

## RETIRING HORSES AT RDA GROUPS

### 1. Background

RDA relies on a large number of horses and ponies (hereafter referred to simply as “horses”) to deliver the service we offer to disabled riders, drivers and vaulters. We recognise that they are central to achieving our outcomes and that nothing that we do could be achieved without them. RDA is also committed to the highest standards of equine welfare and we are clear that we expect our volunteers, groups and participants to uphold these standards.

Many groups have horses that are involved with the work of the group for many years and strong bonds develop between the horse and volunteers and/or participants. However, RDA (including all member groups) is also bound by charity law to act properly with respect to how the charities’ assets are used to support and care for horses. This means that groups should not cover the costs of caring for horses that can no longer be used by the group. Although this has been the situation ever since RDA has existed, we have put together this guidance, as the issue has recently become more prominent.

### 2. The Legal Principles

Charity Law in the UK is clear that a charity must only use its assets in order to further the “Objects” (or aims) of the charity. Within RDA groups the assets can include horses and any money that the group holds or raises.

The principal object of RDA – as defined by our Memorandum of Association (our governing document) – is “to provide disabled people with the opportunity to ride and/or carriage drive to benefit their health and well-being.” In the eyes of the three regulators that oversee charities in the UK (the Charity Commission for England and Wales, the Office of the Scottish Charity Regulator and the Charity Commission for Northern Ireland) our work is focussed on providing support for and inputs to disabled people. The objects of the charity do not focus on horses, as they are considered one of the resources we use to achieve this.

The guidance in all three areas of the UK is clear that charity trustees must ensure that their charity’s funds and assets are only used in furtherance of the charity’s purposes. In RDA’s context this means that assets cannot be used to support, or care for, a horse that is not being used by the group to work with disabled riders or drivers. Thus, regardless of how long a horse has worked with a group, if it is no longer able to be used, the group cannot pay for its upkeep. It is, perhaps, easier to understand this if you metaphorically think about replacing the horse with a bike. While the group is using the bike they can clearly spend money to make sure the bike is usable. However, imagine you receive a new bike and give the old one away to a volunteer. No-one would expect the group then to be paying for the old bike to be kept in good working order – the cost would pass to the volunteer.

In addition, there is a duty on trustees to ensure that charitable funds are only used in furtherance of the charity’s purposes; which is also (in legal terms) the purpose for which the funds were raised. This extends to not accepting funding for purposes which are not in line with the charity’s objects. In RDA’s context this means groups should not accept funding which is restricted to the care of a retired horse as this is not one of the group’s charitable objectives.

### 3. The Situation at RDA Groups

We have received a lot of feedback and comment about this problem and recognise that it is more nuanced and emotional than the black and white legal side of things, as set out above. Quite naturally, we become attached to horses and those that have served RDA groups for many years are seen as “old friends”. We also recognise that each case will be different, which means that although there is a national policy on the end of service for our horses, each group must consider their situation individually within the bounds of what is legal.

However, there are some key points that are important to consider:

- a) This is not a new problem and the situation has not changed since RDA was created in 1969.
- b) Each RDA group has a responsibility to consider what happens to horses at the end of their RDA service. When a group takes on a new horse (whether they buy, loan or borrow it), the trustees should be clear about arrangements for its care during and after its service with RDA.
- c) If a volunteer takes on the care of a horse while it is working for the group, the volunteer should complete an agreement with the group, which clarifies who is responsible for the associated costs of caring for the horse and defines what will happen when the horse reaches the end of its working life. This means that the volunteer (or carer) should be fully aware that there will be a time when the horse can no longer continue with the group and they will be aware of what will happen at this stage.
- d) The agreement should include what arrangements will be in place if the carer wants to continue to have the horse after the end of its working life with RDA. This may include the carer passing the horse (and any problems associated with it) back to the group, but the group will still, need a clear policy on what to do with the horse.
- e) It is RDA’s clear policy that a vet’s advice must be followed. Therefore although we do not expect retiring horses to routinely be put down, when a vet advises that this is the best course for the horse, this advice should be followed. Groups can budget for this eventuality.
- f) If a carer wishes to keep an old horse, assuming it is not a welfare issue, they must do so at their cost. In this case the group are able to give ownership of the horse to the carer. There is nothing stopping individuals contributing to the cost of caring for a retired horse. If these individuals are also the people who support the group, that is fine as long as funds are not raised in the name of the group or pass through the group’s account. It must be made clear that the funds being raised are for a separate retirement fund outside the RDA Group’s accounts for the benefit of retired horse/s which were owned by the Group.
- g) As set out in the legal principles above, groups have a responsibility to remain faithful to the expectations of their donors. Many donors are not ‘horsey’ people and have given their money in good faith to benefit disabled people.

### 4. What should groups be doing now?

- a) **Make people aware of the situation.** It is important that riders/drivers, volunteers and supporters (including anyone caring for horses) know what the situation is. People quite rightly become attached to horses, so we need to do what we can to reduce the emotional upset that it caused by this situation by forewarning people and making sure that the situation is clear well before it becomes an issue.
- b) **Make sure agreements are in place with people who loan horses to the group or who look after horses.** This is a useful way of both ensuring that there is early discussion about the issue and making sure that everyone concerned know where they stand.
- c) **If you are raising money for this make sure it is separate to the group’s funds.** As explained above, people can contribute to the care of a retired horse, but the funds should not form a part of the RDA group funds.