Having been cleared, for Annette Nally there was one final injustice. She can't lay her pet to rest.

NALLY: I've spoken to my lawyer a couple of times. There's been letters and things, but it appears they've lost her body, so you know, I'm supposed to just move on without her. To me it feels like, you know, she's lost at sea somewhere, you know, and until I get her back then, you know, I can't become settled to know where she is.

URRY: Unlike in Scotland, where its counterpart puts files to the procurator fiscal for a decision about whether to prosecute, the RSPCA in England and Wales takes its own cases to court. Last year it brought about a thousand of those private prosecutions. They are criminal trials, usually held in magistrates courts. The charity is proud of its successful conviction rate of 97%. In 2007, its prosecution costs rose to almost £8 million, an increase of £1.7 million on the previous year. But Tim Wass, chief officer of the RSPCA's Inspectorate argues that new laws which came into force last year could mean fewer court cases.

WASS: One of the reasons that I'm enjoying the process involving the Animal Welfare Act as much as I am is that that piece of legislation, because it's enabling our advice to be more effective, means that it's a win for everybody. The RSPCA I hope over time is going to have to prosecute less. The owners are actually caused to do the right thing because it's the right thing to do, to live up to their duty of care, which means that they themselves don't find themselves in court ...

URRY: But you're going to, you're going to be seizing animals now, aren't you, before anybody's done anything wrong?

WASS: That was the allegation put by some of our opponents prior to the Animal Welfare Act. For a start, the RSPCA don't seize animals, and secondly, the phenomena where all of a sudden we would use this legislation mischievously to increase rapidly the number of prosecutions just hasn't been shown out in the statistics.

URRY: But a leading animal welfare defence barrister says he's not seeing any moderation in the RSPCA's approach to those it puts before the courts. Jonathan Rich is one of a handful at the bar who regularly defends those accused by the RSPCA. He's been doing that for twenty years.

RICH: I think that the RSPCA are prioritising the interests of animals as they perceive them to a much greater extent than I think they should be, and I think that they are not prioritising the interests of the public to as great an extent as they should be.

URRY: But isn't that what they're there for, to prioritise the interests of animals?

RICH: It might sound attractive to you to have an organisation prioritising the interests of animals, but actually look at what it means in terms of the consequences for a farmer, for example, who is looking to retire, whose cattle have perhaps not had the right treatment for a day or two. Is it really in the interests of the public for him to be prosecuted for cruelty?

URRY: You know cases where that's happened?

RICH: I certainly have, yes. I think that I and a lot of other people wouldn't be bringing cases like that in the numbers that we're seeing. I'm very troubled by the sort of defendants that are almost becoming typical in RSPCA cases.

URRY: Even those who've dedicated their lives to caring for injured, sick and abandoned animals are ending up in court.

ACTUALITY WITH PARROT

URRY: Here in the North East, tucked away at the bottom of a valley, just off a main road at Loftus near Middlesbrough is Hope Animal Shelter. First impressions are surprise at the scale of it, and also that someone's gone to a bit of trouble to make it an attractive place. Lots of trees and shrubs, exotic palms and other plant life among the cages and pens, which are home to a miscellany of unwanted pets and damaged wildlife.

SPEEDING: Dogs, cats, rabbits, ponies, fish, tortoises, just about everything that people can't look after them or people who's died, people just get sick of them.

URRY: The shelter survives on voluntary donations, community support and the efforts of one man, Clifford Spedding. He's been doing this for thirty years - quite simply, it's his life.
So how many dogs have you got here in total?

ACTUALITY OF DOGS BARKING

SPEEDING: I think there's only about eighteen at the minute.

URRY: Why did you decide to spend a lot of your life really caring for animals?

SPEEDING: Well it just really happened. I never decided to do it. I had my own animals and people used to get to know and just started fetching sick and injured animals to me, and it just started from there and then it's never stopped since. It's about giving them life back really, so you can injured animals, get them back into the wild. Pet animals, rehoming that nobody wants, things like that.

URRY: How many animals do you think you've helped over the years?

SPEEDING: Thousands.

URRY: Much to his dismay, two years ago Hope Animal Shelter was raided by the RSPCA.

SPEDDING: I was just in the middle of feeding, the police and the RSPCA all turned up, showed me the warrant and I just let them in and I just let them get on with it. They just came in and took certain animals and left certain animals. They took some ducks and chickens from round the back, a couple of geese, they took one dog, couple of macaws, couple of tortoises and that's it.

URRY: Did they say why they were taking them?

SPEDDING: Wrong conditions and some of them said they weren't very well.

URRY: They were concerned for these animals' welfare?

SPEDDING: Yeah, yeah.

URRY: And were they right to be concerned about that?

SPEDDING: Oh yeah, they were right to be concerned, but they could have gone into it in a better way. They could see I was having trouble, the buildings wanted renewing. I had all the new timber and everything there but there's just not the time to get it all done.

URRY: The raid came at a difficult time in Mr Spedding's life. Thieves had been breaking into the premises and stealing pet food bought in bulk at £200 a time. He believes he was being targeted by drug addicts needing to pay for their next fix. He was suffering from depression, on disability living allowance and sometimes, without a roof over his head, was sleeping in the back of his car. By his own admission he let things slide in some parts of the shelter. Even so, Mr Spedding's lawyer, Paul Watson, argues the RSPCA went over the top when they took him to court.

WATSON: Clifford Spedding, I would say, is a very remarkable man. For up to thirty years, at his own expense, he's been running an animal shelter in exemplary fashion until he had this problem. I was shocked, I have to say, at the approach of the RSPCA. What he really needed was some help. He needed an arm round his shoulder

WATSON cont: and somebody to say, 'Well, what can we do to assist?' I think that could have been done at much less expense than the RSPCA spent on prosecuting him. I think perhaps a cost of £5,000 or £6,000 would have put right the facilities that they were complaining about, instead of which the RSPCA incurred, up to the end of the magistrates court proceedings, legal fees of nearly £10,500, and up to that stage there was also the additional costs of looking after the animals and vet's fees were nearly £17,700.

URRY: But the RSPCA needed to also consider the welfare of some of the birds and animals at the shelter, and prosecution case manager Phil Wilson has little time for the pleas of clemency.

WILSON: I think the concerns were significant in respect of a general lack of care, animals living in filthy, squalid conditions, animals subjected to unnecessary suffering.

URRY: Why didn't you help this man instead of prosecuting him?

WILSON: Mr Spedding wouldn't cooperate with us. He wouldn't cooperate at all.

URRY: The concern has been raised that he was a man who'd spent thirty years of his life caring for animals. He got into difficulties, he admits that. Instead of spending, what, nearly £30,000 on prosecuting this man and the consequences of prosecuting him, why didn't you just spend a few thousand on helping him out?

WILSON: Let's be clear about this kind man that you set out to portray. Mr Spedding is a convicted animal abuser. Let's not mess around with this. He's a convicted animal abuser. So when we say, 'Oh well let's help him, let's do this,' it requires his cooperation. Now I appreciate that people like Mr Spedding get very very committed and sometimes obsessed with what they do. That is not justification to criticise the RSPCA for doing what it was set up to do, and that is bring the animal abusers to justice.

URRY: Clifford Spedding pleaded guilty to nine charges of causing unnecessary suffering to birds and animals by neglecting to take them to vets or to look after them properly. Although it was his first offence magistrates handed down a four month suspended jail sentence and an order banning him for fifteen years for keeping any bird, fowl or reptile. But the case went to appeal late last year, the suspended sentence and the ban were overturned, allowing him to continue to run his animal shelter. It's not just defence lawyers complaining about the RSPCA's approach to such cases. Birkenhead MP Frank Field took the unusual step of writing to the courts in support of an elderly constituent of his, who also ran a voluntary wildlife shelter. 71 year old Pat Seager admitted eight offences of keeping wild birds in cramped conditions and failing to seek veterinary treatment for a hedgehog. She was banned from keeping wild animals for three years. When he spoke to File on 4, Mr Field could barely contain his dismay.

FIELD: The RSPCA have disarmed one of the great animal lovers in Birkenhead, so all I hope is that the RSPCA, when my constituents then go to the RSPCA to say 'Who is going to look after these animals which are hurt and damaged?' they actually react positively now that they've closed down their unofficial headquarters in Birkenhead. The whole thing more or less makes my blood boil, so I ought not to go on about it, and it has made my constituents' blood boil. I think it's just so inept and wrong and stupid and unfair to Pat as well.

URRY: The RSPCA's Phil Wilson argues they did all they could to help Mrs Seager, but in the end they were forced to act.

WILSON: She was issued with written warnings, she was offered free veterinary care for the animals. We offered to take the animals into our own care, all of which were refused. As a very very last resort ...

URRY: She was worried that the RSPCA would put them down.

WILSON: Rubbish. Again, on what basis?

URRY: Because you've put down nearly 44,500 animals were destroyed last year.

WILSON: We're the largest animal welfare organisation in the world. Does it really come as a surprise to people that we have to put animals to sleep?

URRY: Well that's what she's worried about though, isn't it? And it's a fair concern, given that you destroy such a lot of wildlife – 47,482 by your own accounts.

WILSON: Let's be clear. Some of the animals in Patricia Seager's care desperately required euthanasia.

URRY: Why did her MP write to the courts then on her behalf saying I believe the RSPCA has grossly mistreated you, grossly mistreated

WILSON: Mr Field took a stance very early one, one which he's, let's be honest, he's not renowned for stepping back. Mr Field ...

URRY: I think that's what he accuses you of.

WILSON: Well, you know, pot calling the kettle black springs to mind. Mr Field was given chapter and verse of this case by me from the outset. He hasn't given us one sensible argument as to why we ought not to have taken the action that we did. All he said is, 'Oh you shouldn't.'

URRY: Well no, his argument is quite simple, isn't it? That is, that this woman has spent most of her life trying to look after animals and that it was quite wrong of you to end up putting her before the courts and stopping her doing that. That's his case.

WILSON: Totally misguided, I'm afraid.

URRY: In spirit, neither you nor her seem to be too far apart, that you both want to care for animals.

WILSON: I want to care for them properly, in accordance with the law, not simply collect them and keep them in my back garden and think I know best. That's the difference.

URRY: But Frank Field is adamant that he's seeing a bigger problem with the way the RSPCA deals with people like his elderly constituent.

FIELD: Your programme is illustrating sadly, very sadly, that Pat's case, which is appalling this has actually happened, sadly is not actually that uncommon if we look across the country. I just think they're lucky that I can't devise a way of taking prosecution against them for their behaviour against Pat, because otherwise I would have done. It must have had a huge effect in Birkenhead on their fundraising abilities, and if this continues to go on, that's what will be the effect across the country.

URRY: If it's not the old it's the young who find they're accused of not meeting the welfare standards the RSPCA expects of them. One of the cases in recent years which most troubles the legal defence community concerns the prosecution of a 15 year old girl. She can only be referred to as Child C. According to defence barrister Nick Tucker, the case centred on when the family cat needed veterinary treatment.

TUCKER: One day Child C noticed that the cat's tail had been badly injured, nobody knows quite how, probably by a road accident, and the last 2" of the tail had been stripped of flesh. So it was a nasty injury and she spoke to her dad and asked him whether he thought it was a good idea to take the cat to the vet, and he said, 'Well, let's give it a couple of days, it may be that the wound heals by itself.' Somebody must have seen the cat and informed the RSPCA, because an inspector came round and, seeing the injury, said that this cat needs to go to the vet and took the cat into care.

URRY: The child's father was prosecuted. He admitted he'd made an error in not taking his cat to a vet straight away.

TUCKER: The father pleaded guilty to animal cruelty in that he had unreasonably omitted to take the cat to the vet. He'd made a misjudgement and he accepted that. The more interesting aspect of the case was that the RSPCA also prosecuted the daughter, and her defence at trial in front of the magistrates to the effect of, well, I thought perhaps the cat needed to go to the vet and my Dad said no, we'll give it a couple of days, and I simply took his advice. Well, the RSPCA took the view, it seems, that that simply wasn't good enough, that she was under an equal obligation to take the cat to the vet, albeit that she was 15 years of age and plainly might well not have had the means to pay for any veterinary treatment.

URRY: Did you think that original prosecution was, on balance, in the public interest then?

TUCKER: It certainly struck me as surprising and it seems the magistrates were having none of it.

URRY: Magistrates cleared the child, unwilling to hold her responsible for her actions, but it didn't stop there. The RSPCA decided to appeal the case to the high courts. They said they were seeking clarification on a point of law. Nick Tucker argues, had that succeeded, it would have had far reaching implications for all children who have family pets.

TUCKER: What the RSPCA were arguing was whether you are an adult with sufficient means to pay for veterinary care or an 11 year old who owns a hamster, the standard of care is the same, regardless of the circumstances of the owner. Effectively meaning that if the 11 year old with the hamster found that the hamster was ill and asked Mum and Dad to take it to the vet and Mum and Dad refused, potentially the 11 year old would be criminally liable for their own default in failing to take the hamster to the vet. We just take it as read that it's a normal part of childhood to own pets and so on, and to suddenly import a notion into the law that, you know, a child can be criminally liable if they didn't take sufficient care of their pet because they didn't have sufficient resources or for some other apparently good reason I think would have been quite a dramatic shift.

URRY: And what did the appeal court make of this case?

TUCKER: They made it plain that they thought it was of very little merit.

URRY: The RSPCA'S prosecution case manager, Phil Wilson, prefers a different explanation. He says the point of the appeal was to make the law much clearer, and in that he's claiming a victory.

WILSON: The RSPCA, in appealing this case, did so for one reason and one reason only. To seek clarification from the high court as to where the responsibility of a juvenile who owned an animal lay when their parents were aware of the animal's plight. The decision in this case was so important that the precedent that it set has been incorporated into the Animal Welfare Act. There is every point in proceeding. Again, a proper function of the high court is to give guidance and clarification.

URRY: Where was the public interest in taking a 15 year old girl into the lower courts to prosecute her when her father had already pleaded in a separate hearing to an offence, he'd misjudged whether to go to the vet or not, and where her only crime appears to have been listening to her father's advice?

WILSON: To seek clarification. We don't accept, firstly the RSPCA ...

URRY: Do you think this child would appreciate this legal distinction that you're seeking to draw?

WILSON: The child issue is one because she is 15, which is why we sought clarification from the high court who, oddly enough, are in a position to make that judgement.

URRY: And they threw it out, didn't they?

WILSON: They didn't throw it, they clarified the situation.

URRY: You lost your appeal on a point of law. They said that the magistrates were perfectly entitled to take the decision that they'd took.

WILSON: Proper function of the court.

URRY: For its critics, the Child C case is among those which raise questions about whether the RSPCA lacks compassion and judgement in its prosecutions. It comes at a time when the charity is forging closer links with the child welfare sector. RSPCA staff are triggering social service investigations into welfare or abuse concerns picked up when visiting homes where animal abuse is reported. That requires even greater levels of sensitivity. Chief Officer of the RSPCA Inspectorate, Tim Wass, believes it's something which must be done to help protect children.

WASS: We've always had a reporting process where our officers have come into contact as a result of their daily work, where they have genuine concern for the welfare of a child, which I happen to personally and professionally believe is all of our responsibility.

URRY: Nobody could have any argument with that, could they, if it's absolutely clear, if there's evidence there. So on what basis are you cross-reporting?

WASS: Well, we'll cross-report, again a number of our officers have been trained by the NSPCC and by social services, and we'll cross-report on issues where, for instance, I've been into a home myself here I reported an instance where over 3.5 years not a single used disposable nappy had been thrown in the bin, they were literally three feet deep all around the cot in the nursery. Where a child appears to have overt bruising and perhaps the inspector is there dealing with a dog beating incident. So again ...

URRY: All obvious signs really.

WASS: Well, not all obvious signs, but ...

URRY: Obvious signs of concern.

WASS: Obvious signs of concern. And again I'd remind you that we were only talking last year happily of 21 formal referrals.

URRY: The RSPCA is at the forefront of a movement which argues there are connections between animal cruelty and child abuse. It's known as the links theory, largely based on research carried out in America, but it's controversial. Fiona McEwan has been commissioned to provide an overview of the links evidence for the Parliamentary Office of Science and Technology. That's to help inform MP's when they are making policy decisions. Her report is due within weeks, and she's told File on 4 she finds little science to support the notion that if you maltreat animals, it's an indicator that you may also hurt your children.

MCEWAN: There's actually very little evidence that's looked at that directly. There's a lot more evidence which has looked at domestic violence and cruelty to animals, which has shown that in households where there's been fairly severe domestic violence there's very often, there has been animal cruelty as well, but there's been relatively few studies that have looked specifically at child abuse and cruelty to animals. And even in those, it's very rare to have taken as your starting point a group of people who have been cruel to animals. And if you want to use that as a marker, you test it as a marker of child abuse, then you have to select a group of individuals on that basis and then look at how often there's been child abuse as well, and there's very few studies have done that.

URRY: So there's not enough science to demonstrate that at the moment?

MCEWAN: We can't draw the conclusion that cruelty to animals is a marker for child abuse at this stage, based on the evidence. We should be very very careful about making assumptions, that just because there's suspected cruelty to animals that there's other forms of violence going on. I have heard people say that it's an inevitable consequence that we will have to report too many cases in order to actually identify the real cases, but obviously that doesn't take any account of the negative effects of over-reporting, the really significant effects for families who are under investigation, whether it's by the

MCEWAN cont: RSPCA or by social services in relation to their children. Obviously that has a massive impact on families and I think we need to be very very careful about making changes which might result in a lot of false positives entering the system.

URRY: Those we've interviewed at the RSPCA deny they are motivated by the links theory and that its not policy to report simply on the basis of concern about animal welfare. But others are worried. Dr Heather Piper is an academic researcher and former child protection officer, who says she's been in contact with families who've come under suspicion.

PIPER: I've spoken to one family in particular who I visited in Cheshire. It was a family who had lots of animals and always had had lots of animals and they had a smallholding, and had in fact in previous years taken in animals from the RSPCA to look after them and house them. The family were initially visited because of what was supposed to be violent dogs but the RSPCA were brought in to then check out all the animals, and the animals were, there was a whole range of animals you know, snakes and lots of different animals. All I do know is that also triggered this investigation about the children, not because of in any obvious signs within the home of abuse to any of the children, but because of some concern about snakes and, you know, various other animals. All of the children, apart from the very youngest, it was a family with quite a few children, all were then interviewed by the social worker. This process apparently took quite a few months. They received a letter saying that their investigations were concluded, there were no concerns about the family and the case is now closed.

URRY: What did the family tell you about the sort of impact that had had on them?

PIPER: Well, they were clearly very distressed by it. The children obviously were not happy to be talking and being asked whether they were being abused by their parents, and obviously the woman was, you know, she was a very very timid, shy person anyway and she found the whole experience horrifying.

URRY: Lawyers too say they're seeing this being played out in cases they've dealt with. Leading defence barrister Jonathan Rich says it's a development which troubles him.

RICH: I'm aware of two cases in which the link between child abuse and animal welfare offences has been alleged. In other cases, which I have been dealing with, animal welfare workers have made direct allegations to social services about my clients, based purely as a result of what they found in terms of my clients' animals, or what they've thought they've found.

URRY: Not your clients' children?

RICH: No.

URRY: Or any other children?

RICH: No.

URRY: Are you saying that in these two cases there was no actual evidence of child abuse, that it was simply based on concerns about the animals?

RICH: Absolutely no evidence of child abuse at all.

URRY: Because of the confidentiality surrounding these cases we're unable to check those details or to find out more. Now there are plans for more cross-reporting between the animal charity and child social workers. A formal protocol laying out procedures between the RSPCA and the London Safeguarding Children Board has been drawn up and put out for consultation. The Board gives strategic support to the 32 boroughs in the capital delivering child protection work. We've been told by a source within the Board that the protocol is expected to be implemented within weeks. Under a section headed "Reporting of concerns" the protocol says among those reasons which would trigger a report from the RSPCA to children's social care departments are:

READER IN STUDIO: Where there is deliberate harm of animals and children are in the household. Where there is neglect of animals through deprivation of food, water, shelter or veterinary care and children are part of the household.

URRY: But the RSPCA's Tim Wass is adamant that's not how his staff are operating in the field.
Have you reported any cases based purely on concerns about the way animals have been treated in the household?

WASS: I'm not aware of any.

URRY: I've spoken to a barrister, who says he knows of two cases in which child abuse has been alleged purely on the basis of concern about the animals, no evidence that there's been any harm to the children.

WASS: Without specifics you hamper me. There's no way that I could answer that question, and if you'd like to get the matter referred to me from the barrister I'd be particularly grateful and I'd look into it, but there is no ... I would want to look into it. But there is absolutely no process or protocol within the RSPCA that would cause us to pass information to either an employer or to social services relating to animal welfare alone.

URRY: I'm looking at the formal protocol which is drawn up between yourselves now and the London Safeguarding Children's Board. Remember the bit that says reporting of concerns – it would trigger a report from the RSPCA amongst other things where there is deliberate harm of animals and children are in the household, and where there is neglect of animals and children are part of the household.

WASS: I, for a start, have never seen that protocol, and secondly, that would not be, under any circumstances, the way I would want my officers behaving ...

URRY: Well it's a protocol that's been drawn up between the RSPCA and the London Safeguarding Children Board.

WASS: Well again, we've got protocols with so many people out there. I need to look at that. And if that's as it says now, then the good that your programme has done is to immediately remove that, because up with that I will not put.

URRY: So now, following our intervention, you will take that out, will you?

WASS: Well, again, I would like you to pass me the details, but yes, I'll deal with that and I'll make sure that it doesn't get to its final stake in that condition.

URRY: Whatever now emerges from the new protocol, for the Labour MP Frank Field there's a need for the RSPCA to review its core policy. He's calling on the charity's grassroots supporters to ensure that gets done.

FIELD: We need an organisation like the RSPCA, we need it to be strong. We need an organisation that is properly promoting and protecting the welfare of animals, but this ain't the way to do it. And if this continues like this, clearly the association may land itself in real problems financially, and therefore the message will go out from this programme surely to the RSPCA, to the vet, to the chairman and the council, they now need to look very seriously at their prosecution policy. The members now of the RSPCA need to operate through the council to see whether in fact there needs to be a major review of how the organisation is behaving.

SIGNATURE TUNE