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Response to the Petitions committee and Leighton Andrews's correspondence.

This campaign and the subsequent petition were formed in response to the decision made by North Wales Fire Authority to cut large animal rescue services in North Wales. The aim of the campaign was the urgent restoration of this vital service to our community.

North Wales Fire and Rescue Service (NWF&RS) suspended their Large Animal Rescue unit on 1st April 2015, purely due to budgetary constraints. As a campaign we have also contacted our councillors and AM's as well as the ministers with a portfolio related to this service. We have had various responses and reasoning as to why this service was cut and why it is no longer needed. I will address these as best I can.

In direct response to Leighton Andrews whilst Large Animal Rescue is not a statutory responsibility of the Fire & Rescue Service, the savings achieved by this measure are anticipated to be around £9,000/pa, a tiny sum in terms of the overall budget. I appreciate that Mr Andrews cannot **'instruct NWFR to undertake a non -statutory service'** I feel he must take some responsibility as budget cuts area direct cause of this decision and to quote from Simon Smiths response (Chief Officer of NWFR) *"An additional difficulty was the decision made by the Minister for Public Services to reduce the community fire safety revenue grant to Welsh fire authorities for 2015/16 by 52% (approximately £250K in our case), bringing added pressure on the Authority's revenue budget in a statutory area"* . Therefore in relation to a 250k cut in budget a saving of 8/9,000 really is a minimal saving. However, whilst the money saved by ceasing the Large Animal Rescue service is negligible, the loss to the community– is far from negligible. Stopping the service also causes great risk to the public purse through the potential (and increased likelihood) of injury to a human through trying to affect their own rescue. My last point is that as other Fire and Rescue services in neighbouring counties have been increasing their training and equipment for large animal rescue (for example Shropshire) there must be an identified need, a high community value placed on this service and as other areas face similar budget cuts there must be a way to make this service sustainable. There is no other organisation who can undertake large animal rescue in the way Fire and rescue services can– therefore I feel it should be considered developing it as a statutory service. RSPCA and vets have been cited as potentially able to take over the service. This is impossible, a vet's role in a rescue is to assess viability, make the animal safe to handle through sedation and pain relief and to deal with injuries once rescued. The RSPCA has not got the man power, equipment or the training to affect rescues on their own. Their role in a rescue is normally animal handling only.

When this decision was announced in local media the general public were advised to **take extra precautions to keep their animals safe**. There are many horses and cattle in this area, which, despite the best efforts of their owners, occasionally get into predicaments that require specialised rescue techniques, equipment, and heavy lifting machinery. For example, nobody can know when a cattle or horse lorry might be involved in a collision on the A55, or a ridden horse take fright at something and slip into a ditch. With all the care and precautions taken accidents will still happen.

Without a professional, properly equipped rescue service, some animals will be irreparably injured during amateur rescue attempts, and others will have to be destroyed in situ, if it is thought impossible to remove them intact without cutting and/or lifting equipment. This is an ethical tragedy

given that the animal may be basically uninjured. It is also worth noting that some of these animals are valuable and often insured. This has not been investigated as a way to make the service sustainable either through owners paying when using the service or engagement with insurance companies to see if this was a viable cover option. The cost of the service in relation to rescue numbers means that each rescue is an average of £300. Most owners would be more than willing to pay for this service (and those that don't have the option of humane euthanasia)

The owner's responsibility to their animals under the animal welfare act has been cited as a reason not to need a service '**as the owner is responsible for the animal**'. The failure of the Local Authority to provide a Large Animal Rescue Service (via the FRS) makes it impossible for the owner/keeper of the animal to meet their legal obligations under the Animal Welfare Act - an Act where Wales proudly led the way, implementing it before the rest of the UK.

The Animal Welfare Act 2006 states:

(1) **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**.

One need is identified as-

(e) Its need to be protected from pain, suffering, injury and disease.

Large animals can be involved in incidents that they require rescuing from (by a specialised service) despite responsible owners practising good animal husbandry: whilst the owner has responsibility to keep animal safe, accidents can and do happen. **There is no expectation within the legislation for an owner to be able to rescue a stricken animal themselves- Just to take steps as are reasonable in the circumstances**. An example of this is with an diseased animal – it would be **reasonable** to expect an owner to call a vet, it would not be expected for the owner to be knowledgeable enough or have access to appropriate medication themselves to treat the animal without support from a professional, trained body.

We appreciate budgetary constraints are very real, but there seems to have been no serious consideration of other alternatives, such as providing the service but charging for it – a model well established within Local Authority matters, e.g. charging for pest control visits. Or even training other bodies to the same skill level in order to have planned handover. I feel the decision was brought about too quickly, with poor consultation and planning with no consideration for contingency. Prior to its suspension, the unit was being called out approximately 30 times a year: this is not an infrequent event across North Wales.

Human risk, this is what it comes down to and why our campaign was started. Whilst the public are advised to '**stay safe and not try to rescue animals**' it is inevitable they will. There can be no doubt that not only the stricken animal's owner, but also members of the public, will try to rescue animals if there is no other assistance to be had. The British are famously regarded as a nation of animal lovers and many people will react illogically (and with no regard to their personal safety) if they see a domestic animal in trouble: consider how regularly one reads reports of dog owners drowning after jumping into rivers after their pets.

These are untrained people with little to no equipment including safety equipment. Most members of the public will not have dealt with an animal in trauma and have no concept of how dangerous and unpredictable they can be. These animals can weigh in excess of 500kg, and in a rescue situation the risk of untrained individuals being kicked, crushed or trampled is extremely high. A large animal in this kind of situation can quickly escalate into a dangerous animal, Jim Green (of Hampshire Fire and Rescue Service and an expert on large animal rescue) states in his presentation to International conference on large animal rescue that **'a large animal must be considered hazardous material'**.

I believe that if the North Wales Large Animal Rescue Service is not reinstated as a matter of urgency, the cost to the public purse will be far greater than the paltry predicated saving of £9000/year, largely because the resultant human injuries will be expensive for the NHS to treat.

Finally, the legal advice we have sought makes clear that there would be **adverse and expensive consequences for North Wales Fire & Rescue Service under European Law regarding the 'Right to Life' provisions, should an owner or bystander be killed trying to affect a rescue where a public sector agency has withdrawn essential assistance.**

The legal advice we have obtained states:

Under Article 2 of the European Convention on Human Rights (enshrined in our Human Rights Act 1998) there is a duty to protect life. There are two components – a systemic duty, which would include having proper systems of work, and an operational duty, where the agency knows, or ought to know, of a 'real and immediate' risk to human life.

Reasonable measure must be taken to prevent a risk materialising. The test of 'reasonableness' takes into account the specific circumstances of the case, the unpredictability of human conduct, the ease or difficulty of taking precautions and the resources available.

There would be an arguable breach of duty if the risk to life was an obvious foreseeable consequence of an animal getting into difficulties and no reasonable measures were taken to prevent that risk.

Quite apart from the potential for civil liability, it is probable that the scope of any inquest into a death arising from an animal rescue would be widened to include an investigation into the impact of the decision to withdraw the service. It would be open to the coroner to make adverse findings if the death was found to have been preventable.

The coroner now has a statutory obligation under the Coroners and Justice Act 2009 to make a formal report on action to prevent future deaths, if in his or her opinion there is a risk that other deaths will occur. This in turn creates a statutory obligation on the person who has the power to take such action to respond within a certain time, providing details of any proposed action.

Reinstating the service (potentially on the orders of the Coroner) after it has lapsed for months or years would be far more costly than to keep it running and working regularly, where skills are maintained by doing the job.

Given the potential for human injury/death, animal welfare implications and deaths, massive bills to the NHS *and* a serious litigation risk to the North Wales Fire & Rescue Service - all of which could be

avoided for under £10k per year. I therefore close with the request that the Welsh Government firstly applies funding or another sustainable self-funding model to allow this service to be reinstated and secondly considering all of the issues outlined that the non-statutory nature of the service be reviewed.