

Welcome to the information document of the Independent Reviewer to the RSPCA

This document has been set up to inform you of the review of the prosecution work taking place and to facilitate how you may contribute views and experience.

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1. Foreword by Stephen Wooler

Although the RSPCA is a household name synonymous with animal welfare and protection, I suspect that few truly appreciate its special and indeed unusual role. Notwithstanding its charitable status, the RSPCA is the body relied on by society for the enforcement of animal welfare law in England and Wales. The majority of alleged ill-treatment or neglect of animals is reported directly to the RSPCA; other cases are referred by the police. It carries out investigations and brings prosecutions - some 1,600 defendants in 2012 arising out of over 150,000 cases examined by the RSPCA Inspectorate.

This aspect of the RSPCA work is both substantial and important; the public depend heavily on it. I therefore welcome the invitation by the Council of the RSPCA to conduct a review of its prosecution activity. The decision reflects the Council's wish to strengthen public accountability and transparency for this work - and to address the criticisms that have been made.

I look forward to a full dialogue with all concerned with this work - whether in government, the RSPCA itself, the veterinary and legal professions and the many organisations with an interest in animal welfare, including those critical of the RSPCA. I shall draw on my experience to identify strengths and weaknesses so as to present to the Council a clear picture of how effectively this work is being done; offer reassurance where appropriate and flag up where changes and improvement may be needed.

2. Purpose and remit (terms of reference)

The primary objective of the review will be to report on how far the RSPCA is acting as a reasonable, competent and objective prosecutor having particular regard to (a) decisions taken whether or not to prosecute and (b) the subsequent conduct of any criminal proceedings.

In addition, the review will consider the strengths and weaknesses of the work of the Prosecutions Department more generally including the development and application of policy, the quality of decision making and the management of case work. It will consider the environment and the context within which the Prosecutions Department operates and whether any external factors may be relevant. It will extend to consideration of the RSPCA's investigative function insofar as it has a bearing on the subsequent conduct of prosecutions instigated by the RSPCA.

The review will assess matters touching on the complaints and criticisms that have arisen.

The formal terms of reference of the independent review commissioned by the RSPCA Council of Trustees are:

“Acknowledging that the RSPCA regards the prosecution of animal welfare offences in appropriate cases to be an integral component of its strategy for fulfilling its charitable purposes of promoting kindness and preventing and suppressing cruelty to animals, to review the RSPCA's arrangements for deciding whether to instigate private prosecutions on behalf of the RSPCA with particular regard to:

- (a) decisions taken whether or not to prosecute; and
- (b) the subsequent conduct of any criminal proceedings in relation to alleged offending; and

to report on how far these accord with the standards of a reasonable, competent and objective prosecutor; to consider and report on concerns expressed about the RSPCA's prosecution function; and to identify any areas for improvement and make recommendations as to any changes the RSPCA should make or seek to bring about to achieve that improvement.

In doing so, the reviewer shall take into account the expectations and implications arising from the RSPCA's charitable status, including the relationships between its charitable purposes, the charitable benefits flowing from prosecutions and the prosecutorial assessment of wider public interest.

The context for assessment is the Society's position as a private prosecutor conducting the majority of animal welfare cases in England and Wales. The report should strengthen public accountability and transparency for this work. Although the review does not extend to the RSPCA's investigative function, it should examine any such matters that have a bearing on the conduct of any subsequent prosecution instigated by the RSPCA”.

3. The review: methodology and outline timescales

The main stages will be:

Research and gathering of background information

This will involve the independent reviewer achieving full familiarity with the scope and scale of prosecution activity together with environment within which the RSPCA prosecution activity is carried out. It will include examination of the policies and processes of both the Prosecutions Department and the Inspectorate insofar as they relate to the prosecution process.

Meetings and interviews with external stakeholders

The purpose of this phase will be to identify key issues to be addressed in the next stages.

Assistance will be sought from relevant government departments and public bodies as regards policy issues. At the operational level, the independent reviewer will seek input on behalf of the police service, local authorities and other specialist bodies. He will consult the Director of Public Prosecutions.

The independent reviewer will approach legal practitioners with relevant experience. This will include (but not be confined to) solicitors and barristers instructed by the RSPCA to prosecute cases on behalf of the Society through a combination of face to face, telephone interviews and questionnaires.

The independent reviewer anticipates that interest groups associated with animal welfare and other rural interests will be an important source of evidence. This will include many who have evinced disquiet about the RSPCA prosecution role. A flexible approach will be taken with reliance on a mix of individual meetings; telephone interviews and questionnaires. In most instances, a questionnaire will be the starting point.

Examination of case files and management information

The independent reviewer's present assessment is that examination of a sample of about 100 cases (approximately 5% of caseload) should provide a reliable basis for assessing prosecution work. The file sample should be constructed so as to provide a representative sample by reference to

- each category of potential offence
- a proportionate mix of decisions to prosecute; caution; and take no further action
- a proportionate mix of contested and guilty plea cases
- criticisms made of individual cases

Gathering evidence from RSPCA officers and staff

The preceding stages will assist the independent reviewer to identify the key issues and concerns so as to focus discussions with RSPCA officers and staff. These will take the form of a series of individual or group meetings covering:

- all staff of the Prosecutions Department
- Managers within the Inspectorate
- Members of Council
- Other senior managers

The final stage will be the preparation of an emerging findings note and its expansion into a report to be laid before the RSPCA Council.

Timing

It is not possible to be precise at this stage. The phase involving the gathering of evidence from external stakeholders is likely to take longest. It is hoped to conclude this by the end of February with case examination concluding in mid-March.

The remaining evidence should be concluded by the end of March 2014 leading to a full analysis and presentation of a report during the Spring 2014.

4. How you can contribute

In order to make the review as comprehensive and inclusive as possible, the Independent Reviewer is inviting individuals and organisations to contribute their views and experiences. The Independent Reviewer will carefully analyse all the responses and comments. They will be of direct assistance and also help to identify issues which should be examined in the main body of the review.

[Please complete a consultation form](#)

On completion the form will automatically upload direct to the Independent Reviewer. If you wish to submit material to the Independent Reviewer in addition to the consultation form, you may do so by sending it to the postal or email addresses below.

The RSPCA has no access to any submissions made and all responses will be treated as confidential by the Independent Reviewer. For further details on how your data will be handled, please see the Privacy statement in the next section.

5. Privacy statement

With respect to consultation responses, the data controller is the independent reviewer. Consultation responses, whether in written or electronic form, are not shared with the RSPCA or any other person. A limited amount of personal data necessary for the identification of respondents is recorded and further processed by the independent reviewer, as indicated in the documents and forms accompanying the review. This typically includes the name, surname, organisation name (where applicable) and details of the respondents' involvement, if any, with the RSPCA (eg supporter, witness in a case handled by the RSPCA, etc). The data collected from the consultation responses is used by the independent reviewer to evaluate overall responses. The data will also be used to enable the independent reviewer to communicate with respondents and to identify cases which may require examination in the course of the review. The report of the review will not contain personal data that would identify any individual respondent unless express written consent has been obtained. Consultation responses will be kept securely by the independent reviewer for a period of six months following completion of the review, at which point they will be permanently destroyed/deleted.

6. Contact details:

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