

Animal Welfare Non-Compliance Data

Explanatory Note

Background

The Food Standards Agency (FSA) is responsible for approval of slaughterhouses in England and Wales. The FSA's role focuses on ensuring those businesses are compliant with specific requirements in hygiene and animal welfare legislation.

These requirements are monitored and enforced by Official Veterinarians of the FSA to ensure that hygiene requirements are met, and animals are spared avoidable suffering, distress, or pain during the slaughter process.

The FSA is responsible for the delivery of official controls in approved meat establishments (slaughterhouses, cutting plants and game handling establishments) subject to veterinary control within England, Wales, and Northern Ireland. This work is carried out for the FSA by the Department of Agriculture, Environment and Rural Affairs in Northern Ireland through a Service Level Agreement.

The FSA monitors and enforces welfare compliance in approved slaughterhouses on behalf of the Department for Environment, Food and Rural Affairs in England and the Welsh Government in Wales through a Service Level Agreement. The FSA has a zero-tolerance approach to animal welfare breaches and all staff are instructed to take prompt and proportionate enforcement action where breaches are identified. This means that we apply the enforcement hierarchy in a way that allows us to take informal enforcement action where breaches are minor and where we believe that this will be effective in avoiding future non-compliance, and take formal action, such as serving of notices or referring the matter for formal investigation in cases where non-compliance falls into the most severe categories which have caused pain distress or suffering or where informal enforcement has not resulted in subsequent compliance by the business operator.

FSA official veterinarians and meat hygiene inspectors, either employed by the FSA, or supplied through an approved contractor, are typically present during processing of animals. They carry out a range of duties, including ante-mortem and post-mortem checks (checks on live animals and carcasses and offal) which include checks on the health and welfare of animals presented for slaughter. These official control duties ensure that food businesses operators have produced meat in accordance with regulatory requirements, with a health mark applied to show that meat is safe to enter the food chain.

How the Data is categorised - description of process points

The data is presented in the form of process points. These are distinct stages in the journey the animal takes from leaving the farm, market, or collection centre to slaughter and bleeding, where a contravention of animal welfare legislation can occur:

On Farm/Transport – these are non-compliances which occur either on the farm, at a livestock market, at an animal collection centre, or in transport; these are **not** slaughterhouse non-compliances.

Slaughterhouse non-compliances

Unloading – non-compliances which occur when the animal is leaving the transporter.

Lairage – non-compliances which occur while the animal is resident in or entering the lairage.

Movement/Restraint – non-compliances which occur when an animal is moving from lairage to the slaughter hall or is being restrained prior to slaughter.

Stunning – non-compliances which occur immediately prior to being stunned, whilst being stunned, and immediately after stunning.

Bleeding - non-compliances which occur at the point where the bleeding process begins, and during the bleeding process.

BO Mgt Respons – non-compliances where there is a breach of the Business Operator's legal obligations under welfare or CCTV regulations, which may or may not impact directly on an animal's welfare but may impede the successful identification of non-compliances.

Historical data categories

During the period April 2017 to January 2020, the data was recorded under different categories; this was in line with the categories used by the audit team. These were:

General requirements – covers the BO responsibilities to ensure that legal requirements in regards personnel, procedures and overall animal welfare are in place

Lairage Conditions and Handling of Animals – the lairage environment is designed and equipped to meet the animals' needs, and that animals are moved and handled appropriately.

Slaughter Process – the processes and equipment are designed to ensure welfare requirements are met during restraining, slaughter, and bleeding.

Religious Slaughter - the processes and equipment are designed to ensure welfare requirements are met during restraining, slaughter, and bleeding in accordance with religious rites.

Non-compliance scoring

Score	Descriptor	Definition
2	Minor non-compliance	An isolated low risk situation observed with the requirements of legislation but with no immediate risk of injury, avoidable pain distress or suffering. There was a technical infringement that does not impact on the welfare of animals.
3	Serious non-compliance	Welfare practices were observed as failing to comply with the requirements of legislation and there was no potential risk to animals. There were no animals experiencing any avoidable pain, distress, or suffering
4	Critical non-compliance	Welfare practices were observed as failing to comply with legislative requirements, and there was evidence of animals suffering avoidable pain, distress or suffering during their killing and related operations or a contravention poses a serious and imminent risk to animal welfare. Welfare of animals during transportation was seriously compromised with evidence of animals suffering unnecessary or avoidable pain, distress, or suffering. DOA red meat animals will require a 4 score as the cause of death is not determined. These will be referred to the Local Authority.

Hierarchy of Enforcement - Animal Welfare

Each non-compliance is treated on its own merits, and when deciding the level of enforcement, the OV will take into consideration a number of factors which will influence the appropriate level of enforcement served. This includes but is not restricted to; direct impact on animal welfare, recurrent non-compliances of a similar nature, unforeseen vs. preventable cause of distress. The list of circumstances is not exhaustive.

Enforcement	Description
Shared with Competent Authority	Where a non-compliance has been identified as occurring either on the farm, or during transportation, then a referral will be sent to APHA and/or the Local Authority to consider whether action will be taken. Where the incident is deemed urgent, then the Local Authority must be informed

Verbal Advice	In general, verbal advice is issued for minor non-compliances, and more severe non-compliances which can be rectified quickly without the need for further forms of enforcement. It is the first step in enforcement and should go hand-in-hand with all stages of the enforcement process
Written Advice	In general, written advice is issued for more severe non-compliances, for example, where there is a potential for risk to animal welfare. Written advice can also be issued to progress enforcement where verbal advice has not been acted upon, or there has been repeated instances of a specific minor non-compliance where escalation is required
WATOK Enforcement Notice (WEN)	<p>The WEN constitutes formal enforcement in accordance with WATOK (England) Regulations 2015 and WATOK (Wales) Regulations 2014. A WEN can be used to:</p> <ul style="list-style-type: none"> • require a person to take steps to remedy a contravention of the EU or domestic welfare at slaughter Regulations • require a person to reduce the rate of operation to the extent specified in the notice, • prohibit a person from carrying on an activity, process or operation or using specified facilities or equipment. <p>And any other contraventions in accordance with the regulations where verbal and/or written advice would not be sufficient in isolation</p>
Referral for Investigation	<p>A Referral for Investigation can be instigated where:</p> <ul style="list-style-type: none"> • contraventions of the legislation have been escalated through their natural hierarchy and the FBO continues to breach the requirements • there are contraventions of Regulation (EC) 1099/2009 and / WATOK, where avoidable pain, distress or suffering has occurred during handling or slaughter • failure to comply with any formal enforcement notices • A Referral for Investigation starts the process to ascertain whether there is scope for further enforcement, which can include prosecution

Specific Conditions

DOA – Dead on Arrival

This describes animals that are found dead by FSA officials at the point of unloading at the slaughterhouse; although worth noting that for poultry slaughterhouses operating a gas-stunning method, this may not occur until after the gassing process is complete.

There are many reasons for animals being found dead at the point of unloading and often the cause of death cannot be ascertained or attributed to a specific person's responsibility (e.g. owner, keeper, transporter). The Official Veterinarian (OV) will make all reasonable attempts to evaluate the circumstances of how the animal was found dead – whether first hand or via reports provided by slaughterhouse operatives – including assessing the stocking density, ambient temperature in the vehicle and outside the vehicle, the state of any other animals in a group and any indication of injury caused by the means of transport, in order to determine any causes that could have been reasonably avoided by the transporter/keeper of the animal. This data is also collated and reviewed by both FSA and APHA to determine patterns of activity relating to specific transporters, collection centres, markets, and farms. Only in individual cases where the factors that have caused the death of an animal can be identified, and where those transporting or causing the transport of the animal should reasonably have been aware, will any investigation or further action be considered. For poultry DOA cases, broiler chickens over 1.5% DOA per load should be reported for investigation and other large poultry should be referred where there are over 2.5% DOA per load.

Late Gestation

This non-compliance occurs only in the red meat sector. Animals are not permitted to be transported in the last 10% of pregnancy according to current welfare rules. Late gestation animals may be detected ante-mortem or post-mortem. Very occasionally animals may give birth during transport or in the lairage at the slaughter facilities. All late gestation events are referred to the competent authorities responsible for welfare in transport enforcement, however the enforcement focus will be on those animals that were clearly in advanced stages of pregnancy when unloaded by FBO staff or inspected by FSA staff at the antemortem stage, and where those transporting and/or causing the transport should reasonably have been aware of the condition of the animal; or producers from which there are repeat occurrences.

Poultry welfare referrals

All welfare non-compliances that require referring i.e those evaluated as being associated with on farm or transport issues, are reported to the competent authority. These are monitored by both local authorities and APHA to determine patterns of

activity in relation to transporters, catching teams and specific farms. Any enforcement action, or regulatory action by the competent authority, would involve batches of referrals, rather than individual incidents, and may require further investigations to clearly establish causes. This data is also collated, monitored and reviewed by FSA, local authorities and APHA to determine patterns of activity relating to specific food business operators, means of transport (including crates and lairage processing system), transporters and farms.

Data Entries

The data entries represent the last stage of enforcement; therefore, entries which indicate Verbal Advice, Verbal Advice is the last enforcement action taken; where an entry indicates a WEN has been issued, there is a likelihood that Verbal and Written Advice may have served prior to the escalation to WEN. In most instances this will explain why there are entries where similar non-compliances, which have attracted a similar score have resulted in a different level of enforcement served.

For further information, please read the Manual for Official Controls, Chapter 2.3 Animal Welfare