

Annex A

Request

- *Details of penalties and prosecutions for breaching Welfare of Animals at the Time of Killing (England) Regulations 2015 at slaughterhouses.*
- *Details of all enforcement notices for breaching Welfare of Animals at the Time of Killing (England) Regulations 2015 at slaughterhouses.*
- *The timeframe for this request is 1st October 2015 to 12 May 2019, or the most recent date available.*
- *Please send the information via email and present it in a Microsoft Excel-friendly format.*
- *For each entry please give:*
 - *A short summary of the breach of the regulations.*
 - *A description of what action was taken as a result (i.e. enforcement notice, prosecution, fine etc.)*
 - *The name and address of the company found in breach of the regulations.*
 - *The date of the inspection.*

You clarified on 18 June 2019 that your request for information include both England and Wales data.

Response

A large amount of the data you have requested is already published by the Food Standards Agency (FSA) in The National Archives and therefore this information is being withheld from disclosure under section 21 (information reasonably accessible by other means) of the Freedom of Information Act 2000 (the Act). In accordance with our duty to provide advice and assistance under section 16 of the Act, I have provided links to the relevant data below.

Where information has been requested which is not already published, this has been provided in the accompanying annexes. Penalties and prosecutions can be found at Annex C while enforcement notices and actions are provided at Annex D (July 2016), Annex E (March 2017) and Annex F (1 January 2019 – 12 May 2019).

The details of penalties and prosecutions for breaching Welfare of Animals at the Time of Killing (England or Wales) Regulations 2015 at slaughterhouses are a matter of public record where convictions are made and details can be obtained directly from the Courts, however for ease a summary is provided at Annex C (Excel spreadsheet). Within Annex C spreadsheet, other matters which do not progress as far as conviction have been withheld under section 31 (law enforcement) of the Act.

Furthermore, some information relating to establishment names and addresses have been redacted and withheld from disclosure under sections 31 and 38 (health and safety) of the Act. The establishment names and addresses have been removed and replaced with the relevant exemptions used. Further details about our use of these exemptions has been provided in Annex B.

Years 2014, 2015 and up to 30 June 2016

<https://webarchive.nationalarchives.gov.uk/20171207175047/https://www.food.gov.uk/about-us/data-and-policies/foia/foirelease/information-released-under-the-foi-eir-2016/animal-welfare-non-compliances>

Details of slaughterhouse non-compliance and enforcement notices can be obtained by filtering on numerical value in columns F, G, H, I, J and M.

Period 1 August 2016 to 1 February 2017

<https://webarchive.nationalarchives.gov.uk/20171207180726/https://www.food.gov.uk/about-us/data-and-policies/foia/foirelease/information-released-under-the-freedom-of-information-act-and-environmental-information-regulations-in-2017/animal-welfare-non-compliance-data>

Details of slaughterhouse non-compliance and enforcement notices can be obtained by selecting the Abattoir tab of the spreadsheet.

Period April 2017 to Dec 2018

<https://data.food.gov.uk/catalog/datasets/b9ae2875-3941-47c7-81a6-bb1c503ff063>

(Scroll to “Animal welfare non-compliances – data - requested 10 December 2018”)

This dataset only contains slaughterhouse non-compliances. Details of the enforcement notices can be obtained by filtering on numerical value in columns B, D and H.

Period July 2016 (Annex D)

Details of slaughterhouse non-compliances and enforcement notices can be obtained by filtering on column F.

Period March 2017 (Annex E)

Details of slaughterhouse non-compliances and enforcement notices are listed in columns H, I and J.

Period January 2019 to May 2019 (Annex F)

Details of slaughterhouse non-compliances and enforcement notices are listed on columns G, H and I.

The datasets are slightly different in appearance because they are obtained from two different systems, the FSA animal welfare database for data pre-March 2017 provides information on non-compliances in relation to animal

welfare legislation. Since March 2017 the FSA uses a system of exception reporting.

Please also be aware that in the sections where the same exception has been recorded at a specific location, there may be one action dealing with all the relevant non-compliances. For example not each 'referral for investigation' or 'written advice' would necessarily relate to a separate and individual incident if it was for the same issue in a similar period of time. Similarly an exception may cover more than one animal.

Animal welfare non-compliances are categorised from 2-4. A full definition of these scores is included in the Manual for Official Controls section 3.4.3, page 26. But in summary they are defined as:

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 suffering any avoidable pain, distress or suffering during their killing and related operations. This may lead to a situation that poses a risk to animals, causing pain, distress or suffering, which would result in a 4 score. Welfare of animals during transportation was suspected to be compromised.

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.
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Background

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 (DAERA) 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 (Defra) in England and 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 informal enforcement action to be taken 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 in cases where non-compliance falls into the most severe categories which may have caused pain 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 routinely 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.

A number of reported animal welfare non-compliances relate to the suitability of transport facilities and condition of the animals upon arrival at an abattoir from a farm. These are separate to any issues occurring at the abattoir, but are detected by FSA officials on the animals' arrival. The findings are referred to Local Authorities / Trading Standards Officers in the case of welfare in transport issues, and the Animal and Plant Health Agency (APHA) where the issue originated on farm. Local Authority / Trading Standards Officers have enforcement responsibility for transport, with APHA enforcing welfare issues on farm. For these reasons we have not included data relating to transport or on-farm related non-compliances as these are the enforcement responsibility of either Trading Standards or APHA.

Annex B

Section 21 (information reasonably accessible by other means)

Section 21 of the Act applies to information accessible to the applicant by other means.

(1) Information which is reasonably accessible to the applicant otherwise than under section 1 is exempt information.

The information you have requested, except for July 2016, March 2017 and January to May 2019, is already publicly available in the Food Standards Agency's responses to previous Freedom of Information requests and links to these have been provided in Annex A of this response.

Section 21 provides an absolute exemption. This means that if the requested information is held by the public authority, and it is reasonably accessible to the applicant by other means, it is not subject to the public interest test.

Section 31 (law enforcement)

Information in the spreadsheets which relates to the geographical area, establishment number, names of the establishments and other matters relating to prosecutions has been withheld under section 31(1)(c) and (g) and 31(2) (a) and (c) as the information is held for the purposes of law enforcement.

The relevant section of the Act is as follows:

Section 31(1) Information . . . is exempt information if its disclosure under this Act would, or would be likely to, prejudice (c) the administration of justice and

(g) the exercise by any public authority of its functions for any of the purposes specified in subsection (2);

(2)(a) the purpose of ascertaining whether any person has failed to comply with the law;

(2)(c) the purpose of ascertaining whether circumstances which would justify regulatory action in pursuance of any enactment exist or may arise.

As the responsible enforcement body, it is for the FSA to lead an investigation into potential non-compliance of animal welfare regulations at slaughter and to determine what action, if any, should be taken. Section 31(g) and (2) (a) and (c) is engaged as disclosure of the information would be likely to prejudice the FSA's ability to determine the course of its investigations and any enforcement action that might be justified. The FSA has determined the level of regulatory action that it considers is justified in each case.

The FSA also considers that the exemption in section 31(1) (c) of the Act would also be engaged if the FSA were to disclose the names of the food businesses, should a decision be made in the future, in the event of further evidence gathered from monitoring the FBO's compliance regarding requirements of the welfare of animals at slaughter legislation, to make a referral for prosecution for future non-compliances. This is because disclosure would put adverse information into the public domain about the FBO's compliance record, particularly in relation to an emotive issue such as animal welfare, which would be likely to affect its right to a fair trial.

As a qualified exemption, section 31 requires the undertaking of a public interest test to decide whether the balance of the public interest weighs more heavily in favour of withholding the information or releasing it. There is a lot of public concern about animal welfare and the adherence to regulations governing the welfare of animals at slaughter is given a high priority by the public. It is also in the public interest for there to be confidence in the FSA that where breaches take place the FSA is prepared to take enforcement action.

Against disclosure, however, there is a stronger public interest in ensuring compliance with relevant legislation and in ensuring that public authorities, both in the UK and in other countries, are not hampered in their ability to perform their regulatory functions in relation to law enforcement. We have, therefore, concluded that the balance of the public interest weighs more heavily in favour of withholding the information.

Section 38 (health and safety)

Information is also being withheld from disclosure under the exemption provided by section 38(1)(a) and (b) of the Act. The wording of section 38 is as follows:

Information is exempt information if its disclosure under this Act would, or would be likely to –

- (a) endanger the physical or mental health of any individual, or*
- (b) endanger the safety of any individual.*

In the UK, the slaughter of animals is a sensitive subject and there are concerns about the extent to which placing information about animal welfare into the public domain could facilitate harassment of those involved in the activities at the site by pressure groups such as animal rights activists. The FSA is also concerned that disclosing information that could identify the FBO's could facilitate the targeting of these premises.

Section 38 is a qualified exemption and, therefore, we have conducted a public interest test to decide whether the balance of the public interest weighs more heavily in favour of disclosing or withholding the information.

In favour of disclosure, we have considered the public interest regarding the welfare of animals. We have also considered the public interest in openness and transparency in knowing the identity of the establishments against the need for members of staff at the establishments to carry out their duties in a safe and secure environment and without fear of harassment or physical danger or intimidation to themselves or property. Please note, an individual does not have to be identifiable as a section 38 exemption can apply where there is a group or class of persons, any or all of whom are likely to have their health or safety endangered by disclosure. We have, overall, concluded that the balance of the public interest weighs more heavily in favour of withholding the information.