

RSPCA risks losing power to prosecute

Independent reviewer considers stripping charity of its right to prosecute following string of controversial court cases

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By Christopher Hope , Senior Political Correspondent Daily Telegraph----10:00PM GMT
01 Feb 2014

The RSPCA's role in prosecuting cases of animal cruelty could be overhauled to restore public confidence.

Stephen Wooler, a former HM chief inspector of the Crown Prosecution Service, suggested the charity could be stripped of its prosecution rights because of increasing concern over its approach. Another option was for it to be scrutinised by an independent watchdog, he said.

Campaigners have long complained that the RSPCA can both investigate and prosecute cases, while also campaigning to raise money.

They have suggested that because the charity often levies large costs in the cases it wins, some people plead guilty because they fear contesting a charge and losing.

The RSPCA was criticised for bringing a £326,000 private prosecution against the Heythrop hunt in David Cameron's Oxfordshire constituency at the end of 2012. A judge said the costs, some of which went on external lawyers, were "staggering".

The Heythrop pleaded guilty to hunting a wild fox with dogs, claiming it could not afford to fight the charges. A former huntsman and hunt master also pleaded guilty to the same charges.

Mr Wooler was appointed by the RSPCA's trustees late last year to carry out a £50,000 review of its role as the major prosecutor in cases involving animal cruelty.

In his first interview since then, Mr Wooler stressed that he had not yet reached any conclusions, but he conceded that one option was to strip the charity of its right to prosecute cases.

Asked if the RSPCA could lose this role, as well as that of investigator, he said: "There would have to be some very careful discussions if one got to that position.

"But bearing in mind there is no obvious alternative, the main issue ... is what needs to be done to make it work better."

He added: "One of the things I want to find out is what would happen if the RSPCA did not do those functions. It is all well and good throwing the baby out with the bath water, but you have to put something in its place."

Mr Wooler said one possibility was to limit the court costs the RSPCA could charge, and he said he would look at the costs of its prosecutions "to see if they are reasonable and proportionate".

He said he would examine the charity's approach to prosecutions, from those against fox hunts to those against elderly spinsters who cannot look after their pets.

He claimed that concern about the charity's activities was so widespread that there was a "self-help group" on the internet "of people who have had involvement with the RSPCA".

Mr Wooler said he would be examining criticism from hunts as well as "from small animal sanctuaries who sometimes feel targeted [and] ordinary individuals who have companion animals".

He added that he would be holding meetings with Dominic Grieve, the Attorney General, senior police officers and councils to see if the charity needed to be subject to an independent regulator. At present, the RSPCA acts as a private prosecutor. Any new supervision would help to increase accountability.

Mr Wooler said: "The idea I would want to look at is what does the RSPCA need to do, specifically in relation to its prosecution role, to get public confidence restored to what it used to be?"

"The RSPCA trustees are quite puzzled [by the controversy]. They are looking ... to see what the RSPCA should be doing in order for there to be that confidence that criticism suggests isn't there at the moment."

Mr Wooler invited submissions from anybody concerned about the charity's policy.

"The RSPCA has given me a very free hand to look at the whole issue widely," he said. "What I want to do is to find the best way forward ... I will look very carefully at what people have to say."

Ray Goodfellow, the RSPCA's chief legal officer, said: "We strive to be a reasonable and fair-minded prosecutor and this independent review will provide an effective external measure of our performance and highlight any areas of potential improvement.

"We are committed to providing accountability and transparency in this very important area of our work which we recognise has a considerable impact on people's lives, as well as for the animals we seek to protect. We will publish findings from the review when it is complete."