

## XL bully dogs and fostering

On 31 October 2023 the government announced they were adding the XL bully dog breed to the list of dogs banned under the Dangerous Dogs Act 1991, in England and Wales. Dog breed types already on this list are the Pit Bull Terrier, Japanese Tosa, Dogo Argentino and Fila Brasileiro.

This has created some challenges for fostering services and those foster carers who own an XL bully dog. Although we are not specialists in this area, we hope the following information and considerations are helpful for our member fostering service providers and foster carers.

If you have any further questions about this or any other fostering issue you can contact the **member helpline** by phone on **0207 401 9582** or email [memberhelpline@fostering.net](mailto:memberhelpline@fostering.net)

The changes will come into force in two stages:

1) From the **31 December 2023** it will be against the law to:

- sell an XL Bully dog
- abandon an XL Bully dog or let it stray
- give away an XL Bully dog
- breed from an XL Bully dog
- have an XL Bully in public without a lead and muzzle

2) From **1 February 2024** it will be a **criminal offence to own** an XL Bully dog in England and Wales **unless your dog has a Certificate of Exemption**.

You must apply for this exemption by 31 January 2024. There is an application cost of £92.40 per dog. The following link gives details of how to apply for the exemption

<https://www.gov.uk/guidance/apply-for-a-certificate-of-exemption-to-keep-an-xl-bully-dog>

To keep an XL Bully dog it must be:

- microchipped
- kept on a lead and muzzled at all times when in public
- kept in a secure place so it cannot escape
- neutered

As the owner, you must also:

- be over 16 years old
- take out third party public liability insurance against your dog injuring other people

- be able to show the Certificate of Exemption when asked by a police officer or a council dog warden, either at the time or within 5 days

More information about preparing for the ban can be found on the government's website at the following link <https://www.gov.uk/guidance/prepare-for-the-ban-on-xl-bully-dogs>

## **Things to consider within a fostering context**

### **General considerations**

- If your service has not done so already, you may want to audit all your foster carers to find out how many may have this breed of dog
- Communication and an open dialogue with those affected foster carers with XL bully dogs is absolutely key
- Is your dog/pet policy up to date? Do you need to revise it in light of the XL bully ban?
- Do all your foster carers have access to your service's policies and procedures?
- How will your service communicate information and guidance with your fostering families given that this new law will be coming into effect from the 31 Dec 2023 and 1 February 2024
- Owning an XL bully dog is not illegal if the owner has complied with the government requirements e.g. certificate of exemption, microchip, neutered, kept on a lead and muzzled at all times when in public, have third party public liability insurance etc.
- Likewise, a foster carer owning an XL bully dog is not illegal and it is not against any fostering regulations, guidance or standards. However, the welfare of children is paramount and the service must ensure the dog does not pose any risk to children fostered living in the family home
- Placing local authorities, commissioning teams and independent fostering providers need to ensure they discuss, review and share local policies regarding XL bully dogs within their fostering context.
- Remember not everyone feels comfortable around dogs, whatever the breed. It can be helpful for those visiting the foster home e.g. supervising social worker and child social workers, to be aware in advance of there being any pets, including dogs, so that they have the option to ask for them to be moved into a secure area such as the kitchen or garden during their visit.

### **Prospective foster carers**

- there are no fostering regulations, statutory guidance or standards about owning any particular animal, pet or dog breed as a foster carer
- if a prospective foster carer owns a dog named on the Dangerous Dogs Act 1991 most fostering services would deem that to be incompatible with fostering

### **Foster carers with children in placement**

- It is paramount a fostering service ensures any dog within the foster family home does not pose a risk to any child(ren) fostered living there
- Need to work with a proportionate and contextual approach:
  - what are the wishes and feelings of the child(ren) fostered in placement?
  - these are foster carers who are already assessed and approved.
  - the fostering service has already deemed them and their household as suitable to foster.
  - any pets would have been explored as part of the assessment and, where appropriate, in any review of approval.
  - how long has the family had the dog?
  - if the dog has joined the family post approval, has a review of approval been undertaken since that time and was a dog assessment undertaken?
  - if yes, the service has already deemed the foster carers and family continue to be suitable to be approved.

- if the dog has recently joined the family, what were the family's motivations for getting that particular breed of dog?
- is there an up-to-date pet and dog assessment for the foster family?
- Do you need to undertake a new dog assessment in light of the XL bully ban?
- Do you need to seek a specialist dog assessor to undertake a dog assessment, perhaps with specific experience of banned breeds and/or XL bully breeds?
- Is the foster carer complying with everything required by the government in respect of the XL bully ban? e.g. certificate of exemption, neutered, microchipped, kept on a lead and muzzled at all times when in public, third party public liability insurance, and have you written recorded evidence to demonstrate this?
- For local authorities:
  - do you need to speak to your insurers about the issue?
  - should a foster carer's dog injure a child fostered then it is likely that the council may be liable to be sued by the parents of the child.
  - even more so if the birth family become aware it is a dog which is a banned breed. Your insurance section, which provides cover for all council activities, would be able to advise you about this.
  - do you need to speak to your legal team for further advice?
  - what would happen if the birth family became aware their child was living in a foster family who had an XL bully dog?

### **Foster carers with no children currently in placement**

Additional points to consider in addition to the points above:

- Independent fostering service providers:
  - what procedure do you follow when a referral is made?
  - what level of detail about the foster family does the placing local authority ask for?
  - is the pet assessment part of the referral information you provide to them?
  - are they asking about any dogs the foster family has?
  - does any dog information form part of the family profile provided?
  - what is the likelihood of a local authority placing a child with a foster family who have an XL bully dog?
  - has the local authority written/updated any policy about the issue? Have they shared this with you?

### **Child fostered visiting someone who has an XL bully dog**

For example, a child fostered going for a sleepover whose friend has an XL bully dog

- Foster carers should be able to use their delegated authority or is there an expectation they seek advice from their fostering service?
- Does the fostering service need to issue any guidance/information about the XL bully dog situation to their foster carers to help them when making these day-to-day parenting decisions under delegated authority?

### **Member helpline England - helpline service for our members**

If you have any further questions about this or any other fostering issue you can call the **member helpline** on **0207 401 9582**. We operate a call back service. Please leave us a message and we will always return your call and aim to do so within one working day. Or you can email us at [memberhelpline@fostering.net](mailto:memberhelpline@fostering.net)

### **Further resources**

Government guidance, GOV.uk: Prepare for the XL bully ban  
<https://www.gov.uk/guidance/prepare-for-the-ban-on-xl-bully-dogs>

Dogs and Pets in Fostering and Adoption: Good Practice Guide (Paul Adams, 2015) CoramBAAF  
<https://corambaaf.org.uk/books/dogs-and-pets-fostering-and-adoption> (paid publication)

RSPCA  
<https://www.rspca.org.uk/whatwedo/endcruelty/changingthelaw/bsl/xlbullies>

Dogs Trust  
<https://www.dogstrust.org.uk/dog-advice/life-with-your-dog/at-home/american-bully-xl#:~:text=On%20Tuesday%2031%20October%2C%20the,to%20stray%20will%20be%20illegal.>

Blue Cross  
<https://www.bluecross.org.uk/advice/dog/wellbeing-and-care/xl-bully-ban-explained>

Battersea Cats and Dogs  
<https://www.battersea.org.uk/about-us/news/american-bully-xl-ban-what-does-mean-owners>

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