

REGULATION 28: REPORT TO PREVENT FUTURE DEATHS (1)

*NOTE: This form is to be used **after** an inquest.*

	<p>REGULATION 28 REPORT TO PREVENT FUTURE DEATHS</p> <p>THIS REPORT IS BEING SENT TO:</p> <p>1. Lord De Mauley, Department for Environment, Food and Rural Affairs, House of Lords, London, SW1A 0PW</p>
1	<p>CORONER</p> <p>I am Alan Peter Walsh, Area Coroner, for the Coroner Area of Manchester West</p>
2	<p>CORONER'S LEGAL POWERS</p> <p>I make this report under paragraph 7, Schedule 5, of the Coroners and Justice Act 2009 and regulations 28 and 29 of the Coroners (Investigations) Regulations 2013.</p>
3	<p>INVESTIGATION and INQUEST</p> <p>On 27th March 2013 I commenced an investigation into the death of Jade Sarah Louise Lomas Anderson, 14 years, Born on 9th March 1999. The investigation concluded at the end of the inquest on the 24th October 2014.</p> <p>The medical cause of death was 1a) Multiple Injuries.</p> <p>The conclusion of the inquest was Jade Sarah Louise Lomas Anderson died as a consequence of injuries sustained by her when she was attacked by more than one dog.</p>
4	<p>CIRCUMSTANCES OF THE DEATH</p> <p>1. Jade Sarah Louise Lomas Anderson died at [REDACTED] on the 26th March 2013.</p> <p>2. At the time of her death Jade was visiting a friend, called [REDACTED], at [REDACTED] and she had stayed overnight at the address from the 25th March 2013 into the 26th March 2013.</p> <p>3. She was attacked by more than one dog at the address at or about 14:20 hours on the 26th March 2013 when she was alone in the premises. She suffered multiple injuries consistent with multiple dog bites by more than one dog. The attack occurred when [REDACTED] who resided at the premises, left the premises for a short time to visit a neighbour and there was no other person present in the premises at the time of the attack.</p> <p>4. The occupiers of the premises had five dogs namely two large Mastiffs</p>

called Buddy and Neo, two Staffordshire Bulldogs called Ty and Skye and one Shih Tzu called Charlie. The Shih Tzu called Charlie was kept in a cage in the lounge at the premises and Charlie remained in the cage during the attack. The two large Mastiffs and the two Staffordshire Bulldogs were kept in the kitchen in the premises with the Mastiff called Buddy in a cage secured with bolts and dog clips.

5. [REDACTED], who was 16 years of age at the time of Jade's death, was residing at [REDACTED] with her mother and step-father. At or about 13:00 hours on the 26th March 2013 her parents left the premises to go shopping leaving [REDACTED] and Jade alone in the premises. Before they left [REDACTED] put the dogs into the garden of the premises so that the dogs did not get upset when her parents were leaving. After her parents had left [REDACTED] took Jade through to the living room of the premises and then brought the dogs back into the kitchen. [REDACTED] secured the large Mastiff called Buddy in the cage in the kitchen with the bolts and the dog clips. [REDACTED] closed the kitchen door leaving the three remaining dogs free to roam in the kitchen and she then put the Shih Tzu called Charlie in the cage in the living room.
6. At or about 14:00 hours [REDACTED] left the premises and went to a neighbour at [REDACTED] to warm a pie for Jade's lunch because the Microwave in the premises was broken. Jade stayed in the premises whilst [REDACTED] went to the neighbours' house and [REDACTED] left Jade in the living room with the door to the kitchen closed. When [REDACTED] returned, approximately five minutes later, she opened the door to the kitchen and saw Jade on the floor of the kitchen with all the dogs, apart from the Shih Tzu, surrounding her. [REDACTED] ran back to the neighbours' address and the Emergency Services were called. When the Emergency Services arrived Jade was found deceased in the kitchen at the premises. The Shih Tzu was still in the cage in the living room and the four other dogs were roaming free.
7. The Emergency Services discovered that the large Mastiff called Buddy had escaped from the cage in the kitchen at the premises. The cage in the kitchen was found to be bent out of shape with a broken dog clip in the bottom of the cage. The door on the cage had been secured by two sliding bolts. The top bolt was still in place but the lower bolt was not in its securing loop. A police officer was able to pull the bottom of the door away from the cage, without much effort, leaving a gap through which a dog would be able to escape.
8. At the Inquest [REDACTED] a Forensic Pathologist, gave evidence that she was satisfied that the dog bites causing the multiple injuries and leading to Jade's death had been caused by more than one dog although she could not be satisfied as to the number of dogs involved in the attack.

CORONER'S CONCERNS

During the course of the inquest the evidence revealed matters giving rise to concern. In my opinion there is a risk that future deaths will occur unless action is taken. In the circumstances it is my statutory duty to report to you.

The **MATTERS OF CONCERN** are as follows:

1. During the Inquest evidence was heard that

- i. Jade died when she was attacked by more than one dog, who were out of control at the time of the attack. It is likely that the attack occurred when Jade went into the kitchen and the evidence indicated that she may have gone into the kitchen to answer a mobile telephone which had been left in the kitchen and which was known to have received a call at or about the time of the attack.
- ii. An inspection of the premises at [REDACTED] revealed a sign to the left of the front door 'Beware of the Dog – Enter at your own Risk'. The premises were small and housed two adults, [REDACTED] five dogs, a cat and a parrot. The dogs of the type and number described raised concerns with regard to potential problems in relation to interaction and dominance issues in a confined area. There was no evidence of dog toys or purpose made dog beds to keep the dogs occupied and provide enrichment for them and there was no evidence of any dog collars or leads within the premises. There was no evidence that the dogs were given regular exercise or went out of the premises, other than to roam in the confined space of the rear garden.
- iii. In the past four years the number of dog bite incidents that required hospital treatment has risen by 26% and the number of convictions for possessing prohibited dog types (three dog types) has risen by 146% whilst the number of convictions for not keeping dogs under control rose by 5%, which indicates that the approach set out in current Legislation is not working and continues to put public safety and animal welfare at risk.
- iv. The Legislation on dog control is scattered amongst many different pieces of Legislation and this does not include a range of secondary legislation. The main pieces of Legislation are within more than 10 statutes commencing with the Metropolitan Police Act 1839 and culminating in the Anti-Social Behaviour, Crime and Policing Act 2014, which comes into force in England and Wales in May 2014.

The provisions of the Anti-Social Behaviour, Crime and Policing Act 2014 were welcomed during the evidence but the evidence was that the recent Legislation did not go far enough to address the problem of the control of dogs, which had led to an increase in dog bite incidents.

The evidence indicated that only consolidated and updated

Legislation would ensure that the public, owners of dogs and enforcers of the Legislation have a clear understanding of what is expected and what powers can be used.

- v. The current Legislation provides for controls over the possession of four types of dogs and the Legislation is breed specific by reference to the type of dog rather than the behaviour of a dog. The evidence was that the behaviour of a dog is more important than the breed.

The Legislation is supported by a considerable amount of case law determining aspects of different pieces of Legislation, which often results in confusion amongst law enforcement practitioners (for example, dog wardens, police officers and other agencies) in selecting the best piece of Legislation to use leading to a lack of effective and consistent enforcement throughout England and Wales. This has often resulted in confusion amongst the public in terms of what is expected of them as responsible dog owners, as well as which agency should receive a complaint. An update and consolidation of dog control Legislation based upon up-to-date scientific understanding of dog behaviour and in particular aggression, which is not based upon a breed specific approach would assist front-line practitioners in relation to the control of dogs and the enforcement of Legislation so that the number of serious incidents could be reduced and prevented.

The evidence indicated that Legislation should not be based upon a breed specific approach and instead focus on the behaviour of the dog and the owner / person responsible for the dog. Furthermore it should allow for significantly earlier intervention so that serious incidents could be prevented.

- vi. The Legislation tends to be reactive rather than proactive so it is difficult to prevent serious incidents from occurring.

The evidence indicated that if the Legislation was proactive enforcement would be available at an early stage prior to incidents having occurred and would lead to the prevention of serious incidents.

- vii. The key aspect that is missing from the current approach to tackling dog bites is educational awareness about staying safe around dogs.

The RSPCA is currently developing an education package for schools, families and others that provide simple and clear information about dog behaviour and in particular the signals dogs can give when they are stressed or uncomfortable in a situation. During the course of evidence I received a leaflet produced by the RSPCA and named 'Dogs and Children, a Guide to staying safe' with six golden rules for keeping a child safe and a dog happy.

The evidence indicated that a coordinated approach to ensure that all 'at risk' groups receive consistent and up to date information

about dog behaviour is needed and other groups of people that may benefit from such an approach would be those who deliver to properties and services providers.




- viii. Problems arising from the lack of control of dogs increases with an increase in the number of dogs in the country. The evidence was that there are nine and a half million dogs in the country and the practice of dog trafficking from abroad is prevalent, which increases the problem of dog control.

The evidence indicated that the Licencing of dogs with central records would assist front-line practitioners in the control of dogs and the enforcement of Legislation.

- ix. The evidence indicated that a key issue in the control of dogs is to make owners responsible for their dogs and dog owners need to take sufficient steps to ensure that their pets are well socialised and under control so that they do not pose a risk to other people. The care of dogs, including proper exercise, and the provision of dog toys and purpose made dog beds, for example, would keep dogs occupied and provide enrichment for them, which would reduce the number of dog bite incidents. There is a need to educate dog owners in relation to such matters.
- x. The evidence raised concerns that there is a risk that future deaths will occur unless action is taken to review the above issues.

2. I request you to consider the above concerns and to carry out a review with regard to the following :-

- i. The consolidation of existing Legislation in relation to dog control to include secondary Legislation.
- ii. The Legislation relating to the control of dogs to be proactive, and not reactive, and the behaviour of the dog should be the focus of the Legislation rather than the present breed specific Legislation.
- iii. The Legislation to focus on the responsibility of dog owners for the control of their dogs.
- iv. The Licencing of all dogs with a system of central records to assist the control of dogs and the enforcement of legislation.
- v. The training and education of dog owners and children in relation to the control of dogs and the welfare of dogs to raise awareness about staying safe around dogs and the signals that dogs can give when they are stressed or uncomfortable in situations which are likely to lead to the risk of dog bites. Consideration of the dissemination of material and information either by leaflets or by use of the media could be included in the review.
- vi. Enforcement of the Legislation, to include a training programme for

	<p>Police and Local Authorities to deal with complaints and enforcement of the Legislation.</p> <p>I am aware that front-line practitioners, including the RSPCA, would be prepared to participate in any consultation process as part of a review.</p>				
6	<p>ACTION SHOULD BE TAKEN</p> <p>In my opinion urgent action should be taken to prevent future deaths and I believe you and the Government your organisation have the power to take such action.</p>				
7	<p>YOUR RESPONSE</p> <p>You are under a duty to respond to this report within 56 days of the date of this report, namely by 30th January 2015. I, the coroner, may extend the period.</p> <p>Your response must contain details of action taken or proposed to be taken, setting out the timetable for action. Otherwise you must explain why no action is proposed.</p>				
8	<p>COPIES and PUBLICATION</p> <p>I have sent a copy of my report to the Chief Coroner and to the following Interested Persons:</p> <ol style="list-style-type: none"> 1) [REDACTED] 2) Local Safeguarding Board. <p>I am also under a duty to send the Chief Coroner a copy of your response.</p> <p>The Chief Coroner may publish either or both in a complete or redacted or summary form. He may send a copy of this report to any person who he believes may find it useful or of interest. You may make representations to me, the coroner, at the time of your response, about the release or the publication of your response by the Chief Coroner.</p>				
9	<table border="1"> <tr> <td>Dated</td> <td>Signed</td> </tr> <tr> <td>5th December 2014</td> <td>  Alan P Walsh </td> </tr> </table>	Dated	Signed	5 th December 2014	 Alan P Walsh
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