



Animal welfare prosecutions reported by the Scottish SPCA (2011-2019)



AGRICULTURE, ENVIRONMENT AND MARINE

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Executive Summary

Background

As part of a pledge to improve animal welfare standards in Scotland, the Scottish Government introduced the Animals and Wildlife (Penalties, Protections and Powers) (Scotland) Bill in 2019 to increase the maximum penalties available for the most serious animal welfare offences. These amendments will see the current maximum penalties for offences of causing unnecessary suffering and animal fighting raised from a fine of up to £20,000 and 12 months in prison to an unlimited fine and up to 5 years imprisonment.

Despite the proposed changes to animal welfare legislation in Scotland, there is little publicly available information about the way in which this is currently used and the types of cases reported to the Crown Office and Procurator Fiscal Service (PF) and prosecuted through the Scottish courts. No official crime statistics in Scotland are published at a level that would enable this to be established and it is difficult to determine the scope of and extent of penalties currently used. This makes evaluation of the legislation and future amendments more challenging. In addition, little is published about the individuals who commit such offences, making it difficult to develop evidence-based and cost effective methods of intervention and prevention.

One possible source of information to explore these issues is through administrative data from the Scottish Society for the Prevention of Cruelty to Animals (SPCA) – Scotland's largest animal welfare organisation. The Scottish SPCA are a specialist reporting agency to the PF in Scotland and trained staff within this organisation are given the role of inspectors as outlined in the provisions of the Animal Health and Welfare (Scotland) Act 2006. The Scottish SPCA are a key stakeholder in matters of animal welfare and in particular where this involves the prosecution and prevention of animal abuse.

Despite the large amount of information that the Scottish SPCA collect, little use has thus far been made of this for research purposes. Yet, it is clear from research outside of Scotland, administrative data such as this could provide a rich source of information for extrapolating key findings on the prevalence and nature of animal welfare prosecutions in Scotland. This could be used to address some of the gaps in knowledge that presently exist in this area.

With this in mind, the Scottish SPCA and Scottish Government have worked together to produce this scoping report to establish what might be possible using administrative data collected by the Scottish SPCA.

Data

The Scottish SPCA provided the Scottish Government with administrative data on charges reported to the PF with offence dates from 1 January 2011 up until 23 July 2019 (closed cases only). Only charges submitted to the PF by the Scottish SPCA were included in this data, meaning any charges submitted to the PF during this time from other agencies such as the Police and local authorities are not represented.

Key Findings

- The study included 1,543 charges reported to the Crown Office and Procurator Fiscal Service (PF) by the Scottish SPCA, for animal welfare offences dated 1 January 2011 up until 23 July 2019. These charges came from 873 legal cases involving 1,065 unique persons.
- A case may involve multiple persons with multiple charges. Some of these cases may be incredibly complex with many persons and charges involved. Of the 873 cases, 399 (45.7%) involved more than one charge and 190 (21.8%) involved more than one person. However, less than 2% of cases involved more than five charges or more than two persons.
- Of the 1,065 persons, 30.1% of these had more than one charge from at least one of the cases for which they involved. At least 12 (1.1%) persons were involved in more than one case.
- The number of charges rose from 2011 up until 2013, where from 2014 the number declined again year on year. The reasons for this pattern need further investigation.
- The proportion of charges that led to a conviction varied by year of offence. The proportion of charges that led to a conviction was lowest for offences in 2015 (44.0%) and highest in 2013, where 68.0% of charges submitted to the PF led to a conviction.
- The most common charge type was those covered by Section 19 of the Animal Health and Welfare (Scotland) 2006 Act for unnecessary suffering (59.5%). This was followed by charges under Section 24 (18.5%) for failures to ensure the welfare of animals. Together, these made up 78% of all charges reported to the PF by the Scottish SPCA with offence dates from 2011 onwards.
- The most common type of offence was to omit to provide veterinary attention. This represented 29% of all charges. A further 20% of charges were for offences for omission of both veterinary attention and adequate nutrition, whilst 18.4% of offences were for failings to meet the needs of an animal. These three most common offence types made up over two-thirds of all charges (68.2%).

- Dogs were specified as at least one of the types of animals involved in 60.3% of all charges. Cats were listed in 10.1% of charges.
- For most offences under the Animal Health and Welfare (Scotland) 2006 Act the most common animal type involved was dogs. However, for Section 29 offences (abandonment) more charges involved cats than dogs. This is a finding that might be interesting to explore further in future research.
- Overall, the median number of animals involved in a charge was one and most involved either one (55.9%) or two animals (17.6%). For Section 24 (failing to ensure welfare) and Section 29 (abandonment) from the Animal Health and Welfare (Scotland) 2006 Act, offences tended to involve more than one animal, with an average (median) of two animals involved.
- Over half (56.4%) of all charges resulted in a conviction. Accounting for only charges proceeded against (and excluding charges dealt with using fiscal measures), the conviction rate was 84.4%. Just over a fifth (21.7%) of all charges did not lead to proceedings and 11.4% resulted in PF measures. There was a verdict of not guilty for 7.1% of charges, the case was dropped for 2.3% and a small number received a verdict of not proven (0.8%).
- Of charges where a disposal is expected (guilty result in court or receiving a fiscal measure), the PF gave a warning in 12.2% of charges and a fine for 4.6%. Of charges with a guilty result in court only, nearly two-thirds (64.2%) received a disqualification order and 41.2% were given a fine. Just over a fifth (21.7%) of these received a community payback order (CPO).
- Many charges resulted in an outcome of more than one disposal type. The most common outcome for charges with a disposal was a disqualification order and a court fine (19.1%).
- The average (median) fine amount was £300 overall, or £360 for those given in court and £200 for those given by the PF. The average (median) length of a disqualification order was 60 months and the median custodial sentence was 8 months.
- The average (mean) age on offence date for all charges was 41.3 years, with 6.5% under 21 years.
- Over a third (37.8%) of charges were from the 20% most deprived areas in Scotland, compared to just 5.3% from the 20% least deprived areas.
- Over half of all charges were from urban areas (59.1%), with the remaining charges from small towns (13.9%) or rural areas (27.0%).
- The highest frequency of charges came from South Lanarkshire (9.0%), Fife (8.2%) and Glasgow City (8.0%). As some of the larger local

authorities this is perhaps not surprising, although the City of Edinburgh saw relatively fewer charges (3.8%), despite being the second most populated council area in Scotland.

Recommendations

Further specific recommendations were made directly to Scottish SPCA.

Introduction

Background

The Scottish Government have pledged improvements to animal welfare as part of the 2018-19 and 2019-20 Programme for Government.¹ Measures to achieve this include the establishment of an Animal Welfare Commission consisting of a panel of experts responsible for providing advice on issues of animal welfare, and a commitment to increase maximum penalties for some of the most serious animal welfare offences. The latter of these will involve the amendment of existing legislation for animal welfare, with a particular focus on Part 2 of the Animal Health and Welfare (Scotland) Act 2006.²

Part 2 of the Animal Health and Welfare (Scotland) Act 2006 – (the ‘2006 Act’), is concerned with the welfare of ‘protected’ animals – those domesticated in the British Isles, under the control of man or not living in a wild state. The 2006 Act makes it an offence to cause unnecessary suffering to a protected animal and places a duty of care on persons to ensure the welfare of animals they are responsible for. A number of offences for the prevention of harm and the promotion of welfare, relating to abandonment, licensing, the sale of animals and animal fighting are covered, and provisions are made for Scottish Ministers and local authorities to appoint ‘inspectors’ to use the powers given within the 2006 Act, such as the serving of a care notice to give individuals a time-limited opportunity to rectify a situation where animal welfare standards are not met, or for the removal or disposal of animals.

On 30 September 2019 the Cabinet Secretary for Environment, Climate Change and Land Reform Roseanna Cunningham MSP, introduced the Animals and Wildlife (Penalties, Protections and Powers) (Scotland) Bill to raise the maximum penalties for some of the most serious offences involving animal welfare in Scotland.³ A similar Bill for legislation covering animal welfare offences in England and Wales⁴ has been introduced, and in Northern Ireland amendments have already been implemented following a review

¹ <https://www.gov.scot/collections/programme-for-government/>

² <http://www.legislation.gov.uk/asp/2006/11/contents>

³ <https://www.parliament.scot/parliamentarybusiness/Bills/112958.aspx>

⁴ <https://services.parliament.uk/Bills/2019-19/animalwelfaresentencing/documents.html>

carried out by the Department of Agriculture and Rural Development and the Department of Justice.⁵

At the time of writing (January 2020), offences covered by the 2006 Act in Scotland can be tried through summary proceedings only, with maximum penalties for offences causing unnecessary suffering and concerning animal fighting up to 12 months in prison and a fine of up to £20,000 or both. For all other offences covered by the 2006 Act, the maximum penalties are set as up to 6 months in prison and a fine of up to £5,000 or both. The proposed changes to the 2006 Act would make the most serious offences of causing unnecessary suffering and animal fighting triable each way – by summary or solemn proceedings, and increase the maximum available penalties up to 5 years in prison, and an unlimited fine or both. Penalties for all other offences covered by the 2006 Act are due to remain as they are, although some additional changes have been proposed to allow for quicker rehoming of animals removed as a result of proceedings from the 2006 Act, the introduction of fixed penalty notices for less serious offences and increased protections for service animals.

However, despite the proposed changes to legislation in Scotland, there is little publicly available information about the way in which the 2006 Act is used in its current form and the types of cases submitted to the Crown Office and Procurator Fiscal Service (PF) and prosecuted through the Scottish courts. No official crime statistics in Scotland are routinely published at a level that would enable this to be established and it is difficult to determine the scope of and extent of penalties currently used. This makes evaluation of the legislation and future amendments more challenging. In addition, little is published about the individuals who commit such offences, making it difficult to develop evidence-based and cost effective methods of intervention and prevention.

Current knowledge surrounding animal welfare prosecutions

Animal welfare prosecutions in Scotland

In 2017 Battersea Dogs & Cats Home produced a report using data obtained from the Scottish Government Justice Analytical Services Division for convictions related to animal welfare covered by the 2006 Act (Battersea Dogs & Cats Home, 2017). Here, they report that 522 persons were convicted of such offences between the financial years of 2011-12 and 2015-16, with the

⁵ <https://www.psnipolice.uk/globalassets/advice--information/animal-welfare/documents/final-report-of-the-review-of-the-implementation-of-the-welfare-of-animals.pdf>.

majority of these related to unnecessary suffering (81%)⁶, failures to ensure welfare (13.2%) and abandonment (4.8%). A small amount were also convicted for offences related to animal fights.

Battersea Dogs & Cats Home (2017) claim that sentencing for animal welfare offences occurs 'at the ceiling' – that is, at the top end of the maximum penalties available, citing examples of several individuals sentenced to 9 or more months in prison over the five-year period (Battersea Dogs & Cats Home, 2017). However, the numbers here are small and do not account for the variation in maximum penalty amounts by offence, differing types of disposal or whether or not a guilty plea and resultant discount were applied. Therefore, although such figures can give some indication of these trends, without this level of detail it is difficult to establish to what extent maximum penalties are being applied for animal welfare offences prosecuted in the Scottish courts.

The Scottish Government Justice Analytical Services Division statistics cited in the Battersea Dogs & Cats Home (2017) report are not publically available and reports of criminal proceedings in Scotland do not include figures specifically for animal welfare offences. However, these figures have been used by the Scottish Government when evaluating the financial impact of the aforementioned proposed amendment bill.⁷

The financial memorandum for the Animals and Wildlife (Penalties, Protections and Powers) (Scotland) Bill includes some basic information on penalties for convictions from two types of offence covered by the 2006 Act – unnecessary suffering (Section 19) and animal fights (Section 23). The memorandum reports the disposals used for these offences covering the past ten financial years (2008-09 to 2018-19), showing a total of 773 penalties from convictions in this period – all but three of these for offences covered by Section 19 (unnecessary suffering). However, there is limited detail on penalty amounts and no information is available on other penalties relevant to these specific types of offences (i.e. disqualification orders). In addition, these figures are limited in scope, covering only two of the offence types covered by

⁶ Percentages are this authors own calculations based on Table 1 of the Battersea Dogs & Cats Home (2017) report.

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https://www.parliament.scot/S5_Bills/Animals%20and%20Wildlife%20Bill/SPBill56FMS052019.pdf

the 2006 Act – albeit those considered the most serious and of most relevance for the proposed amendments.

Animal welfare prosecutions in England and Wales

Outside of Scotland, the Ministry of Justice produce statistics on criminal proceedings for England and Wales through their quarterly Criminal Justice System Statistics and more detailed publications annually.⁸ Unlike Scotland, some aggregate level statistics are available on criminal proceedings for offences of ‘cruelty to animals’⁹ – currently up to 2018,¹⁰ broken down by offender characteristics such as age and gender, disposal types and average sentences.

An earlier version of these figures was used in a report by the Centre for Crime Prevention (Cuthbertson and Spencer, 2017) in conjunction with a Freedom of Information request submitted to the Ministry of Justice to provide further detail on the criminal histories of individuals cautioned or convicted for offences related to cruelty to animals. The report states that community sentences were the most frequent outcome for those convicted or cautioned for offences related to cruelty to animals between 2005 and 2016, representing just over a third (34.0%) of defendants.^{11,12} Just under a quarter (23.8%) received a fine and 7.7% were given a custodial sentence. The average fine amount over this time was £307, and the average custodial sentence length to be 3.2 months. Of those convicted or cautioned for cruelty to animals between 2013 and 2015, 72.9% of these had at least one previous conviction or caution for any type of offence.

The Ministry of Justice statistics for England and Wales do give some indication of the ways in which animal welfare offences are prosecuted in some parts of the UK. However, within these statistics there is no detail surrounding disqualification orders, one of the key penalties for animal welfare offences. For legislation within England and Wales and Scotland, although

⁸ <https://www.gov.uk/government/collections/criminal-justice-statistics-quarterly>

⁹ As defined by the Ministry of Justice offence code ‘108 – Cruelty to Animal’. A list of offences included in this category can be found on annual end of year publication webpage as an Excel spreadsheet named ‘Offence group classifications’.

¹⁰ <https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-december-2018>

¹¹ Cuthbertson and Spencer (2017) refer to these as cases but as they use Ministry of Justice statistics to derive these figures which are produced at person level and not case level, it is likely that these figures are actually representing persons rather than cases.

¹² In Scotland, the term defendant is not used to refer to the accused.

these is no explicit presumption that such penalties be given during sentencing, there is a legal requirement that if they are not, the court gives a reason for doing so. This is likely to mean that in many cases such disposals are used. This information is needed to gain a fuller understanding of sentencing and use of penalties for animal welfare prosecutions.

The Ministry of Justice statistics for England and Wales use a very broad classification for offences related to cruelty to animals from a range of legislation, covering both domesticated and wild animals. This means that descriptive analysis cannot be carried out to look at this by specific legislation or types of offence. As such, it would not be possible to look at the different disposal types and penalty amounts where the maximum available amounts vary. For both England and Wales and Scotland where amendments to legislation surrounding penalties for specific offences are currently proposed, this data would therefore lack the necessary detail required to establish any kind of post legislative scrutiny.

The Royal Society for the Prevention of Cruelty to Animals (RSPCA) produce an annual report on the animal welfare cases they bring for private prosecution in England and Wales. In this report they provide a breakdown of their prosecution statistics, including detail on conviction rates, legislation and types of offence, plea, animals involved, disposal types – including disqualification orders, and appeals. In the most recent version from 2018, the RSPCA (2018) reported conviction rates of around 92% between 2016 and 2018, with the highest frequency of convictions for offences of causing unnecessary suffering. This is consistent with the findings from Scotland within the report from Battersea Dogs & Cats Home (2017) - although, this was to a lesser degree, making up around 56% of convictions as opposed to the 81% of convictions reported by Battersea Dogs & Cats Home (2017).

However, despite the similar wording of these types of offence, it is difficult to compare these figures due to the different pieces of legislation and systems applicable for England and Wales when compared to Scotland. In addition, these difficulties are further compounded by differences in time periods, methodologies (e.g. convictions vs persons) and scope – where the Battersea Dogs & Cats Home (2017) and Centre for Crime Prevention (Cuthbertson and

Spencer, 2017) reports represents all of those convicted¹³ or cautioned¹⁴ through the Scottish courts; the RSPCA prosecution statistics represent only those taken forward by themselves as private proceedings, so would therefore not include prosecutions by the Crown Office.

The Ministry of Justice and RSPCA prosecution statistics from England and Wales cannot be used as a reliable representation of cases prosecuted within the Scottish courts. Although they present much more detail surrounding animal welfare prosecutions than currently seen in Scotland, there are still many unanswered questions that may help to inform both Government and third-sector policy relating to animal welfare issues. For example, there is very limited information about the individuals who are prosecuted or the circumstances in which they live, the most common types of abuse animals are subjected to (e.g. physical abuse or neglect), or the typical penalty amounts applied in these cases beyond the broad aggregation across all types of animal welfare offences.

More generally, there is research on perpetrators of animal abuse but these tend to be limited to retrospective, self-report methods which may be subject to a self-disclosure bias (unwilling or inaccurate disclosure) (Arluke et al, 1999; Vaughn et al, 2009) and often not representative of the offending population as a whole (Alleyne and Parfitt, 2017). Administrative data from criminal proceedings like those seen in the reports cited above (Battersea Dogs & Cats Home, 2017; Cuthbertson and Spencer, 2017; RSPCA, 2018) can help mitigate some of these issues, provided they are available with sufficient detail to address some of the challenges previously discussed.

Lessons from outside the UK

Outside of the UK there is research using similar administrative data for such a purpose. For example, in the U.S. Arluke and Luke (1997) reviewed the records of all cases of physical abuse to animals prosecuted by the Massachusetts Society for the Prevention of Cruelty to Animals (MSPCA) from 1975-1996 – an animal welfare organisation that has legal powers of

¹³ Figures from the Battersea Dogs & Cats Home (2017) report may not represent all those convicted of animal welfare offences from the 2006 Act due to the methodology used by the Scottish Government Justice Analytical Services Division where figures represent only charges where animal welfare offences were the principle offence (see the Scottish Government Criminal Proceedings annual publications for more detail on this issue - <https://www2.gov.scot/Topics/Statistics/Browse/Crime-Justice/PubCriminalProceedings>).

¹⁴ Centre for Crime Prevention (Cuthbertson and Spencer, 2017) report only.

investigation for cases of alleged animal abuse in the state of Massachusetts (Arluke et al., 1999).

Arluke and Luke (1997) used this administrative data from the MSPCA to establish the prevalence and nature of animal welfare cases involving physical abuse prosecuted by the Society. They found that 44.4% of cases prosecuted for this type of abuse led to a guilty verdict, with fines the most common disposal type (33%). They found dogs to be the most common victims (57.8%), followed by cats (26.9%) – although this did vary by age, with adolescent offenders more likely to abuse cats than adult offenders. Those prosecuted were mostly men (96.6%) with an average age of 30 years – although over a quarter (27%) involved offenders under the age of 18. Although these findings are more than 20 years old and not generalizable to Scotland, they do help to demonstrate the potential for administrative data in this field.

In a more recent study, Garrett (2019) requested administrative data from all Common Pleas and Municipal/County Courts in Ohio for charges of animal abuse heard for a three-year period between April 2015 and April 2018. The aim of this was to compare the characteristics of these charges and the resulting outcomes before and after state-wide legislative change to enable offences for the most serious cases of animal abuse to be charged at felony level.¹⁵

Garrett (2019) found an increase in the total amount of charges filed after the legislative change – including misdemeanours, postulating that this may have been due to the increased awareness of these offences as a result of the change. However, no significant differences were found in outcomes and penalty amounts for those convicted before or after the legislative change, and no significant differences were found in the rates of conviction or demographic characteristics of offenders. Overall, 39% of charges were found guilty, with an average of two charges per person. Offenders were mostly white (70%), with a mean age of 39 years and just over half (56%) were male.

This is a much smaller proportion of male offenders than seen in the MSPCA records previously cited (96.6%) (Arluke and Luke, 1997). However, this difference could be due to many different factors, including differences in the type of offence - Arluke and Luke (1997) focussed on physical abuse, whilst Garrett (2019) looked at charges from all types of animal abuse. Previous

¹⁵ House Bill 60, known as Goddard's Law (Garrett, 2019).

studies have found gender differences by type of animal abuse, for example, in relation to animal hoarding (e.g. Gerbasi, 2004), and as such, there is a need for more nuanced investigations and interpretations of the role of gender in animal abuse (Alleyne and Parfitt, 2017; Gerbasi, 2004; Herzog, 2007).

The potential for administrative data for animal welfare offences in Scotland

Similar research may be possible in Scotland using administrative data from animal welfare cases before and after the implementation and amendment of the 2006 Act. Scotland's largest animal welfare organisation, The Scottish Society for the Prevention of Cruelty to Animals (SPCA), have similar powers of investigations in animal welfare cases as the MSPCA and hold administrative data similar to that used by Arluke and Luke (1997) described above.

The Scottish SPCA are a specialist reporting agency to the Crown Office and Procurator Fiscal Service (PF) in Scotland and trained staff within this organisation are given the role of inspectors as outlined in the provisions of the 2006 Act. They are a key stakeholder in matters of animal welfare and in particular where this involves the prosecution and prevention of animal abuse.

Despite the large amount of information that the Scottish SPCA collect, little use has thus far been made of this for research purposes. Yet, it is clear from research outside of Scotland, administrative data such as this could provide a rich source of information for extrapolating key findings on the prevalence and nature of animal welfare prosecutions in Scotland. This could be used to address some of the gaps in knowledge that presently exist in this area.

With this in mind, the Scottish SPCA and Scottish Government have worked together to produce this scoping report to establish what might be possible using the administrative data already collected by the Scottish SPCA. The report will provide an overview of headline figures from basic analysis of some of this data, outline recommendations for possible future research and suggests improvements to data collection and recording systems to enable optimal use.

Methods

The data

The Scottish SPCA are a specialist reporting agency to the Crown Office and Procurator Fiscal Service (PF). This, alongside the powers of investigation for inspectors appointed through the 2006 Act, mean the Scottish SPCA have a legal authority to both investigate animal welfare cases and submit these directly to the PF. They are the only animal welfare organisation with these powers in the UK.

As part of their investigations, the Scottish SPCA collect a large body of information surrounding these cases, providing a wealth of potential data that could be used to help inform policy and practice related to animal welfare issues. This administrative data routinely collected by the Scottish SPCA contains information on charges submitted to the PF, such as the type of offence, legislation, animals involved, outcome and penalties. Demographic information on persons involved in these charges is also collected, such as age, occupation and location.

Information on cases investigated by the Scottish SPCA date back to around the 1930's, with the earlier years recorded as physical paper records. From around 1980 the Scottish SPCA records are recorded in digital formats using Microsoft Access or Excel. A new recording system was implemented around 2011, with details on cases before this stored separately. For this project the Scottish SPCA provided the Scottish Government with two extracts of data on charges submitted to the PF with offence dates from around 1980 and up until 23 July 2019 (closed cases only). Only charges submitted to the PF by the Scottish SPCA were included in this data, meaning any charges submitted to the PF during this time from other agencies such as the Police and local authorities are not represented.

The first of these data files were extracted from the old records system, in action from around 1980-2011. The second extract contained cases exported from the current data recording system, implemented around 2011. The data was provided as two separate password protected Microsoft Excel spreadsheets, each with different variables and in a range of formats.¹⁶ This meant it was not possible to merge the two files without considerable work and a loss of detail from each. In addition, although in theory these data

¹⁶ Appendix A shows the list of variables that were contained in each.

should not overlap as they cover different recording systems over two separate time periods, there were some cases that had been transferred between these systems, meaning the two sets of data did not cover two discrete periods of time – although the rationale for which had been transferred and others not was not known.

For the extract containing files from the older system there are a total of 3,214 charges with offence dates ranging from 1986¹⁷ until 2014. In the ‘later’ data file there are a total of 2,085 cases ranging from 2000¹⁸ until July 2019. Although there is some duplication between the files¹⁹ not all charges appear in both data files between the dates they overlap (2000 - 2014). Table 1 below shows the number of charges in each data file where they overlap, and the difference between them.

Table 1 shows that from 2000, and up until 2011, there are more charges in the earlier file than in the later file. From 2011 onwards (shown in italics) there are more charges in the later file than are in the earlier file. It is from this point on that we could be more confident that all charges submitted to the PF are included in the later data.

Because of this we have decided in this report to focus on charges from 2011 onwards, using the later data only. This lessens the likelihood of bias as a result of missing cases, especially where the reason for why certain cases or charges may be missing is unknown. In future it may be worth spending some time making sure that all cases held on the earlier system are transferred over to the most recent systems and therefore available for analysis in a consistent format. If it is desirable that only select charges/cases are transferred (e.g. for certain years but not others), then this should be done so in a way that is consistent and well documented. The transfer of historic charges in such a way would allow for analysis to be carried out before 2011 (e.g. to look at changes around the 2006 Act) without the problematic issue of missing cases.

¹⁷ There is one charge with an offence date before this (1934) which most likely represents an error.

¹⁸ There are two charges with an offence date before this (1981 and 1989) which most likely represent an error.

¹⁹ This was seen from a quick ‘eyeballing’ of the two data files but no thorough investigation was carried out due to the time it would take for this analysis.

Table 1. Charges in each data extract by year of offence

Year of offence	Number in earlier file	Number in later file	Difference (number)	Difference (% of file with most charges)
2000	57	12	45	21.1
2001	48	8	40	16.7
2002	43	8	35	18.6
2003	43	16	27	37.2
2004	55	28	27	50.9
2005	115	30	85	26.1
2006 (whole year)	128	34	94	26.6
2006 (after 2006 Act only)	63	17	46	27.0
2007	129	47	82	36.4
2008	165	61	104	37.0
2009	202	145	57	71.8
2010	161	145	16	90.1
2011	157	174	-17	90.2
2012	165	234	-69	70.5
2013	153	256	-103	59.8
2014	50	244	-194	20.5

Analysis

The data was prepared and analysed using Microsoft Excel and IBM SPSS Statistics v24. Results are presented as tables and graphs where appropriate and where there is sufficient justification and large enough numbers, a Pearson's Chi square test of association was used to look for any significant relationships between variables. A relationship was considered statistically significant if the probability value of achieving a result as extreme was less than 0.05. Cramer's V was used to look at the strength of these associations,

where 0.1 is considered a small effect size, 0.3 a moderate effect size and 0.5 or above a large effect size (Cohen, 1968). Only where this is explicitly mentioned was a test for statistical significance used.

Average values are presented as a mean and standard deviation for variables which appeared to be normally distributed²⁰ or as a median and interquartile range where distributions could not be considered normal. Average values are used to establish the central, or 'typical' value within a range of data, whilst standard deviation (SD) and interquartile range (IQR) are measures of the spread of data, that is how far away the range of values tend to be from the average value. The lower these values the less spread out the data tends to be.

With the exception of a small amount of analysis carried out in section 4.1 of this report, all results are presented at charge, not person level. To carry out this analysis at person level would require the data to be re-structured from long (one row per charge) to a wide (one row per person) format. This is relatively easy to achieve with sufficient timescales.

This report uses the terminology of both charge and offence to describe the crime a defendant is accused of. The report also refers to charge and offence *type*, where these represent separate categories describing the types of crimes the defendant is accused of. Charge *type* represents the main legal description for the offence, referring to specific sections of the relevant legislation, whereas offence *type* refers to categories of offence that contain a more detailed description of the offence. A particular charge *type* may have multiple offence *types* associated with this and although in most cases particular offences are associated with specific sections of legislation (e.g. 'omit to provide veterinary attention' is normally covered by Section 19 of the 2006 Act), this is not necessarily true in all cases – although some of these may actually represent issues with data quality.

²⁰ Histograms were used to establish normality through visual inspection, where a normal distribution follows a broadly Gaussian distribution, or bell curve.

Results

Charge details

Number of cases, charges and persons

There were 1,543 charges submitted to the Crown Office and Procurator Fiscal Service (PF) by the Scottish SPCA with offence dates from 1 January 2011 up until 23 July 2019 (closed cases only). These charges came from 873 legal cases involving 1,065 persons (unique persons identified using a combination of forename, date and place of birth, occupation, city and postcode)²¹.

A case may involve multiple persons with multiple charges. Some of these cases may be incredibly complex with many persons and charges involved. Of the 873 cases, 399 (45.7%) of these involved more than one charge and 190 (21.8%) involved more than one person. However, less than 2% of cases involved more than five charges or more than two persons. For cases with more than one charge, the average (median) number of charges was two (IQR=1) or one (IQR=1) overall. For cases where there was more than one person involved the median number of persons was two (IQR=0), or one (IQR=0) overall.

Of the 1,065 persons, 321 (30.1%) of these had more than one charge from at least one of the cases for which they were involved. For persons with more than one charge, the median number of charges was two (IQR=1) or one (IQR=1) overall. At least 12 (1.1%) persons were involved in more than one case²². For persons with more than one case the median number of cases was two (IQR=0), or one (IQR=0) overall.

Number of charges by year of offence

Since 2011 the number of charges rose, peaking in 2013. From 2014 onwards these numbers then started to decline again year on year until 2018. This trend is shown in Figure 1. For the most recent data (2019), only a partial year

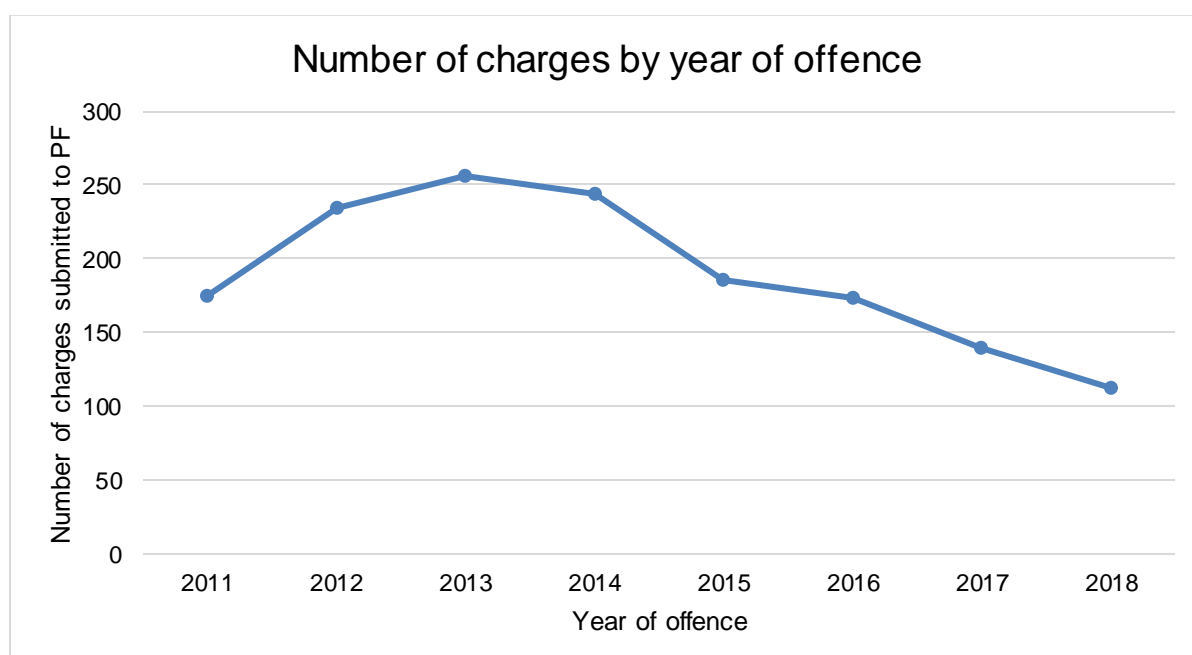
²¹ As the postcode used to identify unique individuals may have been the postcode for where the offence took place rather than the accused's address, it is possible that some persons may end up with more than one 'person ID' if they have been charged with offences occurring at multiple address's. It is not possible to identify where this might have happened using this data, but means there may be less persons in the data than appears.

²² This may be higher due to the limitations faced establishing 'unique persons' using this data (see footnote 21).

(up until 23 July) is represented (26 charges) and is therefore excluded from this graph.

The pattern shown here could be due to a number of reasons, where further investigation of the data – including a longer term analysis and an examination of Scottish SPCA and wider policy and practice could be considered. For example, it is possible that we see a peak in 2013 due to increased awareness from campaigns or events, a change in policy or practice, or even a change in staffing at the Scottish SPCA Special Investigations Unit or PF office. It may also be useful to consider other aspects of the data itself, such as the types of offence, or how many people or cases were involved by year e.g. where there may have been spate of larger or more serious cases around this time with more people or charges, or even where recording practices may have differed, leading to differences in the data quality itself.

Figure 1. Number of charges by year of offence



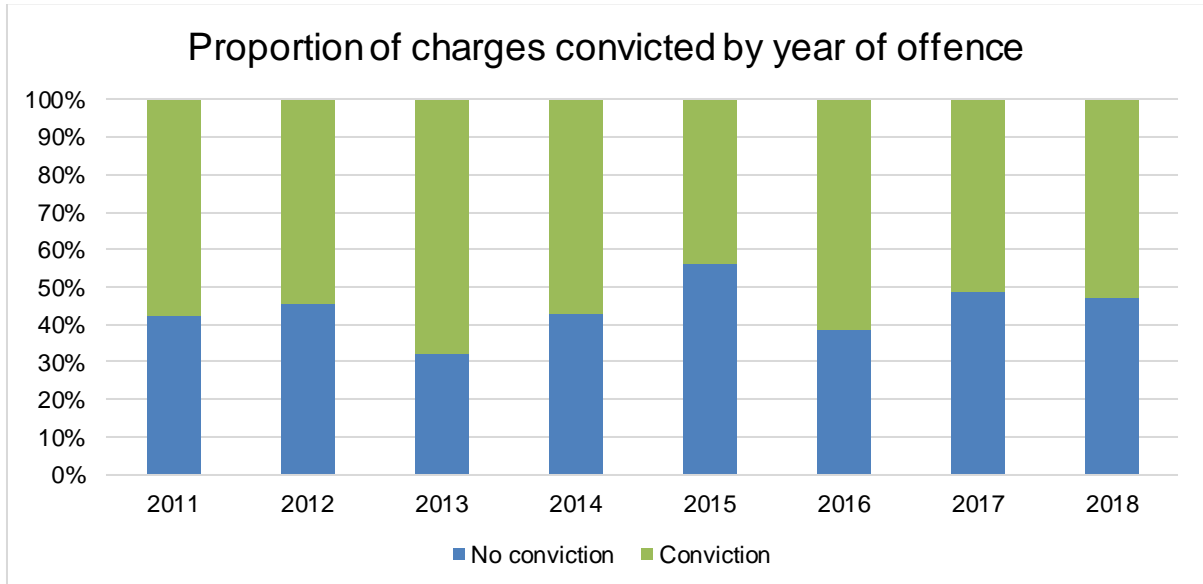
The proportion of charges that led to a conviction varied by year of offence.²³ This relationship was statistically significant but with a relatively small effect size.²⁴ The proportion of charges that led to a conviction was lowest in 2015 (44%) and highest in 2013, where 68.0% of charges submitted to the PF lead to a conviction (Figure 2). This suggests that not only were there more

²³ This analysis is based on year of offence and may not be the same year in which a conviction was made.

²⁴ $\chi^2=29.46$, $df=7$, $p<.001$, Cramer's $V=.139$

charges in 2013, a higher proportion of these were 'successful' when compared to other years.

Figure 2. Proportion of charges convicted by year of offence



Legislation

Table 2 shows the most common legislation used for all charges submitted to the PF by the Scottish SPCA since 2011. This shows the Animal Health and Welfare (Scotland) Act 2006 as the most common legislation used (86.7%). This is followed by the Wildlife and Countryside Act 1981 (6.5%), the Pet Animals Act 1951 (2.5%) and the Dangerous Dogs Act 1991 (0.6%). Legislation with less than 10 charges are combined as 'other' legislation (3.6%).

Table 2. Most common legislation (<10=other)

Most common legislation (<10=other)	Frequency	%
Animal Health and Welfare (Scotland) Act 2006	1338	86.7
Wildlife and Countryside Act 1981	101	6.5
Pet Animals Act 1951	39	2.5
Dangerous Dogs Act 1991	10	0.6
Other	55	3.6
Total	1543	100.0

Charge type

Since January 2011 the most common charge type was those covered by Section 19 of the Animal Health and Welfare (Scotland) 2006 Act for unnecessary suffering (59.5%) (Table 3). This was followed by charges under Section 24 (18.5%) for failures to ensure the welfare of animals. Together, these two charge types made up 78% of all charges submitted to the PF by the Scottish SPCA from 2011 onwards. A number of less common charges are shown also in Table 3. Together with the two most common charge types (Sections 19 and 24), these make up 94.6% of all charges. Charge types with less than 10 (5.4%) are grouped together as 'other' charges types.

Including only those offences covered by the 2006 Act, this means that 68.6% of these were for charges under Section 19 (unnecessary suffering). This is a smaller proportion than seen in the report by Battersea Dogs & Cats Home (2017) (81%). However, methodological differences mean that these figures should not be directly compared. For example, Battersea Dogs & Cats Home (2017) look only at convictions, not all charges regardless of outcome. In addition, the figures in this report represent charges, not persons. There are also differences in time periods and the use of calendar or financial year, and where the report by Battersea Dogs & Cats Home (2017) may only include figures for the main offences covered by the 2006 Act, rather than all those included here.

Table 3. Most frequent charge types (<10=other)

Most common charge types (<10 = other)	Frequency	%
AH&W Scotland Act 2006 Sect 19 (unnecessary suffering)	918	59.5
AH&W Scotland Act 2006 Sect 24 (ensuring welfare of animals)	286	18.5
AH&W Scotland Act 2006 Sect 29 (abandonment)	60	3.9
Wildlife & Countryside Act 1981 Sect 11 (prohibition of certain methods of killing or taking wild animals)	50	3.2
Pet Animals Act 1951 Sect 1 (licensing of pet shops)	32	2.1
Wildlife & Countryside Act 1981 Sect 1 (protection of wild birds, their nests and eggs)	30	1.9
AH&W Scotland Act 2006 Sect 23 (animal fights)	28	1.8
AH&W Scotland Act 2006 Sect 40 (disqualification orders)	17	1.1
AH&W Scotland Act 2006 Sect 20 (mutilation)	15	1.0
Wildlife & Countryside Act 1981 Sect 5 (prohibition of certain methods of killing or taking wild birds)	13	0.8
Dangerous Dog Act 1991 (unspecified)	10	0.6
Other (<10)	84	5.4
Total	1543	100.0

Offence type

The most common type of offence was to omit to provide veterinary attention. This represented 29% of all charges submitted to the PF since 2011 by the Scottish SPCA. A further 20% of charges were for offences of omission of both veterinary attention and adequate nutrition, whilst 18.4% of offences were for failings to meet the needs of an animal. The three most common offence types made up over two-thirds of all charges (68.2%).

Table 4 shows the frequency of the most common offence types which made up 89.5% of all charges. Offence types with less than 10 charges were

classified as 'other' offences (11.1%). A small number (0.4%) were missing offence details from the charge.

Table 4. Most frequent offence types (<10=other)

Most common charge types (<10 = other)	Frequency	%
Omit to provide veterinary attention	447	29.0
Omit veterinary attention & adequate nutrition	318	20.6
Fail to meet the needs of an animal as required	284	18.4
Omit to provide adequate nutrition	71	4.6
Cause unnecessary suffering by an act	66	4.3
Abandonment	62	4.0
Set in position trap to cause injury to any animal	17	1.1
Breach of disqualification order	17	1.1
Offer for sale without relevant licence	16	1.0
Have in possession of control wild birds	14	0.9
Setting snares	13	0.8
Keep an animal for fighting	11	0.7
Advertise and sell animals without a licence	11	0.7
Possession of dangerous dog	10	0.6
Carry out prohibited procedure -Tail docking	10	0.6
Other	170	11.0
Total	1537	99.6
Missing	6	0.4
Total	1543	100.0

Offence by charge type

Table 5 shows how nearly half of all offences covered by Section 19 of the 2006 Act (unnecessary suffering) were for omissions to provide veterinary treatment (48.5%). A further 34.7% were for omissions to provide veterinary treatment and adequate nutrition. For offences covered by Section 24 of the 2006 Act, nearly all were classed as a failure to meet the needs of an animal as required (97.2%). All Section 29 charges from the 2006 Act (abandonment) were also recorded with an offence type of abandonment.

Maximum penalty amounts for offences covered by Section 23 of the 2006 Act (animal fights) are due to increase with the introduction of the Animals and Wildlife (Penalties, Protections and Powers) (Scotland) Bill. Since 2011, just over a third of these were for keeping an animal for fighting (35.7%), whilst the remaining charges (64.3%) were for other offences such as possessing or supplying equipment or video recordings for animal fights (28.6%), causing or training an animal to fight (21.4%) or for taking part or being present at a fight (14.3%).

Table 5. Offence by charge type for Section 19 charges from the 2006 Act

Offence type – Section 19 charges from the 2006 Act only	Frequency	%
Omit to provide veterinary attention	444	48.5
Omit veterinary attention & adequate nutrition	318	34.7
Fail to meet the needs of an animal as required / Abandonment	7	0.8
Omit to provide adequate nutrition	69	7.5
Cause unnecessary suffering by an act	58	6.3
Other	20	2.2
Total	916	100.0

Charge type by year of offence

Table 6 shows the number of charges submitted to the PF by the Scottish SPCA for the most common charge types by year of offence. For Section 19 offences, the number of charges was highest in 2014 and lowest in 2016 – excluding the partial year of 2019. For Section 24 offences, the highest number of charges were from 2013 and the lowest from 2018. For Section 29

offences, the highest number of charges occurred in 2016, with either zero or less than five from this year onwards. Similarly, Section 11 offences from the Wildlife and Countryside Act 1981 are rare for the last three years, along with in 2011 and 2013. The highest number were from 2014.

Table 6. Most common charge types by year of offence

Most common charge types (<10 = other)								
Year of Offence	AH&W Scotland Act 2006 Sect 19		AH&W Scotland Act 2006 Sect 24		AH&W Scotland Act 2006 Sect 29		Wildlife & Countryside Act 1981 Sect 11	
	Frequency	%	Frequency	%	Frequency	%	Frequency	%
2011	99	10.8	31	10.8	10	16.7	*	*
2012	145	15.8	30	10.5	9	15.0	12	24.0
2013	145	15.8	50	17.5	6	10.0	*	*
2014	155	16.9	44	15.4	10	16.7	17	34.0
2015	102	11.1	31	10.8	6	10.0	9	18.0
2016	90	9.8	40	14.0	13	21.7	6	12.0
2017	92	10.0	37	12.9	*	*	*	*
2018	77	8.4	18	6.3	*	*	*	*
2019	13	1.4	5	1.7	*	*	*	*
Total	918	100.0	286	100.0	60	100.0	50	100.0

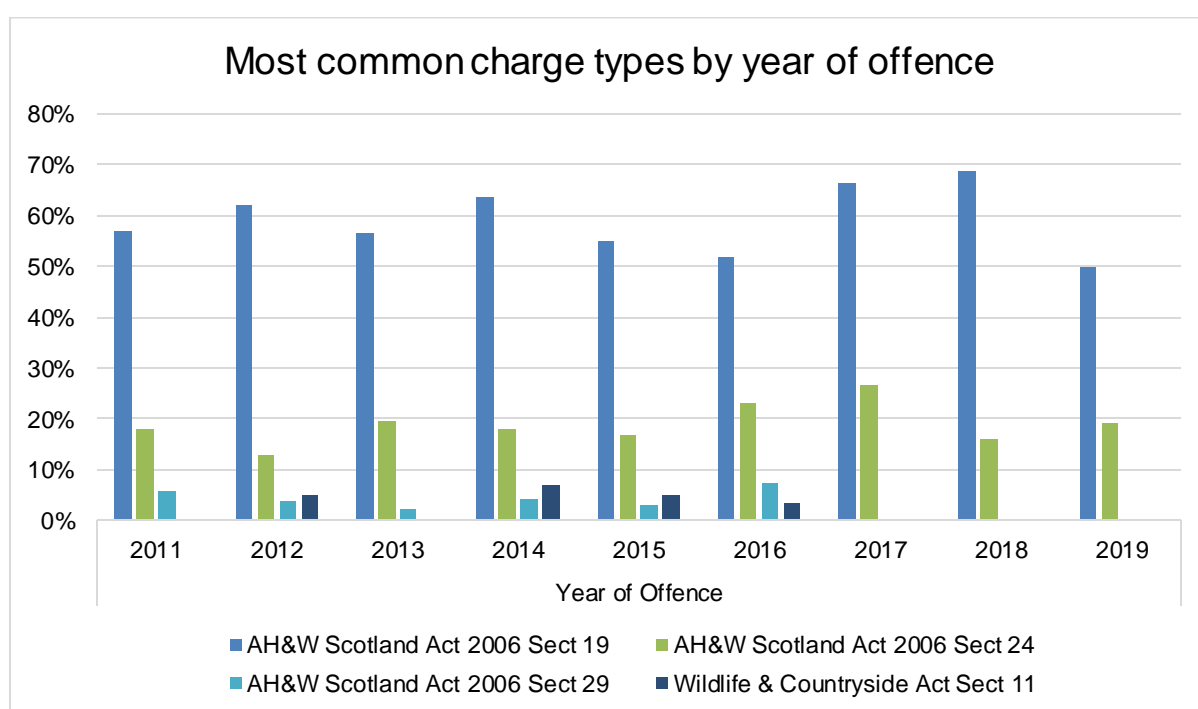
Note: Where * denotes numbers less than 5.

The most common charge types do not vary by year of offence - for every year between 2011 and 2019, the most common charge type is for offences covered by Section 19 (unnecessary suffering) of the 2006 Act, followed by Section 24 offences (ensuring welfare of animals), Section 29 offences (abandonment) and Section 11 offences from the Wildlife and Countryside Act 1981 (prohibition of certain methods of killing or taking wild animals).

There is a small amount of variation each year in the proportion that each of these charge types represent (Figure 3). Section 19 offences make up the highest proportion in 2018, representing 68.8% of all charges for that year,

and lowest in 2019, representing 50% of all charges – although this is a partial year only (up until July). Section 24 offences range from 12.8% of all charges in 2012 up to 26.6% in 2017. Section 29 offences represent 7.5% of charges in 2016 but appear very little in the years following this (2017-2019). Section 11 offences from the Wildlife and Countryside Act 1981 make up 7.0% of charges in 2014, but similar to Section 29 offences from the 2006 Act, little to no charges for these offences occurred from 2017 and up until July 2019. In addition, zero or less than five charges for these offences occurred in years 2011 and 2013.

Figure 3. Most common charge types by year of offence



Offence type by year of offence

Table 7 shows the number of offence types for the most common types of offence, broken down by year of offence. For the offences of omitting to provide veterinary treatment, the highest number occurred in 2012 (17.7%) and the lowest in 2016 (9.2%) – excluding the partial year of 2019. Offences omitting to provide veterinary treatment and adequate nutrition were highest in 2013 (21.4%) and lowest in 2017 (4.4%). Failing to meet an animals needs as required occurred most frequently also in 2013 (17.6%) and was lowest in 2018 (6.0%). Omitting to provide adequate nutrition saw the most offences in 2016 (15.5%) and the least in 2011 (9.9%) and 2014 (9.9%). Causing unnecessary suffering by an act peaked in 2014 (31.8%) but then declined

again after this year, remaining low. Abandonment offences were highest in 2016 (22.6%) but also declined and remained low after this time.

For most years, omitting to provide veterinary attention was the most common type of offence – in particular from 2017 onwards where this offence made up between 41% and 45% of charges each year. However, for some years this was not the case. For example, in years 2013 and 2014 the most common offence was for the omission of both veterinary treatment and adequate nutrition, representing around 26% of all charges in each year (Figure 4). Other types of offence also vary in the proportion of charges they represent each year, such as failing to meet an animals needs as required. This offence represents a lower proportion of charges than omitting to provide veterinary attention and adequate nutrition for the earlier years, in particular in 2012 and up until 2016 when we start to see the pattern reverse for years 2016 and 2017. By 2018 there is a similar proportion made up by both types.

Figure 4. Type of offence by year of offence

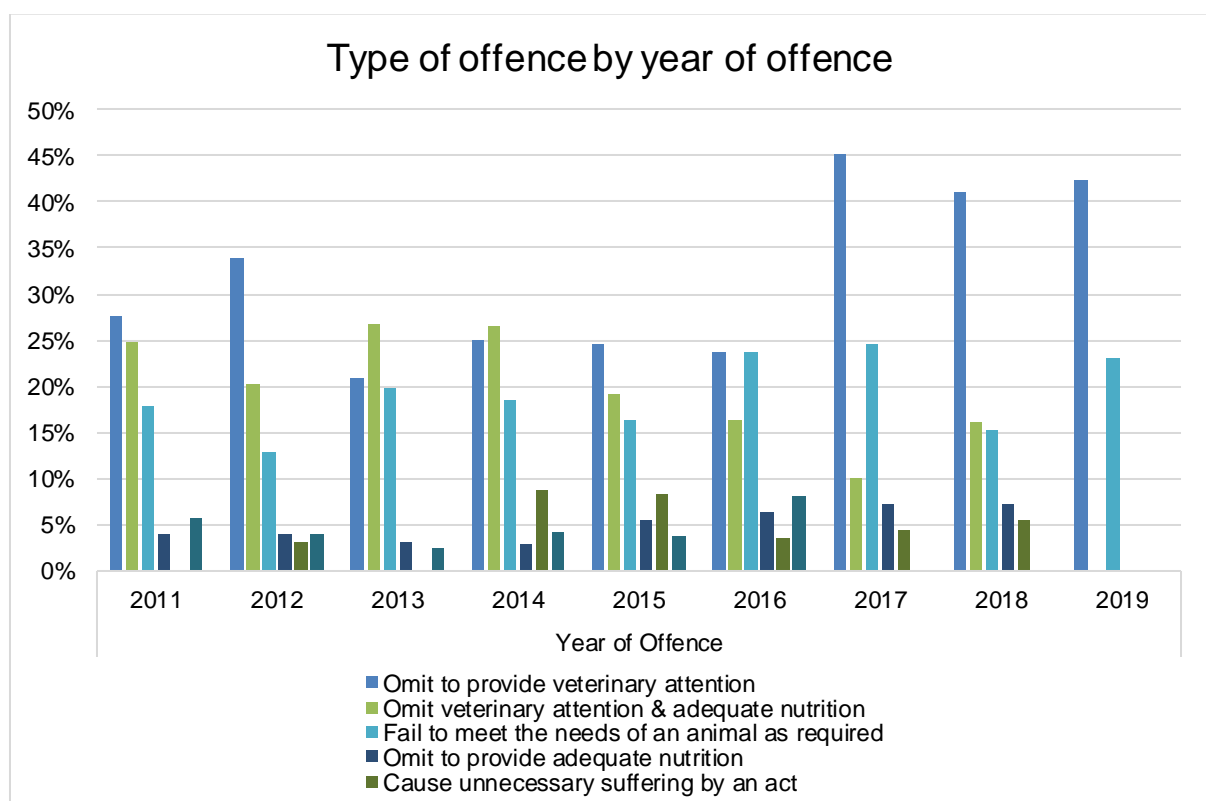


Table 7. Most common offence type by year of offence (Note: Where * denotes numbers less than 5)

Most common offence types												
Year of Offence	Omit to provide veterinary attention		Omit veterinary attention & adequate nutrition		Fail to meet the needs of an animal as required		Omit to provide adequate nutrition		Cause unnecessary suffering by an act		Abandonment	
	Frequency	%	Frequency	%	Frequency	%	Frequency	%	Frequency	%	Frequency	%
2011	48	10.7	43	13.5	31	10.9	7	9.9	*	*	10	16.1
2012	79	17.7	47	14.8	30	10.6	9	12.7	7	10.6	9	14.5
2013	53	11.9	68	21.4	50	17.6	8	11.3	*	*	6	9.7
2014	61	13.6	65	20.4	45	15.8	7	9.9	21	31.8	10	16.1
2015	45	10.1	35	11.0	30	10.6	10	14.1	15	22.7	7	11.3
2016	41	9.2	28	8.8	41	14.4	11	15.5	6	9.1	14	22.6
2017	63	14.1	14	4.4	34	12.0	10	14.1	6	9.1	*	*
2018	46	10.3	18 ²⁵	5.7	17	6.0	9 ²⁵	12.7	6	9.1	*	*
2019	11	2.5	*	*	6	2.1	*	*	*	*	*	*
Total	447	100.0	318	100.0	284	100.0	71	100.0	66	100.0	62	100.0

²⁵ Includes those from 2019 due to small numbers (<5)

Animals involved

Animal type

Dogs were specified as at least one of the types of animals involved in 60.3% of all charges. Cats were listed in 10.1% of charges. Charges with just dogs involved made up the vast majority (59.9%), followed by charges with just cats, wild animals and birds, horses and ponies, sheep and cattle and rabbits (Table 8). Other animal types – including those labelled as various but unspecified or mixed categories with small numbers (e.g. dog and cat or dog and other), were grouped together as other animal types.

That dogs are the most common animal involved is what we might expect and supports findings from previous research using animal welfare prosecutions e.g. Arluke and Luke (1997). The actual proportions were broadly similar to those seen in MSPCA cases (57.8%), although the proportion of cats involved here was less so – around 10% as compared to 26.9% by Arluke and Luke (1997). However, despite the similar figures we see for dogs, it is worth bearing in mind here the many differences between these study populations being limited to physical abuse cases in Massachusetts over 20 years ago.

Table 8. Type of animals involved in charge

Animals involved in charge	Frequency	%
Dog only	925	59.9
Cat only	154	10.0
Wild Animals & Birds	141	9.1
Horses & Ponies	101	6.5
Sheep & Cattle	64	4.1
Rabbit	36	2.3
Other (incl. mixed)	122	7.9
Total	1543	100.0

Animal type by charge type

For both Section 19 offences (unnecessary suffering) and Section 24 offences (ensuring welfare) under the 2006 Act the most common animal type involved was dogs (Table 9). Section 24 offences were less dominated by charges involving just dogs than Section 19 offences. For Section 29 offences (abandonment) more charges involved cats than dogs.

Table 9. Animal type by charge type for most common charge types

Most common charge types						
Animals involved in charge	AH&W Scotland Act 2006 Sect 19		AH&W Scotland Act 2006 Sect 24		AH&W Scotland Act 2006 Sect 29	
	Frequency	%	Frequency	%	Frequency	%
Dog only	626	68.2	150	52.4	22	36.7
Cat only	86	9.4	32	11.2	26	43.3
Horses & Ponies	58	6.3	29	10.1	*	*
Sheep & Cattle	39	4.2	18	6.3	*	*
Wild Animals & Birds	33	3.6	8	2.8	*	*
Rabbit	26	2.8	8	2.8	*	*
Other (incl. mixed)	50	5.4	41	14.3	10	16.7
Total	918	100.0	286	100.0	60	100.0

Note: Where * denotes numbers less than 5

Animal type by offence type

For all offence types with the exception of abandonment, dogs are the most common animals involved, although offences for failing to meet the needs of an animal as required, omitting to provide adequate nutrition and causing unnecessary suffering by an act saw this to a lesser degree (Table 10). For these offences there is a wider variety of other animals involved at a higher level. For offences causing unnecessary suffering by an act, dogs are closely followed by wild animals and birds as the most common victims. In addition,

as seen with charge type above, for offences related to abandonment cats are the most common animal involved, closely followed by dogs.

Table 10. Offence type by animals involved in charge (Note: Where * denotes numbers less than 5)

Animals involved in charge	Most common offence types											
	Omit to provide veterinary attention		Omit veterinary attention & adequate nutrition		Fail to meet the needs of an animal as required		Omit to provide adequate nutrition		Cause unnecessary suffering by an act		Abandonment	
	Frequency	%	Frequency	%	Frequency	%	Frequency	%	Frequency	%	Frequency	%
Dogs only	330	73.8	225	70.8	144	50.7	39	54.9	26	39.4	22	35.5
Cats only	51	11.4	16	5.0	33	11.6	5	7.0	14	21.2	27	43.5
Horses & Ponies	17	3.8	30	9.4	30	10.6	7	9.9	*	*	*	*
Sheep & Cattle	10	2.2	22	6.9	17	6.0	5	7.0	*	*	*	*
Wild Animals & Birds	5	1.1	*	*	8	2.8	*	*	21	31.8	*	*
Rabbit	10	2.2	11	3.5	8	2.8	5	7.0	*	*	*	*
Other (incl. mixed)	24	5.4	14 ²⁶	4.4	44	15.5	10 ²⁶	14.1	*	*	11	17.7
Total	447	100.0	318	100.0	284	100.0	71	100.0	66	100.0	62	100.0

²⁶ Includes wild animals and birds due to small numbers (<5)

Number of animals involved

The number of animals involved was recorded for 1,191 of the 1,543 charges (77.2%). This meant that detail for the number of animals involved was missing for the remaining 352 charges (22.8%). For charges where this detail was included, the average (median) number of animals involved was one (IQR=2) and most involved one (55.9%) or two animals (17.6%).

Charge by number of animals involved

Where this was recorded, the average number of animals involved varied slightly by charge type, although for all charge types with the exception of those from Section 1 of the Pet Animals Act 1951 (licensing of pet shops) and Section 23 (animal fighting) of the 2006 Act, it was most common for there to be one animal involved in the charge.

For charges under Section 19 (unnecessary suffering) of the 2006 Act the average (median) number of animals involved was one (IQR=1), where 67.0% of charges involved one animal and 16.3% involved two. For offences covered by Section 24 (ensuring welfare), the median number of animals involved was two (IQR=6), demonstrating that the number of animals involved tended to be higher and more varied than offences covered by Section 19. Compared to the two-thirds of Section 19 charges which involved one animal, just under one-third (32.1%) of Section 24 charges involved just one animal, with a further 21.8% involving two.

Section 29 (abandonment) offences also had a higher median value than Section 19 charges (median=2, IQR=2), but the lower IQR shows that there was less variation in the number of animals involved. For 47.8% of Section 29 charges, one animal was involved, whilst in 26.1% of charges, two were involved.

For the two charge types where the highest frequency of charges involved more than one animal, it was most common for them to involve three animals. This was the case for 20% of charges under Section 1 of the Pet Animals Act 1951 (unlicensed pet shops) and 43.5% of those under Section 23 of the 2006 Act (animal fights). This is to be expected given these types of charges, where the nature and motivation of these offences might make them more likely to involve more than one animal – depending on the specific type of offence. However, in each of these charge types the numbers of charges represented is relatively low. For those under Section 1 of the Pet Animals Act 1951 this detail was missing for 68.8% of charges. For Section 23 offences from the

2006 Act, although the picture is more complete - just 17.9% missing detail on the number of animals involved, the overall number of these charges in the data is still relatively low – 28 overall and 23 with detail on the number of animals involved.

Offence by number of animals involved

The average number of animals involved also varied by the type of offence and was similar to charge type. This is because many of the specific offence types fall under one or another of the main charge types (see section 4.1).

Offences omitting to provide veterinary treatment had an average (median) of one (IQR=0) animal involved in a charge. The very low IQR demonstrates how little this tended to deviate from the average – 76.5% of these offences involved one animal and 13.3% involved two. Similarly, for offences omitting to provide both veterinary treatment and adequate nutrition, the average number of animals involved was again one (IQR=1). The IQR in this case was slightly higher, reflecting the increased variability of the number of animals in these charges compared to offences for the omission of veterinary treatment alone. However, the majority (58.7%) of these offences did involve just one animal, with 19.2% involving two.

As most of the offences for failing to meet an animals needs as required were for charges listed as Section 24 from the 2006 Act (97.9%), it is as expected that we see the same average number of animals involved in these offences (median=2, IQR=7) and a similar proportion which involve one (31.3%) or two (21.9%) animals. Likewise, nearly all offences for abandonment were recorded with a charge type of Section 29 from the 2006 Act (96.8%) and it is therefore unsurprising that we see the same average number of animals involved in these offences (median=2, IQR=2) and a similar proportion of those involving one (47.8%) or two (26.1%) animals.

Offences for omitting to provide adequate nutrition also had an average (median) of two (IQR=2) animals involved, with just under half (48.4%) involving one animal and just under a quarter (23.4%) involving two. Causing unnecessary suffering by an act involved an average of one (IQR=1) animal, where 62.2% were recorded as involving one and 26.1% involving two. However, for this offence, details on the number of animals involved was missing in 43.9% of charges. This is perhaps in part due to the type of animals involved in these cases, where nearly a third involved wild animals or birds (see Table 10).

Outcome of charge

Guilty plea

Of all charges, 45.7% (n=705) were listed as having pled guilty and 54.3% (n=838) either did not pled guilty or were not specifically listed as having done so.²⁷ Of those pleading guilty, 97.3% (n=686) of these were in court and 2.7% (n=19) were to the PF. Due to time constraints this has not been broken down by charge type or offence, but could be a possible avenue for future research if desired.

Outcome

Over half (56.5%) of all charges resulted in a guilty verdict in court (Table 11). All but two of these would be classed as a conviction²⁸ meaning 56.4% of charges resulted in a conviction. This rate of conviction is lower than that reported by the RSPCA (2018) of around 92% between 2016 and 2018. However, these figures cannot be directly compared due to methodological differences. As is typical in calculations of conviction rates, the RSPCA figures may only include those proceeded against. They also represent persons rather than charges. Accounting for charges proceeded against only (and excluding charges dealt with using fiscal measures), the conviction rate here rises to 84.4% - although this is still representative of charges only, not persons.

Just over a fifth (21.7%) of all charges did not lead to proceedings and 11.4% resulted in fiscal measures. There was a verdict of not guilty for 7.1% of charges, the case was dropped for 2.3% and a small number received a verdict of not proven (0.8%).

²⁷ We can only tell if a guilty plea was entered if this has been specifically stated in the result look up field. For some charges it is possible that such a plea was entered but is not recorded.

²⁸ Two of the charges resulted in an absolute discharge. When tried in Summary proceedings this does not result in a conviction.

Table 11. Outcome of charge

Outcome of charge	Frequency	%
Guilty in court	871	56.5
No proceedings	335	21.7
Fiscal measures	176	11.4
Not guilty in court	110	7.1
Case dropped ²⁹	36	2.3
Not proven	13	0.8
Total ³⁰	1541	100.0

Outcome by charge

For all charge types, a guilty verdict in court was the most common outcome (Table 12). For Section 19 and 24 of the 2006 Act and Section 11 of the Wildlife and Countryside Act 1981, the next most common outcome was for there to be no proceedings, although this was more common for charges using Section 24 (26.6%) than both Section 19 (19.0%) and Section 11 (Wildlife and Countryside Act 1981) charges (16.0%). For charges under Section 29 of the 206 Act, there were more fiscal measures than those resulting in no proceedings. There was also a higher proportion of fiscal measures (20.0%) when compared to other charge types. For Section 11 charges from the Wildlife and Countryside Act 1981 there were a higher proportion of outcomes of not guilty or for the case to be dropped than other charge types. However, the numbers here are relatively small and should be treated with caution.

Outcome by offence

For all types of offence the most common outcome was for a charge to result in a guilty verdict in court (Table 13). For most offences the next most frequent outcome was for no proceedings. For charges of abandonment, there were similar numbers receiving Fiscal measures (19.4%) as resulting in no proceedings (17.7%). There was a higher proportion of charges resulting in no

²⁹ Includes charges listed as dropped, deserted, abandoned, discontinued or dismissed.

³⁰ Two charges were recorded as 'other result' and were classed as missing.

proceedings for failing to meet the needs of an animal as required (26.8%) and for causing unnecessary suffering (25.8%) when compared to all other offence types. There were also lower proportions of these offences leading to a not guilty or not proven verdict when compared to most other offence types.

Table 12. Outcome of charge by charge type (Note: Where * denotes numbers less than 5)

Outcome of charge	Most common charge types							
	AH&W Scotland Act 2006 Sect 19		AH&W Scotland Act 2006 Sect 24		AH&W Scotland Act 2006 Sect 29		Wildlife & Countryside Act 1981 Sect 11	
	Frequency	%	Frequency	%	Frequency	%	Frequency	%
Guilty in court	541	59.1	156	54.5	33	55.0	27	54.0
Not guilty in court	69	7.5	12 ³¹	4.2	*	*	7	14.0
Not proven	6	0.7	*	*	*	*	*	*
Fiscal measures	109	11.9	36	12.6	12	20.0	*	*
No proceedings	174	19.0	76	26.6	11	18.3	8	16.0
Case dropped ³²	17	1.9	6	2.1	*	*	5	10.0
Total	916	100.0	286	100.0	60	100.0	50	100.0

³¹ Includes a small amount of those with a verdict of not proven due to small numbers (<5)

³² Includes charges listed as dropped, deserted, abandoned, discontinued or dismissed.

Table 13. Outcome of charge by most common offence types (Note: Where * denotes numbers less than 5)

Outcome of charge	Most common offence types											
	Omit to provide veterinary attention		Omit veterinary attention & adequate nutrition		Fail to meet the needs of an animal as required		Omit to provide adequate nutrition		Cause unnecessary suffering by an act		Abandonment	
	Frequency	%	Frequency	%	Frequency	%	Frequency	%	Frequency	%	Frequency	%
No proceedings	76	17.0	67 ³³	21.1	76	26.8	13 ³³	18.6	17	25.8	11	17.7
Fiscal measures	66	14.8	29	9.1	36	12.7	8	11.4	6	9.1	12	19.4
Guilty in court	253	56.7	197	61.9	155	54.6	42	60	38	57.6	35	56.5
Not guilty in court / Not proven	39	8.7	25	7.8	11	3.9	7	10	*	*	*	3.2
Case dropped ³⁴	12	2.7	*	*	6	2.1	*	*	*	*	*	3.2
Total	446	100.0	318	100.0	284	100.0	70	100.0	66	100.0	62	100.0

³³ Includes a small number of those where the case was dropped due to small numbers (<5)

³⁴ Includes charges listed as dropped, deserted, abandoned, discontinued or dismissed.

Charge type by conviction

For all charge types except those charged under Section 1 of the Wildlife and Countryside Act 1981 (protection of wild birds, their nests and eggs), over half resulted in a conviction (Table 14). However, there was no statistically significant relationship between charge type and the likelihood of a conviction.

Table 14. Charge type by whether charge resulted in conviction

Most common charge types	Outcome of charge conviction					
	No		Yes		Total	
	Frequency	%	Frequency	%	Frequency	%
AH&W Scotland Act 2006 Sect 19	377	41.2	539	58.8	916	100.0
AH&W Scotland Act 2006 Sect 24	130	45.5	156	54.5	286	100.0
AH&W Scotland Act 2006 Sect 29	27	45.0	33	55.0	60	100.0
Wildlife & Countryside Act 1981 Sect 11	23	46.0	27	54.0	50	100.0
Pet Animals Act 1951 Sect 1	16	50.0	16	50.0	32	100.0
Wildlife & Countryside Act 1981 Sect 1	16	53.3	14	46.7	30	100.0
AH&W Scotland Act 2006 Sect 23	9	32.1	19	67.9	28	100.0
Total	598	42.7	804	57.3	1402	100.0

Offence type by conviction

With the exception of charges listed as offering for sale without relevant licence, over half of all offence types resulted in a conviction (Table 15). Although the conviction rate for offences offering for sale without a relevant licence appears much lower than all other offences (31.3%), and offences for

the breach of disqualification order much higher (76.5%), no statistically significant relationship was found between offence type and whether the charge resulted in a conviction or not. This may be in part due to the relatively low numbers observed.

Table 15. Offence type by whether charge resulted in conviction

Most common offence types	Outcome of charge conviction					
	No		Yes		Total	
	Frequency	%	Frequency	%	Frequency	%
Omit to provide veterinary attention	195	43.7	251	56.3	446	100.0
Omit veterinary attention & adequate nutrition	121	38.1	197	61.9	318	100.0
Fail to meet the needs of an animal as required	129	45.4	155	54.6	284	100.0
Omit to provide adequate nutrition	28	40.0	42	60.0	70	100.0
Cause unnecessary suffering by an act	28	42.4	38	57.6	66	100.0
Abandonment	27	43.5	35	56.5	62	100.0
Set in position trap to cause injury to any animal	6	35.3	11	64.7	17	100.0
Breach of disqualification order	4	23.5	13	76.5	17	100.0
Offer for sale without relevant licence	11	68.8	5	31.3	16	100.0
Have in possession of control wild birds	6	42.9	8	57.1	14	100.0
Total	555	42.4	755	57.6	1310	100.0

Sentencing

Disposal

Of those we would expect to have a disposal recorded, that is, had a guilty result in court or received fiscal measures, the PF gave a warning in 12.2% of charges and a fine for 4.6%. Over half (53.6%) received a disqualification order and just over a third (34.3%) were given a fine in court (Table 16).

Of charges with a guilty result in court only, nearly two-thirds (64.2%) received a disqualification order, 41.2% were given a fine and just over a fifth (21.7%) received a community payback order (CPO). The relatively high numbers of disqualification orders in comparison to other disposal types may be in part due to the fact that although under Section 40 of the 2006 Act there is no explicit presumption that a disqualification order be made for these convictions, there is a requirement for the court to state the reasons for not doing so if this was not done.

Table 16. Disposal type

Disposal type	Disposal received					
	Yes		No		Total	
	Frequency	%	Frequency	%	Frequency	%
Fine - Procurator Fiscal	48	4.6	999	95.4	1047	100.0
Warning - Procurator Fiscal	128	12.2	919	87.8	1047	100.0
Fine - Court	359	34.3	688	65.7	1047	100.0
Disqualification order	561	53.6	486	46.4	1047	100.0
Deprivation order	75	7.2	972	92.8	1047	100.0
Prison time	64	6.1	983	93.9	1047	100.0
Community service	28	2.7	1019	97.3	1047	100.0
Community payback order	189	18.1	858	81.9	1047	100.0
Supervision order	37	3.5	1010	96.5	1047	100.0

Many charges resulted in an outcome of more than one disposal type. The most common outcome for charges with a guilty result in court or receiving a fiscal measure was a disqualification order and a court fine (19.1%) (Table 17).

Table 17. Most common disposal types

Most common disposal(s)	Frequency	%
Disqualification order and Court fine	200	19.1
Court fine	131	12.5
Fiscal warning	126	12.0
CPO and Disqualification order	111	10.6
Disqualification order	92	8.8
Fiscal fine	48	4.6
Prison time and Disqualification order	41	3.9
CPO	35	3.3
Deprivation order and Disqualification order	21	2.0
Community service and Disqualification order	18	1.7
Deprivation order, Disqualification order and Court fine	14	1.3
Supervision order and Disqualification order	14	1.3
Prison time, Deprivation order and Disqualification order	13	1.2
Supervision order, CPO and Disqualification order	11	1.1
Other	57	5.4
Total	932	89.0
Missing	115	11.0
Total	1047	100.0

This was followed by a court fine (12.5%) and a fiscal warning (12.0%). For 11% of the charges that resulted in fiscal measures or a guilty verdict there

was no disposal recorded. Of these, over half (56.5%) were admonished or received an absolute discharge, meaning the it would not be unexpected for these charges to have no disposal recorded. The remaining 41.7% of those missing a disposal pled guilty and therefore a disposal might have been expected.

Disposal by charge

For all of the most common charge types from the 2006 Act, over half of all charges with a guilty verdict or subject to PF measures resulted in a disqualification order (Table 18). Although there were relatively few charges for offences covered by Section 23 (animal fighting), all of those with a guilty verdict in court received a disqualification order. For offences covered by Section 19 (unnecessary suffering) and Section 24 (abandonment), the proportion of those receiving a disqualification order was lower, accounting for 65.6% of Section 19 and 73.7% of Section 24 charges with a guilty outcome in court.

For Section 23 charges with a guilty verdict in court, a higher proportion also received prison time (68.4%) than any of the other most common charge types under the 2006 Act (i.e. 9.0% for Section 24 and 5.0% for Section 19). This is perhaps not surprising considering the seriousness and intentionality of such offences.

Table 18. Disposal type by charge type (Note: Where * denotes numbers less than 5)

AH&W Scotland Act 2006 Section									
Disposal type	Section 19		Section 24		Section 29		Section 23		
	Frequency	%	Frequency	%	Frequency	%	Frequency	%	
Fine - Procurator Fiscal	38	5.8	*	*	*	*	*	*	
Warning - Procurator Fiscal	71	10.9	34	17.7	8	17.8	*	*	
Fine - Court	226	34.8	58	30.2	17	37.8	*	*	
Disqualification order	356	54.8	116	60.4	23	51.1	19	95.0	
Deprivation order	43	6.6	20	10.4	*	*	5	25.0	
Prison time	27	4.2	14	7.3	*	*	13	65.0	
Community service	16	2.5	6	3.1	*	*	*	*	
Community payback order	120	18.5	34	17.7	6	13.3	*	*	
Supervision order	23	3.5	11	5.7	*	*	*	*	

For all of the three most common charge types from the 2006 Act, receiving both a disqualification order and a court fine was most common (Table 19). For Section 23 offences (animal fighting), the most common disposal was a disqualification order together with prison time (40.0%) – although this is again based on relatively low numbers of such offences (n=8 charges).

Disposal by offence

For all of the most common offence types bar causing unnecessary harm, over half of all charges where a disposal was recorded were given a disqualification order (Table 20). For offences causing unnecessary suffering, just under a third (31.8%) of all charges received a disqualification order and 38.6% received a fine in court. A quarter (25%) also received a community payback order. The differences seen for this offence type are most likely due in part to the typical animals involved, where as we can see from Table 10 previously, many of the animals involved in these offences were wild animals or birds.

Again, for all offence types with the exception of causing unnecessary suffering, the most common disposal for those with a disposal recorded was to receive both a disqualification order and a court fine (Table 21). For offences related to the causing of unnecessary suffering, the most frequent disposal was to receive a court fine but no disqualification order. This again could be explained by the higher number of wild animals and birds involved in these offences.

Table 19. Most common disposal types by charge type (Note: Where * denotes numbers less than 5)

Most common disposal(s)	Most common charge types					
	AH&W Scotland Act 2006 Sect 19		AH&W Scotland Act 2006 Sect 24		AH&W Scotland Act 2006 Sect 29	
	Frequency	%	Frequency	%	Frequency	%
Disqualification order and Court fine	132	22.5	38	21.8	10	23.3
Court fine	78	13.3	15	8.6	5	11.6
Fiscal warning	70	11.9	33	19.0	8	18.6
CPO and Disqualification order	77	13.3	19	10.9	*	*
Disqualification order	67	11.6	17	9.8	6	14.0
Fiscal fine	38	6.5	*	*	*	*
Prison time and Disqualification order	17	2.9	8	5.2	*	*
CPO	20	3.6	*	*	*	*
Deprivation order and Disqualification order	13	2.2	7	4.0	*	*
Community service and Disqualification order	10	1.7	*	*	*	*
Deprivation order, Disqualification order and Court fine	10	1.7	*	*	*	*

Most common charge types

Most common disposal(s)	AH&W Scotland Act 2006 Sect 19		AH&W Scotland Act 2006 Sect 24		AH&W Scotland Act 2006 Sect 29	
	Frequency	%	Frequency	%	Frequency	%
Other	51	8.8	27	15.4	*	*
Total	583	100.0	173	100.0	43	100.0

Table 20. Disposal by offence type (Note: Where * denotes numbers less than 5)

Disposal type	Most common offence types											
	Omit to provide veterinary attention		Omit veterinary attention & adequate nutrition		Fail to meet the needs of an animal as required		Omit to provide adequate nutrition		Cause unnecessary suffering by an act		Abandonment	
	Frequency	%	Frequency	%	Frequency	%	Frequency	%	Frequency	%	Frequency	%
Fine - Procurator Fiscal	20	6.3	13	5.8	*	*	*	*	*	*	*	*
Warning - Procurator Fiscal	46	14.4	16	7.1	34	17.8	6	12.0	*	*	*	*
Fine - Court	107	33.5	85	37.6	59	30.9	14	28.0	17	38.6	18	38.3
Disqualification order	161	50.5	137	60.6	116	60.7	32	64.0	14	31.8	24	51.1
Deprivation order	21	6.6	13	5.8	19	9.9	7	14.0	*	*	*	*
Prison time	9	2.8	6	2.7	16	8.4	*	*	*	*	*	*
Community service	6	1.9	8	3.5	6	3.1	*	*	*	*	*	*
Community payback order	51	16	45	19.9	33	17.3	8	16.0	11	25	7	14.9
Supervision order	7	2.2	12	5.3	10	5.2	*	*	*	*	*	*

Table 21. Most common disposal types by offence type (Note: Where * denotes numbers less than 5)

Most common disposal(s)	Most common offence types											
	Omit to provide veterinary attention		Omit veterinary attention & adequate nutrition		Fail to meet the needs of an animal as required		Omit to provide adequate nutrition		Cause unnecessary suffering by an act		Abandonment	
	Frequency	%	Frequency	%	Frequency	%	Frequency	%	Frequency	%	Frequency	%
Disqualification order and Court fine	61	21.5	55	27.1	38	21.8	9	20.0	5	13.5	10	22.2
Court fine	38	13.4	26	12.8	16	9.2	*	*	10	27.0	6	13.3
Fiscal warning	46	16.2	15	7.4	33	19.0	6	13.3	*	*	8	17.8
CPO and Disqualification order	34	12.0	32	15.8	19	10.9	*	*	*	*	*	*
Disqualification order	38	13.4	21	10.3	17	9.8	8	17.8	*	*	6	13.3
Fiscal fine	20	7.0	13	6.4	*	*	*	*	*	*	*	*
Prison time and Disqualification order	*	*	*	*	10	5.7	*	*	*	*	*	*

Most common offence types												
Most common disposal(s)	Omit to provide veterinary attention		Omit veterinary attention & adequate nutrition		Fail to meet the needs of an animal as required		Omit to provide adequate nutrition		Cause unnecessary suffering by an act		Abandonment	
	Frequency	%	Frequency	%	Frequency	%	Frequency	%	Frequency	%	Frequency	%
CPO	7	2.5	6	3.0	*	*	*	*	5	13.5	*	*
Deprivation order and Disqualification order	8	2.8	*	*	7	4.0	*	*	*	*	*	*
Other	32 ³⁵	11.4	28	13.9	30	17.1	9	20.0	*	*	*	*
Total	284	100.0	203	100.0	174	100.0	45	100.0	37	100.0	45	100.0

³⁵ Includes those with Prison time and Disqualification order due to small numbers (<5)

***In cumulo* sentencing**

Many of the charges were sentenced *in cumulo* (n= 524, 34%)³⁶ – meaning they involved more than one charge in a sentence. Of those that were sentenced *in cumulo*, most (55.7%) involved two charges (Table 22). Further work could be done to look at the types of charges or offences that are sentenced together and how these might differ from charges overall - although it is likely that many of these will be combinations of the most common charge types e.g. Section 19 and Section 24 of the 2006 Act.

Table 22. Number of charges included in in cumulo sentences

Number of charges sentenced <i>in cumulo</i>	Frequency	%
2	292	55.7
3	81	15.5
4	56	10.7
5	70	13.4
6	18	3.4
7	7	1.3
Total	524	100.0

Disposal amounts

Table 23 shows the average (median) disposal amounts and interquartile range for each of the disposal types. The average fine amount was £300 overall, £360 for those given in court and £200 for those given by the PF. The average length of a disqualification order was 60 months (five years) and the average custodial sentence was eight months. The average community service time given was 220 hours – although it is possible there may be issues here with inconsistencies in the units used when recording this variable i.e. this is labelled as months but would be expected to be reported in hours. This may have led to hours/months being used interchangeably and care should be taken when considering this amount. The

³⁶ A charge was classed as having been sentenced *in cumulo* if the person and case ID and penalty were all the same. In theory, although not as likely, it is possible that some of these were actually different sentences with an individual given more than one sentence of the same type and amount.

average CPO time was 110 hours and supervision orders were given for an average of 12 months.

Table 23. Average disposal amounts

Average disposal amounts	Frequency	Median	IQR
Fine - Overall (£)	410	300	312.5
Fine - Procurator Fiscal (£)	46	200	100
Fine - Court (£)	359	360	375
Disqualification order length (months)	564	60	84
Prison (months)	65	8	5
Community Service (hours)	28	220	100
Community Payback Order (hours)	190	145	110
Supervision Order (months)	36	12	6

Disposal amounts by charge and offence type

In cumulo sentencing presents a challenge for establishing the average penalties and proportions of maximum penalties given for individual charges or offence types. This is because it is not possible to separate how much of the sentence is due to the individual charge or offence. It is possible to calculate average disposal amounts by individual charge and offence types for just those charges not sentenced *in cumulo* (n=1,019, 66.0%). For Section 19 offences the average (median) fine amount was £250, just 1.25% of the £20,000 maximum available penalty for this charge. Of the 12 months available prison time, the average (median) time given was five months, representing 41.7% of the available maximum penalty. However, average prison time was calculated using only seven of the 27 charges receiving custodial sentences for Section 19 offences once *in cumulo* sentences were removed. These seven charges are not likely to be a true representation of all 27 Section 19 charges receiving this disposal.

This analysis is limited by the low numbers in each of the charge and offence types when broken down by disposal and will therefore not be presented on any other charge types. This may be something worth pursuing in future research with a larger set of data.

Demographic characteristics of offenders

Age

The average (mean) age on offence date for all charges³⁷ was 41.3 years (SD=12.1), with 6.5% under 21 years. This is similar to the average age observed in previous research (Arluke and Luke, 1997; Garrett, 2019). However, as this analysis was calculated at the level of charge, not individual persons, future research may wish to calculate this also at the person level. Future analysis may also be possible to look at the differences in charge or offence types by age, in particular where difference may exist between adult and juvenile offenders. For example, where previous research has suggested age related differences in animal type and whether offences are committed alone or as part of a group (Arluke and Luke, 1997).

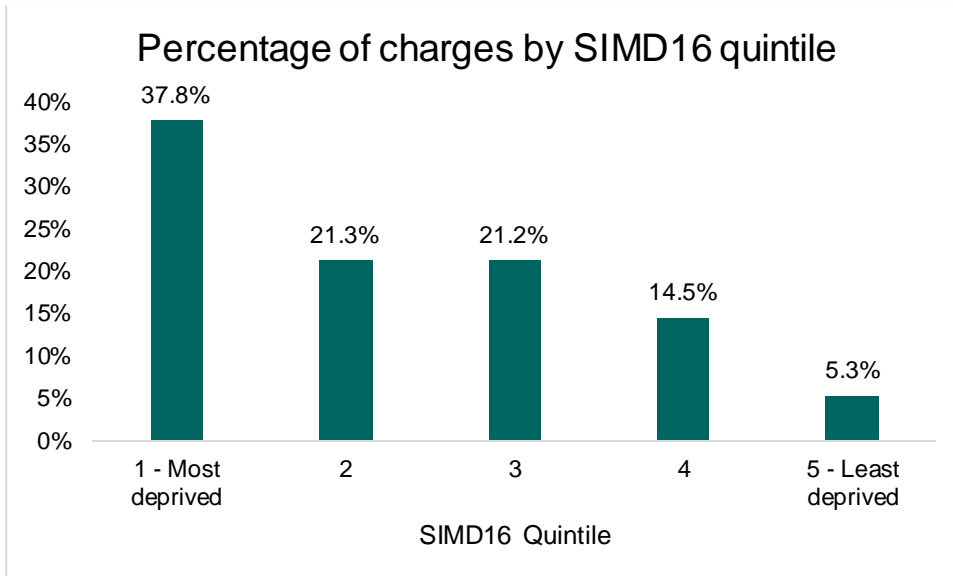
Area-based deprivation – SIMD16

Postcode details were provided and converted to 2011 datazone and matched with an area based-measure of multiple deprivation (SIMD16). It is unclear whether these were the postcode details of the address details of the person charged or the locus of offence (i.e. where this took place). Those missing postcode details or with postcodes out with Scotland were excluded from this analysis (5.6%).

As can be seen from Figure 5, over a third (37.8%) of all charges were from the 20% most deprived areas in Scotland, whilst 5.3% were from the 20% least deprived areas in Scotland.

³⁷ This excludes a small number of charges where the accused was aged under 9 years on the offence date Excluding a small number with missing or erroneous dates (n=10).

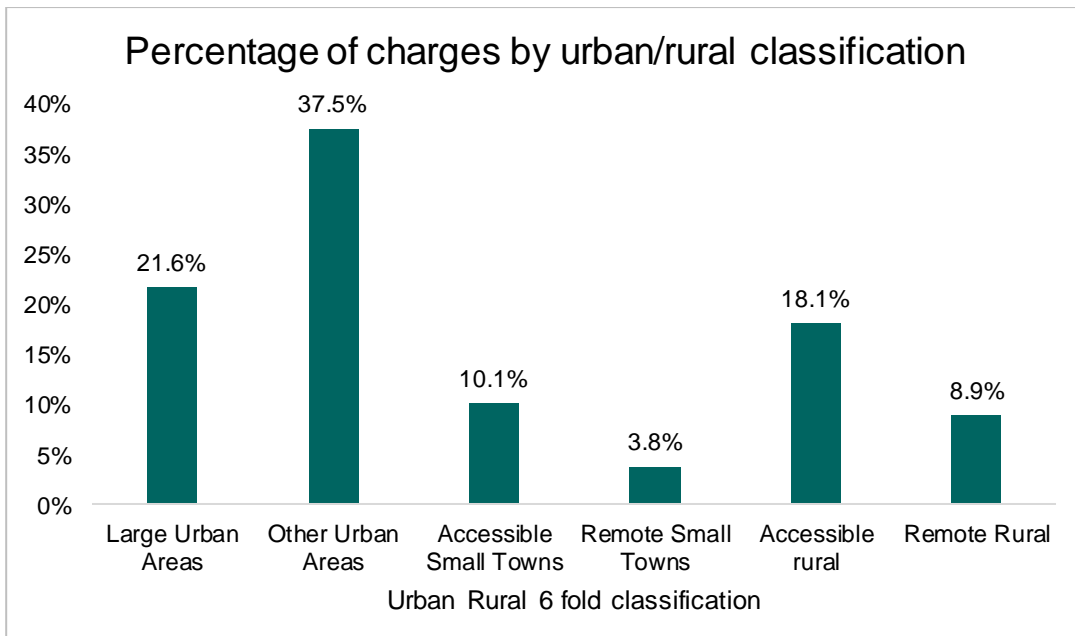
Figure 5. Percentage of charges by SIMD16 quintile



Urban/rural classification

The location details of the charge were matched to the 2013-14 urban rural six-fold classification. Figure 6 shows how over half of all charges were from urban areas (59.81%), with the remaining charges from small towns (13.9%) or rural areas (27.0%). Those missing postcode details or with postcodes out with Scotland were excluded from this analysis (5.6%).

Figure 6. Percentage of charges by 2013-14 6-fold urban/rural classification



Local authority area

Where postcode details were available and within Scotland (94.4% of charges), local authority (LA) area was matched to each charge record. The highest

frequency of charges came from South Lanarkshire (9.0%), Fife (8.2%) and Glasgow City (8.0%) (Table 24). As some of the larger LA's this is perhaps not surprising, although the City of Edinburgh saw relatively fewer charges (3.8%), despite being the second most populated LA in Scotland. More analysis accounting for population size would need to be carried out to look for any significant differences between LA's.

Table 24. Local authority

Local authority	Frequency	%
South Lanarkshire	131	9.0
Fife	119	8.2
Glasgow City	117	8.0
Aberdeenshire	114	7.8
North Lanarkshire	111	7.6
Falkirk	59	4.1
City of Edinburgh	55	3.8
Highland	53	3.6
Dumfries and Galloway	50	3.4
West Lothian	49	3.4
Aberdeen City	47	3.2
Stirling	45	3.1
West Dunbartonshire	44	3.0
Moray	41	2.8
Renfrewshire	41	2.8
Scottish Borders	38	2.6
East Ayrshire	37	2.5
East Lothian	37	2.5
Angus	32	2.2
North Ayrshire	31	2.1

Local authority	Frequency	%
South Ayrshire	31	2.1
Perth and Kinross	28	1.9
Argyll and Bute	26	1.8
Clackmannanshire	24	1.6
Dundee City	21	1.4
Inverclyde	18	1.2
Midlothian	16	1.1
East Dunbartonshire	12	0.8
Shetland Islands	9	0.6
East Renfrewshire	8	0.5
Orkney Islands	7	0.5
Na h-Eileanan an Iar	5	0.3
Total	1456	100.0

Conclusions

Key findings

The study included 1,543 charges reported to the Crown Office and Procurator Fiscal Service (PF) by the Scottish SPCA, for animal welfare offences dated 1 January 2011 up until 23 July 2019. There were 873 legal cases involving 1,065 persons. Just under half of these cases (45.7%) involved more than one charge and around a fifth (21.8%) involved more than one person. However, less than 2% of cases involved more than five charges or more than two persons. Overall, the median number of charges and persons involved in a case was one. For cases with more than one charge, the median number of charges was two. For cases where there was more than one person involved the median number of persons involved was two.

Of the 1,065 persons, 30.1% of these had more than one charge from at least one of the cases for which they involved. At least 12 (1.1%) persons were involved in more than one case. Overall, the median number of charges and cases per person was one. For persons with more than one charge, the median number of charges was two. For persons with more than one case the median number of cases was two.

The number of charges rose from 2011 up until 2013, where from 2014 the number declined year on year. The proportion of charges that led to a conviction also varied by year of offence. The was lowest for offences in 2015 (44%) and highest in 2013, where 68.0% of charges led to a conviction.

The reasons for each of these findings require further interrogation of the data and wider policy and practice. Consultation with the Scottish SPCA and Scottish Government policy teams may be able to provide further avenues of investigation in this area. For example, it is possible that we see a peak in 2013 due to increased awareness from campaigns or events, a change in policy or practice, or even a change in staffing at the Scottish SPCA Special Investigations Unit or PF. It may also be useful to consider other aspects of the data itself, such as the types of offence, or how many people or cases were involved by year e.g. where there may have been spate of larger or more serious cases around this time with more people or charges, or even where recording practices may have differed, leading to differences in the data quality itself.

The most common charge type was those covered by Section 19 of the Animal Health and Welfare (Scotland) 2006 Act for unnecessary suffering (59.5%). This was followed by charges under Section 24 (18.5%) for failures to ensure the

welfare of animals. Together, these two charge types made up 78% of all charges reported to the PF by the Scottish SPCA with offence dates from 2011 onwards. This is similar to what we might expect given research from Scotland by Battersea Dogs and Cats Home (2017) and the RSPCA (2018) in England and Wales.

The most common offence type was to omit to provide veterinary attention. This represented 29% of all charges. A further 20% of charges were for offences omitting both veterinary attention and adequate nutrition, whilst 18.4% of offences were for failings to meet the needs of an animal. These three most common offence types made up over two-thirds of all charges (68.2%). It is not possible to compare these findings to those from previous research as this is detail not collected by other organisations.

Dogs were specified as at least one of the types of animals involved in 60.3% of all charges. This is similar to what we might expect from previous research (e.g. Arluke and Luke, 1997). Cats were listed in 10.1% of charges which is slightly less than we might have expected based on Arluke and Luke (1997). One possible reason for this could be due to the higher numbers of adolescents observed in the MSPCA files, where Arluke and Luke (1997) also found this age group to be more likely to abuse cats. In addition, many differences in methodology, location and time make these findings difficult to compare directly.

For most offences under the 2006 Act, dogs were the most common animal type involved. However, for Section 29 offences (abandonment) more charges involved cats than dogs. This is a finding that might be interesting to explore further in future research.

Overall, the median number of animals involved in a charge was one and most involved either one (55.9%) or two animals (17.6%). For Section 24 (failing to ensure welfare) and Section 29 (abandonment), offences tended to involve more than one animal, with two animals involved on average.

Just over a fifth (21.7%) of all charges did not lead to proceedings and 11.4% resulted in PF measures. There was a verdict of not guilty for 7.1% of charges, the case was dropped for 2.3% and a small number received a verdict of not proven (0.8%). Over half (56.4%) of all charges resulted in a conviction. This is lower than the conviction rate reported by the RSPCA (2018) of around 92% between 2016 and 2018. However, these figures cannot be directly compared due to methodological differences. As is typical in calculations of conviction rates, the RSPCA figures may only include those proceeded against. They also represent persons rather than charges. Accounting for charges proceeded against only (and excluding charges dealt with using fiscal measures), the conviction rate here rises to 84.4% - although this is still representative of charges only, not persons. This is a

similar conviction rate to that reported for *persons* proceeded against in Scotland overall (86% in 2016-17).³⁸ The RSPCA do not have the same authority as a reporting agency to the Crown Prosecution Service in England and Wales and prosecutions are pursued privately. This may have some impact on the cases that are taken forward and therefore have influence on resultant conviction rates.

Just under half (45.7%) of all charges were listed as having pled guilty, with 54.3% either listed as having pled not guilty or had no detail for whether this was done so or not. Of those listed as having pled guilty, nearly all of these (97.3%) were in court, with the remaining 2.7% listed as pleading guilty to the PF. This has not been broken down by charge or offence type due to time constraints, but is something that could be considered during future analysis of the data. In addition, no analysis was carried out here on any sentencing discounts that may have been offered as a result of a guilty plea. This discount is not automatically applied when an individual pleads guilty, meaning it might be worth recording whether or not this was taken into account at the time of sentencing.

Many charges resulted in an outcome of more than one disposal type with the most common outcome for charges with a court or fiscal disposal being both a disqualification order and a court fine (19.1%). Under Section 40 of the 2006 Act there is no explicit presumption that a disqualification order be made for these convictions. Yet, there is a requirement for the court to state the reasons for not doing so if this was not done. This is similar to animal welfare legislation applicable to England and Wales, where some have argued that such a stipulation makes it difficult for magistrates to choose not to use such measures (Ryan and Pavey, 2007). This may be in part why of charges with a guilty result in court, nearly two-thirds (64.2%) received a disqualification order. However, no further detail on the specific type of disqualification order, such as the situations in which this apply (owning or working), or type of animals this applies was not included in this data. This might be of interest for some avenues of future research.

Just over a third (34.3%) of charges received a fine in court and 4.6% received a fine from the PF. The average (median) fine amount was £300 overall, £360 for those given in court and £200 for those given by the PF. The average (median) length of a disqualification order was 60 months (five years) and the average (median) custodial sentence was eight months. The latter of these – custodial sentences, were used relatively infrequently (in less than 10% of charges), although this occurred more often for Section 23 offences from the 2006 Act related to dog

³⁸ <https://www.gov.scot/publications/criminal-proceedings-scotland-2016-17/pages/5/>

fighting, where 68.4% of those convicted were given prison time. This is perhaps not unexpected given the seriousness and intentionality of such offences.

Although there were relatively few charges for offences covered by Section 23 (animal fighting), all of those with a guilty verdict in court received a disqualification order. For offences covered by Section 19 (unnecessary suffering) and Section 24 (abandonment), the proportion of those receiving a disqualification order was lower, accounting for 65.6% of Section 19 and 73.7% of Section 24 charges with a guilty outcome in court.

Charges sentenced together – known as '*in cumulo*' sentencing - limit the amount of analysis that can be done to look at specific penalty amounts by specific types of offence. In addition, numbers in these categories tend to be relatively small once broken down to this level, further limiting what can be achieved. This is not something that can be easily rectified and generally leads to the exclusion of such charges from these types of analysis. Future work could be done to look at these *in cumulo* sentences and how they might differ from charges overall.

Despite these complications it was possible to establish that of those charges not sentenced *in cumulo*, the average (median) fine amount for Section 19 offences was £250, just 1.25% of the £20,000 maximum available penalty for this charge. Of the 12 months available prison time, the average (median) time given was five months, representing 41.7% of the available maximum penalty. However, average prison time was calculated using only seven of the 27 charges receiving custodial sentences for Section 19 offences once *in cumulo* sentences were removed. These seven charges are not likely to be a true representation of all 27 Section 19 charges receiving this disposal. In particular as those excluded were those sentenced *in cumulo* and therefore involved multiple charges – possibly representing the more serious offences with longer sentences. This, along with the relatively low numbers, may help explain why the median is lower than that previously stated for all charges combined, despite being one of the more serious types of offence.

The average (mean) age on offence date for all charges was 41.3 years, with 6.5% under 21 years. Previously cited research found a similar average age for offences related to animal welfare (Arluke and Luke, 1997; Garrett, 2019), although this did vary by the type of animal and offence in some cases (Arluke and Luke, 1997). This analysis not carried out here but may be possible in future research - in particular where difference may exist between adult and juvenile offenders. For example, previous research has found that adolescent offenders may be more likely to act as part of a group (Arluke and Luke, 1997). In addition, as this analysis was calculated at the level of charge, not individual persons, future research may also wish to calculate this at the person level.

Postcode details were provided and converted to 2011 datazone so they could be matched with an area based-measure of multiple deprivation (SIMD16), urban/rural classifications and local authority (LA) area. This analysis showed that over a third (37.8%) of all charges were from the 20% most deprived areas in Scotland, compared to just 5.3% from the 20% least deprived areas in Scotland. In addition, over half of all charges were from urban areas (59.1%), with the remaining charges from small towns (13.9%) or rural areas (27.0%). The highest frequency of charges came from South Lanarkshire (9.0%), Fife (8.2%) and Glasgow City (8.0%). As some of the larger LA's this is perhaps not surprising, although the City of Edinburgh saw relatively fewer charges (3.8%), despite being the second most populated LA in Scotland. More analysis accounting for population size would need to be carried out to look for any significant differences between LA's. However, within this data it was unclear whether the postcode details provided were those of the address details of the person charged or the locus of offence, that is, where this took place.

Suggestions for future research

Throughout this report, analysis has typically focussed on fairly specific types of offence. However, throughout the research literature related to animal welfare it is claimed that there is a need for more consistent and standardized terminology when discussing animal cruelty and abuse. For example, Munro and colleagues have argued that the adoption of child abuse terminology in cases of animal abuse may help to eliminate confusion and subjectivity and provide a 'common language' (Munro and Thrusfield, 2001). This would involve using terms such as physical, emotional or sexual abuse and neglect – although it is acknowledged that such terms are not mutually exclusive. For this study the intention was to produce some analysis classifying charges by such types of abuse. However, more work needs to be done to define what offences fall into which categories. For many of these this is not obvious given the detail provided within these data extracts. In addition, some of the most common offences (e.g. omit to provide veterinary attention) could conceivably be classed as physical and emotional abuse and neglect, limiting the usefulness of such measures.

Research surrounding the social circumstances of individuals involved in animal welfare cases is likely to be of interest to many, including social researchers and policy makers. Within this data it was possible to match an area-based measure of multiple deprivation (SIMD) using postcode. However, it is not possible to make inferences about a person's *individual* social circumstances from group based measures e.g. not all persons living within a deprived area are themselves deprived (and vice versa). A commonly used indicator of an individual's social circumstance is occupation. This information could be used to match an individual's occupation to

measures such as the Standard Occupational Classification (SOC), popular in social research. However, it should be noted here that despite the potential for such analysis, the preparation work involved would require a significant investment of time and effort due to the way in which occupation is currently recorded – as an unstandardized, free text field. Any future research interested in using occupation based measures such as this would need to take this into account.

Other demographic characteristics that may be of interest but were not possible to consider here were ethnicity or gender of the accused. These could be regarded as key demographic variables when considering more nuanced examinations of factors related to animal welfare offences. For example, where previous studies have found gender differences by type of animal abuse (e.g. Gerbasi, 2004).

In some cases it is likely that a plea bargain may have been offered where some or all charges may have been dropped after charges were submitted to the PF. The original and adjusted charges could offer the potential for some interesting analysis, such as the types of charges most likely to be accepted or removed and under what circumstances. This type of analysis could be informative for future strategy and decision making. Other details not included in this data which could lead to interesting analysis include details surrounding animal welfare and care notices and appeals (as seen in the RSPCA, 2018 report), the type of court a case was heard in (i.e. Sheriff/Justice of the Peace – each with different limits on the maximum penalties available), and dependant on the status of the Animals and Wildlife (Penalties, Protections and Powers) (Scotland) Bill, whether a case is tried by summary or solemn proceedings.

It may also be interesting to look at any other types of offence committed by individuals accused of animal welfare offences. It could be possible to investigate the potential for data linkage projects using unique identifiers such as criminal record numbers (SCROs) contained within this data. However, the latter of these would involve a significant investment of time and effort and would require advice from data linkage and data protection experts due to the sensitive nature of such a task.

The analysis presented in this report show a selection of some basic descriptive analysis possible with this data. However, taking into account some of the lessons learnt from this project and with less time constraints, more complex analysis using this data would be possible. One example of this might be to use multivariate analysis which considers the influence of multiple factors on an outcome variable of interest, such as considering age, gender and offence type on the likelihood of a conviction or a specific type of penalty or amount.

Some of these more advanced analytical techniques may be best suited to person level analysis, rather than the charge level analysis used throughout the majority of this report. This was in part due to the structure of the data, where this was provided in long (one row per charge), rather than wide (one row per person) format. To carry out analysis at the level of persons, the data would need to be re-structured. However, for an individual with the knowledge to do so, it would be relatively easy to achieve given sufficient timescales.

Recommendations

Further specific recommendations were made directly to Scottish SPCA.

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Appendices

Appendix A: Variables included in the two data extracts

Variable Name	Description (from discussion with Scottish SPCA)	Removed due to data protection	Included in the data extract from the most recent computer systems – the ‘later’ data extract (L) or the earlier (E) system
Case Ref No	Unique case number assigned by Scottish SPCA inspector	Y	L
Date of Offence	Date the offence discovered/investigation started	N	L, E
Date Received	Date the case logged into system	N	L
Date Case Lodged	Date the case was lodged with the Crown Office and Procurator Fiscal Service - must be within 6 months of offence date	N	L, E
Pleading Diet Date	Date the case was called for a plea to be given	N	L
Intermediate Diet Date	Date the hearing held to check case will proceed on assigned trial date (for summary proceedings)	N	L
Trial Date	Date trial began	N	L, E
Co-Accused	If other individuals accused as part of case	N	L
Date of Birth	Accused date of birth	N	L, E
Place of Birth	Accused place of birth	N	L, E
Occupation	Accused occupation - at point when received caution and charged	N	L, E
City	Accused city of residence OR locus of offence - at point when received caution and charged	N	L

Variable Name	Description (from discussion with Scottish SPCA)	Removed due to data protection	Included in the data extract from the most recent computer systems – the ‘later’ data extract (L) or the earlier (E) system
County	Accused county of residence OR locus of offence - at point when received caution and charged	N	L, E
Post Code	Accused post code OR locus of offence - at point when received caution and charged	Y – replaced with 2011 datazone	L, E
Fine Amount	Fine amount given	N	L, E
Disqualification Order	Disqualification order given	N	L
Deprivation Order	Deprivation order given	N	L
Prison (Months)	Prison time given	N	L
Probation (Years/Months)	Probation time given	N	L
Community Service (Months)	Community service time given – might actually be hours not months	N	L
Community Payback Order	Community Payback Order given	N	L
Cost to Society	Cost to Scottish SPCA for third parties (e.g. vets fees but not inspector time) - but this is only listed if requested by the Courts	N	L, E
Comments	Additional comments - free text field	Y	L
Animal Description	Description of animal(s) involved	Y – free text with some containing additional personal details	L
Number of Animals	Number of animals involved	N	L
Personal Details_SCRO NO	Scottish Criminal Records Office number	Y	L
Supervision Order	Supervision order given	N	L
Charges	Charge code	N	L

Variable Name	Description (from discussion with Scottish SPCA)	Removed due to data protection	Included in the data extract from the most recent computer systems – the ‘later’ data extract (L) or the earlier (E) system
Offence	Offence code	N	L
Animal Type	Type of animal involved	N	L
Charge	Charge - description (relevant legislation and section charged)	N	L
Court Name	Name of court where case heard	N	L, E
Inspector Name	Name of investigating inspector	Y	L
LookupResult_Result	Outcome of case (e.g. no proceedings, fiscal measures or court verdict)	N	L
HQ Ref	Unique case number assigned by Scottish SPCA inspector	No variables from the earlier file used	E
Age	Accused age - at point when received caution and charged	No variables from the earlier file used	E
Offence 1	Offence code	No variables from the earlier file used	E
Offence 2	Offence description	No variables from the earlier file used	E
Offence 3	Offence code	No variables from the earlier file used	E
Offence 4	Offence description	No variables from the earlier file used	E
Statute 1	Legislation code	No variables from the earlier file used	E
Statute 2	Legislation description	No variables from the earlier file used	E

Variable Name	Description (from discussion with Scottish SPCA)	Removed due to data protection	Included in the data extract from the most recent computer systems – the ‘later’ data extract (L) or the earlier (E) system
Statute 3	Legislation code	No variables from the earlier file used	E
Statute 4	Legislation description	No variables from the earlier file used	E
Animal 1	Animal type code	No variables from the earlier file used	E
Animals 2	Animal type description	No variables from the earlier file used	E
Describe	Description of animal	No variables from the earlier file used	E
Number	Number of animals	No variables from the earlier file used	E
Ban Months	Ban amount given in months	No variables from the earlier file used	E
Result Pros	Result of prosecution	No variables from the earlier file used	E
Result	Result code	No variables from the earlier file used	E
Current Age	Accused current age	No variables from the earlier file used	E
Pending	Result pending	No variables from the earlier file used	E
Prison	If given prison time	No variables from the earlier file used	E
Pled	Pled guilty or not	No variables from the earlier file used	E

Variable Name	Description (from discussion with Scottish SPCA)	Removed due to data protection	Included in the data extract from the most recent computer systems – the ‘later’ data extract (L) or the earlier (E) system
Found	Found guilty or not (if not pled guilty)	No variables from the earlier file used	E
NOT	Found not guilty or not (if not pled guilty)	No variables from the earlier file used	E
AD MON	Whether case admonished	No variables from the earlier file used	E
S1	Supervision order	No variables from the earlier file used	E
No Banned	Did not receive a ban	No variables from the earlier file used	E
Court TOT	Unknown	No variables from the earlier file used	E
Lodge TOT	Unknown	No variables from the earlier file used	E
Life Ban	Received a life ban or not	No variables from the earlier file used	E
Spare 3	Unknown	No variables from the earlier file used	E
Spare 5	Unknown	No variables from the earlier file used	E
Spare 6	Unknown	No variables from the earlier file used	E
Farm	Farm animal or not	No variables from the earlier file used	E
Wild	Wildlife or not	No variables from the earlier file used	E

Variable Name	Description (from discussion with Scottish SPCA)	Removed due to data protection	Included in the data extract from the most recent computer systems – the ‘later’ data extract (L) or the earlier (E) system
Story 1	Additional comments	No variables from the earlier file used	E
Story 2	Additional comments	No variables from the earlier file used	E
Story 3	Additional comments	No variables from the earlier file used	E
Story 4	Additional comments	No variables from the earlier file used	E
Story 5	Additional comments	No variables from the earlier file used	E
Unnamed variable	Some numbers that appear to have no clear pattern e.g. some look like year (e.g. 1994), whilst others look like reference numbers containing 's.	No variables from the earlier file used	E
Prelim. HD	Again, no clear pattern - some numbers and some letters (e.g. 1 or 6; s or q)?	No variables from the earlier file used	E
Signed Over	Animal signed over or not. Contains some unusual or inconsistent characters (e.g. /; y; 6)	No variables from the earlier file used	E
Rehomed	Animal rehomed or not. Contains some inconsistent characters (e.g. 1; 6; yes)	No variables from the earlier file used	E
Disposal Place	Where animal disposed	No variables from the earlier file used	E
Name AWC	Name of AWC	No variables from the earlier file used	E

How to access background or source data

The data collected for this social research publication:

- are available in more detail through Scottish Neighbourhood Statistics
- are available via an alternative route <specify or delete this text>
- may be made available on request, subject to consideration of legal and ethical factors. Please contact <email address> for further information.
- cannot be made available by Scottish Government for further analysis as Scottish Government is not the data controller.



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