

ABTC Standard for individuals who engage in work as an expert witness in the field of animal behaviour and/or training.

This applies to an Expert Witness from any of the ABTC roles

Overview

This Standard relates to matters brought before the UK judicial system, or other body where independent expert evidence is required. It concerns the science of animal behaviour and training as it pertains to the assessment, interpretation and explanation of the behaviour of animals, and their interactions with each other and with humans. It also concerns the science of human behaviour as relevant to this field of expertise. The assessment and interpretation can be made in person and/or in writing.

This Standard is suitable for those working in the expert witness sector who have an extensive understanding of clinical animal behaviour and/or training, animal husbandry, legal frameworks relating to expert witnesses and the related legal/scientific/clinical literature, who make their expertise available within the judicial processes or other fields. These Standards apply to each-and-every animal species for which the individual professes expertise (“relevant animals”).

Those acting in legal cases must show compliance with the Civil/Criminal rules of the Prosecuting Authority for the relevant devolved UK country, namely Crown Prosecution Service Regulations (England/Wales), Crown Office and Procurator Fiscal Service (Scotland), or Public Prosecution Service (Northern Ireland).

This Standard involves:

- Understanding how to evaluate evidence based on best practice and current scientific knowledge.
- Understanding how to evaluate the behaviour of animals and how this may have been affected by husbandry, training and the behaviour of humans and non-humans.
- To understand how to evaluate the behaviour of animals and the effects of their behaviour upon other human and non-human animals.
- Critical assessment of written, verbal, and visual evidence. Evidence may be provided or gathered through face to face interactions or various virtual media.
- Designing animal assessments relevant to individual cases.
- Interpreting that information and providing explanations in terms of evidential fact and opinion that conform to the relevant Civil and Criminal Procedure Rules and Duties for an expert.

In accordance with the ABTC Code of Professional Conduct, all individual practitioners are required to work within this ABTC Standard and their professional competence. All cases that are or develop

beyond the scope of this ABTC Standard should be referred on responsibly (see Code of Professional Conduct section 1.2).

All practitioners should be familiar with the ABTC Standard for their role and that of all other ABTC roles, so that they understand the differences between the roles and refer accordingly.

Performance Criteria

You must be able to:

- 1) Show your understanding of the role and duties of the legal expert witness, including those within the current Civil Procedure Rules and Criminal Procedure Rules and issues surrounding professional liability and client confidentiality.
 - a) Rationale: The duties set out form the basis of being an expert for any purpose, e.g. assessment for Social Services.
- 2) Show your understanding of the interactions appropriate as an Expert Witness in professional relationships and how to apply these in practice.
- 3) Show your understanding of the common professional, ethical or other issues that need to be considered or that may arise before, during and after instruction; and the action that is appropriate to address these, including an appreciation of the limitations of one's expertise.
- 4) Show your understanding of Employment law, Health and Safety legislation, Equality legislation and Data Protection legislation; and their implication for the expert witness, those instructing and others involved in the process.
- 5) Show your understanding of welfare considerations in the management, husbandry, handling, and training of relevant animals, and how these apply to assessment in a court case.
- 6) Critically judge the evidence gathered, distinguishing between competing causes, assumptions, and explanations for the behaviour, and identify all appropriate interpretations and explanations in the circumstances.
- 7) Record, keep and make available observations in each case as required by the Civil and Criminal Procedure Rules, and the requirements of instructing parties, and the Courts.
- 8) Provide written evidence of fact and opinion in the form of expert reports in a format compatible with the Civil and Criminal Procedure Rules, having regard to the rules of evidence and the expert's overriding duty to the Court.
- 9) Written evidence should be organised in such a manner to assist the court's time, such as using sections and numbered points.
- 10) Where more than one interpretation exists, critically evaluate each one and weigh the probabilities in favour or against each, providing reasons. Where no definitive explanation exists, provide a range of parameters, with reasons. These should form part of the expert report.
- 11) Provide verbal evidence of fact and opinion in a professional manner and compatible with the Civil and Criminal Procedure Rules, having regard to the rules of evidence and the expert's overriding duty to the Court.
- 12) Maintain a high level of professional conduct including an awareness of one's own limitations and the legal and ethical ramifications of providing opinion in cases outwith the parameters of one's own expertise.

Application to be on the Register

To apply to be listed on the Expert Witness register an individual will need:

1. to be a registered ABTC practitioner of any ABTC role (*the specific register will be the limit of the sphere of expertise*)
2. already be undertaking expert witness work
3. be able to provide, for ABTC scrutiny:
 - examples of professional dialogue (letters / emails) with three instructing solicitors / other commissioning professional services. This should show coverage of the case from initial instruction to conclusion. (One example must relate to the report below.)
 - one anonymised expert witness report, **that includes an assessment of an animal**. This report must have been used in a real case, as confirmed by an accompanying evidence of instruction and evidence of completion.
 - If a court case, the case must have been heard and completed, or completed if settled out of court.
 - If for another context then case must also be shown to have been concluded.

Note: the outcome of the case is not relevant; what is being assessed is the report.

The applicant may be asked to attend an interview by the ABTC Expert Witness Panel if required.

The cost for assessment is £120

Please email admin@abtc.org.uk if you would like to apply to join the Expert Witness Register