

Dangerous Dogs Policy

Information relating to Fostering Provision

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1. Introduction

The primary aim of this policy is to outline procedures and requirements in relation to foster carers who own or care for dogs specified under the Dangerous Dogs Act (1991.)

Lancashire County Council will not register or approve any foster carers who own or care for a breed listed under the Dangerous Dogs Act 1990 (amended 1997) with immediate effect and this is irrespective of exemptions.

Lancashire County Council must be notified of any dogs specified under the current law and classed as a banned breed who are living with children cared for by the Local Authority as soon as this is known to any agency. Children who are cared for by the Local Authority will not be placed or cared for by any registered fostering families where a classified dangerous dog resides. This includes foster carers registered under Regulation 24 arrangements.

Lancashire County Council will ensure no classified Dangerous Dogs live within residential services with immediate effect.

2. Information regarding classification of a Dangerous Dog

The Dangerous Dogs Act (1991) [Dangerous Dogs Act 1991 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/1991/65) (amended with effect from 13 May 2014 by the Antisocial Behaviour, Crime and Policing Act 2014) [Anti-social Behaviour, Crime and Policing Act 2014 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2014/12) provides detailed information on the legislation covering the following

- Certain types of dogs

- The responsibilities of owners
- Actions that can be taken to remove and/or control dogs
- Owning a dangerous dog in properties and homes

The offence of owning or being in charge of a dog that is dangerously out of control (previously in a public place); provides that a dog attack on an assistance dog constitutes an aggravated offence; and ensures that the courts can take account of the character of the owner of the dog, as well as of the dog, when assessing whether a dog should be destroyed on the grounds that it is a risk to the public;

Any dog can be 'dangerous' (as defined by The Act) if it has already been known to inflict or threaten injury. A dog can also be defined as "dangerously out of control" by the Act:

"For the purposes of this Act a dog shall be regarded as dangerously out of control on any occasion on which there are grounds for reasonable apprehension that it will injure any person or assistance dog, whether or not it actually does so".

Certain dogs are 'prohibited' and any knowledge or report of a dog of this type, the matter should be reported to the police immediately.

Prohibited breeds are defined by the Act as "any dog of the type known as Pit Bull Terrier, the Japanese Tosa, the Dogo Argentino and the Fila Brasileiro".

3. Changes to The Dangerous Dogs Act 1991 in respect of the XL Bully breed

Paragraph 2 of The Dangerous Dogs (Designated Types) (England and Wales) Order 2023 which designated the XL Bully from 31st January 2024 as a banned dog in accordance with the provisions of section 1 of the 1991 Act. The exemption to the ban on this breed of dog is that the owner has a valid certificate of exemption for it.

It is now a criminal offence to own or possess an XL Bully dog in England and Wales unless you have a valid Certificate of Exemption.

Lancashire County Council will not approve or re-approve any foster carers who own an XL Bully breed dog as well as the banned breeds defined by Law.

4. New Pets within a fostering household

If following approval of a carer a fostering family decide to get a dog, they must consider the following actions.

- Ensure a dog is not known or believed to be a Dangerous Dog defined By Law to ensure this does not impact suitability to foster.

- Seek background information in regard to the dog to ensure there have been no incidents which would define it as a “dangerous dog” defined within the current law.
- Notify their SSW of any new dogs within the property and so a pet assessment or if required a specialist dog risk assessment can be completed. Dependant on any risks the Local Authority will ensure no child is cared for alongside a perceived dangerous dog and alternative arrangements will need to be made in regard to the pet within the household.

The Local Authority will request a specialist dog risk assessment of any dog irrespective of their breed. If there are any concerns in regard to a dog's behaviours or if there is any likelihood the dog could meet the defined requirements underpinned within the Dangerous Dogs Act an assessment will be requested. Dependant on the outcome of the assessment, the Fostering Service will follow appropriate procedures in place to consider on going approval as foster carers.

The Dangerous Dogs policy should be upheld to cover any named breed/type of dog that is defined under the Act both now and the in the future. The principals of the policy are intended to cover all defined Dangerous Dogs underpinned by the law and maintain the position these breeds are not compatible with fostering suitability.

Prospective Foster Carers- Mainstream and Kinship

Where the applicants have pets, a risk assessment should be conducted, and any associated risks should be taken into account, considering how many dogs are in the household, where they sleep and eat as well as temperament. Where necessary, an independent assessment should be undertaken by a vet to establish whether the dog falls within the scope of the Dangerous Dogs Act 1991. **It is important to note, any dog can be a risk to children and any breed will be subject to the necessary assessments. The outcome of these assessments could impact foster carer suitability and will be regularly reviewed.**

Additional information can be found in the Children's Safeguarding Assurance Partnership Policies and Procedures Manual.

[Dangerous Dogs and Safeguarding Children \(trixonline.co.uk\)](http://trixonline.co.uk)

