

Fellowship of Animal Behaviour Clinicians



Statement to Members:

Our position following promising news about regulation April 2023

There has been a series of exciting new developments reported recently. They are very promising for regulation of the animal behaviour and training sector. At this hopeful juncture, we would like to explore with our members where FAB Clinicians stand. In particular, RCVS (which many of our esteemed members have close links with) is forming a Working Party to look into CAB regulation. FAB Clinicians is supporting direct regulation by the RCVS via the associate model. We believe this is in the best interests of our members, the wider industry and the animals we serve.

Potential RCVS regulation

There are two options for RCVS regulation of CABs:

- **The Associate Model** where we are directly regulated by RCVS, as they already do for veterinary nurses via the RCVS Veterinary Nurses Councilⁱ;
- **The Accreditation Model** where RCVS delegate regulation to another organisation, such as the ABTC.

Some believe the accreditation model is the right choice to include trainers under the same regulatory umbrella, but RCVS may only wish to regulate behaviourists. In early 2022 ABTC reportedⁱⁱ RCVS paused their discussions as the accreditation model requires legislative reform of the Veterinary Surgeons Act (VSA), while the RCVS Royal Charter appears to currently have capacity for paraprofessional regulation under the associate model. The ABTC did not see the required legislative change for the accreditation model occurring for at least 5 years. From mid-2022 ABTC started to consider UKAS accreditationⁱⁱⁱ with the hope DEFRA would put in place other legislation to regulate our sector. DEFRA recently created a 'Responsible Dog Ownership (RDO) working group'^{iv} to discuss related issues, at which ABTC and RCVS were represented.

Is Clinical Animal Behaviour work an act of Veterinary Surgery?

The Veterinary Surgeons Act (VSA) states only vets may diagnose, treat and carry out acts of Veterinary Surgery, except for certain circumstances stated by Schedule 3 of the VSA or specific exemption orders. The RCVS sees the associate model as being appropriate for regulating paraprofessionals whose work is potentially underpinned by Schedule 3^v, i.e. 'minor acts of Veterinary Surgery', for which RCVS would need to be directly responsible. The question is what counts as Veterinary Surgery. If clinical animal behaviour counts, then not only does this create a stronger impetus for RCVS to regulate us, but also ethically this points all the more to a necessity that CABs should be

Fellowship of Animal Behaviour Clinicians C.I.C.

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regulated separately and directly under the oversight of vets to ensure animal welfare needs are met.

In November 2022 RCVS asked this very question to the Fellowship Science Advisory Panel^{vi}, which two of our members took part in. The meeting concluded that behavioural therapy, or more accurately **behavioural medicine, is likely an act of Veterinary Surgery**, but that there is a viable role for non-vet CABs within this. So RCVS proposed formation of a **Working Party** to look into CAB regulation. The two members were invited to join the working party. We understand two Fellows who are part of the CCAB accreditation scheme (CCAB-Acc) and a Fellow who is part of the ABTC Board of Trustees may also be on the Working Party. We have requested to submit our own representative to the Working Party. In May 2023 RCVS will hold a round-table discussion with relevant stakeholders about CAB regulation.

Other examples of RCVS paraprofessional regulation

Paraprofessionals have been regulated by RCVS, so the same may happen for CABs. For instance, Tuberculosis Testing is an act of Veterinary Surgery, yet a pilot scheme^{vii} in Wales is currently being trialled with a paraprofessional register of lay TB testers supervised by vets.

Another example are paraprofessional Equine Dental Technicians (EDTs). RCVS ideally would like the government to legislate an exemption order for EDTs to carry out 'Category 2' procedures. This is not yet forthcoming (since approximately 2011^{viii}), so in the meantime RCVS publicly declared that there is no legal case for qualified non-vet EDTs to be prosecuted, unless they attempt to cross over into the vet's realm conducting 'Category 3 procedures'. The categories of different procedures were formed by the related veterinary and EDT associations. So there is a legal 'amnesty' in place for qualified EDTs to practice without legal prosecution until the government create the legislation.

Potential DEFRA regulation

DEFRA is considering updating the Dangerous Dogs Act (DDA) and as part of this created the Responsible Dog Ownership Working Group^{ix}. This group's recommendations to government are expected later this year, at which point there may be a public consultation^x. DEFRA are asking whether the training and behaviour sector needs to be regulated and what mechanisms should be used to do that if so. At Council Meetings in 2022 the ABTC reported DEFRA are:

- unlikely to propose comprehensive and full regulation of our sector;
- unlikely to legislate to stop non-UKAS accredited behaviourists and trainers from practising, so for instance aversive trainers could be allowed to continue to work;
- unlikely to protect roles/titles, as DEFRA refused to for instance with veterinary nurses.

The LAIA is due to be reviewed in 2023

The Animal Welfare (Licensing of Activities Involving Animals) Regulations 2018 or LAIA is due to be reviewed in 2023^{xi}. So it is possible that DEFRA may include training and behaviour in the licensing review in some way. DEFRA may state in the statutory guidance to local authorities that only UKAS accredited trainers or behaviourists should be employed, such as for activities involving dog breeders or for DDA control orders. There is precedence where UKAS accredited bodies already appear in DEFRA-initiated legislation (with the Greyhound Board of Great Britain^{xii}) and in statutory guidance (with the Kennel Club Assured Breeders Scheme^{xiii}).

Potential ABTC application for UKAS accreditation

ABTC has recently submitted a preliminary application to UKAS to find out more about the implications of UKAS accreditation. UKAS accreditation through the ISO/IEC 17024 standard ('Conformity Assessment General requirements for bodies operating certification of persons'^{xiv}) requires conformity of assessment/certification processes. In late 2023 ABTC plans to hold a vote with Council Members on whether ABTC should apply for UKAS accreditation.

ABTC require the process for CAB assessment^{xv} of theoretical knowledge to be assessed by ABTC themselves through a procedure that is uniform across CAB practitioner organisations. ABTC has set this to be either graduating from an ABTC CAB recognised course, or successful completion of the ABTC APEL (Accreditation of Prior Experiential Learning) process. Then all assessments of practical skills by practitioner organisations must follow a standardised assessment document.

The position of FAB Clinicians

Our mission

FAB Clinicians will continue to support our members and our animal clients in the best ways possible, supporting the very best standards possible. Through our fellowship, we will continue our work to inspire and nurture the relationship between people and the animals under their care.

Independently accredited high standards

Since our formation in 2020, as communicated again to RCVS^{xvi} in their public consultation on legislative reform in 2021, we believe it is in the best interests of the animals and caregivers we serve if clinical animal behaviourists are accredited by an **independent assessment body**. This accreditation should affirm the behaviourist as being sufficiently **qualified and experienced in each species** with which they wish to practise. In other words, the standards for clinical work should:

- Be set and assessed by a body that is external to and operates independently of any trade body representing practising behaviourists;
- Include at least FHEQ Level 6^{xvii} theoretical knowledge
 - in the requisite areas

- primarily gained through academic qualifications;
- Include a breadth of clinical skills
 - gained through years of practice
 - in a range of case types in the species being assessed for;
- Consider how the assessment of life experiential knowledge greatly increases accessibility to accreditation in our sector, so
 - recognition of experiential knowledge should be used to supplement and support, rather than entirely replace, the rigour of higher education academic qualifications
 - such as through recognition of prior certificated/academic learning (i.e. APCL)^{xviii} with experiential knowledge used for a few gaps;
- Then to stay accredited, clinicians should demonstrate on an annual basis that in each species they practice in, they:
 - work to the highest ethical standards;
 - keep abreast of the latest scientific findings and evidence-based techniques,
 - maintain a sufficient caseload to keep their clinical skills up-to-date.

External scrutiny and regulation

We strongly support industry regulation. We also believe all bodies, from the individual to the organisation level, should be able to stand up to external scrutiny, including our own independent assessing and regulating bodies.

Working under veterinary oversight

We recognise physical health is closely interlinked with behavioural health, so a clinical animal behaviourist should only work on **veterinary referral and as part of the vet-led team** throughout the behaviour treatment process. We believe it is essential for the veterinary profession (in the UK this is the RCVS) to remain directly responsible for the oversight of cases. We will be supporting the new RCVS Working Party looking into clinical animal behaviour regulation.

We support the view of using an **associate model** for regulation, rather than the alternative accreditation model. This means we believe for the sake of animal welfare, behaviourists should be **regulated directly by the RCVS**, in a similar fashion to how veterinary nurses are regulated, rather than via a delegated body.

We work closely with trainers

We strongly believe that trainers need to be regulated just as much as behaviourists. We recognise that both behaviourists and trainers impact on an animal's behaviour and often work closely together for the benefit of the animal under their care, but they do so in different ways with different sets of expertise. However, to our knowledge RCVS do not currently have the capacity or the legislative power to regulate trainers.

The continuum view?

There is an argument that for the sake of animal welfare, regulation should not be split between behaviourists and trainers – instead they should be regulated at the same time and under the same umbrella. One could view the industry as a continuum from animal trainers to behaviourists. Some believe there is not a clear definition/distinction between different practitioner roles, i.e. there is much overlap between trainers and behaviourists.

While we appreciate aspects of the continuum view, FAB Clinicians feels it may be more realistic for the behaviour sector to be regulated first, in order for the training sector to then follow, which in turn hopefully will have a positive impact on animal welfare. Moreover, one could question whether the continuum view could potentially lead to a blurring of lines, where individuals could inevitably practice beyond the limits of their professional competence, thereby having a detrimental effect on animal welfare. There could be a risk that ultimately there may not be any distinction between the various behaviour and training practitioner roles – they may all be unified into one, thus the competency requirements/standards may reduce.

Potential UKAS accreditation

We voted for the ABTC to submit a preliminary application to UKAS as an information-gathering exercise. We are not yet clear what implications it may have for our members or our industry. We are not yet clear whether UKAS accreditation through conformity will maintain animal welfare. We believe that as with other roles in the sector, CAB organisations should be able to:

- assess both the necessary theoretical knowledge and the practical skills for the role, as long as they meet the regulatory standard;
- integrate all of the regulatory body's processes into their application process, then, if they wish, ask for additional criteria of their candidates,
 - as long as the organisations' assessments adhere to the principles of:
 - support
 - fairness
 - timeliness
 - confidentiality
 - objectivity
 - and transparency.

We believe animal behaviour and training practitioners should be able to choose to be part of a particular organisation or multiple organisations if they wish and apply along any assessment route(s).

Our conclusion

Currently the only external and independent accreditation scheme for clinical animal behaviourists available in the UK is the CCAB accreditation scheme^{ix}. Additionally, the ABTC aims to set, oversee and monitor the standards for professional competency in the entire animal behaviour and training sector^{xx}. We support the aims of both the

CCAB accreditation scheme and ABTC – we believe both could be mutually beneficial, with each having a role to play in the future of the sector and its regulation.

Given what is currently known and not known, we believe that RCVS regulation of our members via the associate model is the ethical choice. We will continue to support ABTC and CCAB accreditation with this framework in mind, but primarily we will be putting forward the interests of our members and the animals we serve.

The Board of Directors

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- ⁱ <https://www.rcvs.org.uk/who-we-are/vn-council/>
- ⁱⁱ <https://abtc.org.uk/wp-content/uploads/2022/04/ABTC-newsletter-17-April-2022.pdf>
- ⁱⁱⁱ <https://abtc.org.uk/wp-content/uploads/2022/12/Practitioner-UKAS-Info-November-2022.pdf>
- ^{iv} https://petition.parliament.uk/petitions/624876?reveal_response=yes
- ^v <https://www.rcvs.org.uk/news-and-views/news/rcvs-council-opens-the-path-for-paraprofessionals-to-become/>
- ^{vi} <https://www.youtube.com/watch?v=JsNdcx3BFRQ>
- ^{vii} https://www.legislation.gov.uk/ukxi/2005/2015/pdfs/ukxiem_20052015_en.pdf
- ^{viii} <https://www.rcvs.org.uk/document-library/beva-bvda-position-statement/BEVApositionstatementApril2008EDT.pdf>
- ^{ix} <https://questions-statements.parliament.uk/written-questions/detail/2022-06-01/11769>
- ^x <https://www.theyworkforyou.com/wrans/?id=2023-02-28.155256.h&s=speaker%3A25853>
- ^{xi} <https://www.legislation.gov.uk/ukdsi/2018/9780111165485>
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- ^{xiii} <https://www.associationofdogboarders.co.uk%2Fwp-content%2Fuploads%2F2019%2F04%2FAnimal-Activity-Licensing-additional-note-for-LAs-April-19.pdf&usg=AOvVaw0oduoWvsLCznHFpNv86rnm>
- ^{xiv} <https://www.ukas.com/accreditation/standards/certification-body-accreditation/>
- ^{xv} <https://abtc.org.uk/wp-content/uploads/2023/01/PO-AO-Membership-Assessment-guidance-January-2022.pdf>
- ^{xvi} <https://fabclinicians.org/wp-content/uploads/2022/04/FABC-RCVS-2021-consultation-response.pdf>
- ^{xvii} <https://www.qaa.ac.uk/quality-code/qualifications-and-credit-frameworks>
- ^{xviii} https://www.qaa.ac.uk/docs/qaas/about-us/qaa-glossary.pdf?sfvrsn=a94bfc81_4
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