

Rural Development Sub-Committee

Inquiry into Animal Welfare and Meat Hygiene

Response from The Food Standards Agency

Background

The Meat Hygiene Service (MHS) is an executive Agency of the Food Standards Agency (FSA) and has responsibility for the enforcement of legislation in Wales, England and Scotland relating to public health, animal welfare at slaughter and animal health controls in approved meat establishments subject to veterinary control.

The MHS has a vision of safe meat being produced from well cared and healthy animals. In recent years it has been subject to an extensive transformation programme which has included modernising the frontline MHS operational services and associated management structure.

The FSA is the UK central competent authority for public health legislation and plans are now underway for the merging of the FSA and MHS into a single organisationⁱ. All of the FSA's operational delivery functions, including the MHS, will be brought into one Operations Group from April 2010. As well as providing the opportunity to reduce administrative duplication, this will allow a more strategic view of the enforcement of legislation relating to all Food Business Operators (FBOs), irrespective of whether enforcement is undertaken by local or central government inspectors. More details of the proposed merger of FSA and MHS are provided at Annex A.

The FSA office in Cardiff co-ordinates the organisation's activities across Wales. The FSA is accountable for these activities to the National Assembly for Wales through the Health Minister in the Welsh Assembly Government.

ⁱ <http://www.food.gov.uk/multimedia/pdfs/board/fsa091105.pdf>

In the UK, Defra and the Devolved Administrations in Wales, Scotland and Northern Ireland are the central competent authorities for implementing European animal health and animal welfare legislation. In England the MHS carries out work on Defra's behalf, and similarly for the Welsh Assembly Government and the Scottish Government, through Service Level Agreements. In this regard, the MHS works closely with Animal Health (an Executive Agency of Defra) on matters relating to animal welfare and disease control in Great Britain.

Specific questions posed by the Rural Development Sub-Committee

1. How effective are the current enforcement structures on animal welfare and meat hygiene standards in abattoirs and slaughterhouses?

- 1.1. Under EU regulations, full responsibility for animal welfare and food safety in slaughterhouses rests with FBOs.
- 1.2. The protection of animal welfare through proportionate enforcement is one of the key purposes of the MHS in approved meat establishments. The Official Veterinarian (OV) must take proportionate enforcement action to protect the welfare of animals prior to and during slaughter and killing.
- 1.3. Domestic legislation on animal welfare includes:
 - The Welfare of Animals (Slaughter or Killing) Regulations 1995 (as amended) (WASK). Separate legislation applies in England, Wales and Scotland. These set out welfare standards that must be achieved and also make provisions for the licensing of slaughterers and for the OV to carry out checks. This work is carried out on behalf of Defra and the devolved rural affairs departments;

- The Welfare of Animals (Transport) Order 2006 (WATO) in England and the Welfare of Animals (Transport) (Wales) Regulations 2007 in Wales provide key welfare standards that must be achieved during transport. While the MHS does not enforce WATO, if the OV identifies a suspected non-compliance with welfare during transport, the OV ensures appropriate action is taken immediately to safeguard the welfare of the animal; advising the haulier and the FBO of the non-compliance; collecting relevant details and reporting to the local Trading Standards Department as necessary for investigation/enforcement action.
- 1.4. Under EC Regulation 853/2004, which lays down specific hygiene rules for food of animal origin, the FBO must have procedures in place to guarantee that each animal is in a satisfactory state as regards welfare on arrival at the slaughterhouse and the OV is required to verify FBO compliance.
 - 1.5. EC Regulation 854/2004, which lays down specific rules for the organisation of official controls on products of animal origin intended for human consumption, requires an audit of the operator's controls with the nature and intensity of the audit depending on risk.
 - 1.6. These OV audits consider whether FBO standards in relation to public health, animal health and animal welfare are adequate. The type of processes carried out, throughput and the FBO's record of compliance with food law are also taken into account when determining the frequency of audit. The greater the risk to public health or animal health and welfare, the higher the frequency of audits. Audit frequencies vary in slaughterhouses from at least once every two months to at least once every eight months.

- 1.7. In addition, the OV checks the welfare of live animals presented for slaughter in slaughterhouses and is typically present during ante- and post-mortem inspection and to carry out other official control duties. The OV is usually supported by Meat Hygiene Inspectors. Evidence on FBO compliance and standards is gathered on an ongoing basis.
- 1.8. Slaughterhouses present busy, noisy and unfamiliar environments to animals. It is recognised that calm and efficient handling, taking into account the animals' natural behaviour, reduces stress for animals and handlers and improves safety for slaughterhouse operatives. The MHS considers these issues during verification checks and audit.
- 1.9. The scale and complexity of the activities that the MHS regulates within the slaughterhouse environment means that OVs cannot be present – nor should it be necessary – to observe the slaughter of each animal. Responsibility for compliance with WASK regulations rests with the FBO. An individual can only slaughter animals in a slaughterhouse in Great Britain where an OV has assessed them as competent and a licence has been issued to that person by the MHS. It is an FBO's responsibility to ensure that their slaughterers are competent and appropriately trained, and are licensed to slaughter all species presented to them. They also have responsibility for the welfare of animals in their care.
- 1.10. The MHS will initiate enforcement action when an FBO's food safety management systems are failing to fully protect public health, animal health or animal welfare. This action will typically follow a hierarchy of enforcement, ranging from informal advice to the serving of formal notices. Non-compliance with a formal notice constitutes a criminal offence.

1.11. Particular priorities are:

- Any animal welfare issues that result in harm to the animal, through avoidable excitement, pain, suffering or injury;
- Food hygiene matters that present an immediate risk to public health. For example, where meat is being contaminated, or is released before the results of statutory testing have been received; and
- Serious breaches of controls on the removal of Specified Risk Material.

1.12. The following table shows total enforcement (excluding verbal advice) taken during the period April to July 2009, in Wales and Great Britain as a whole:

Type of activity	Wales		Great Britain	
	Number of actions taken	Number of premises	Number of actions taken	Number of premises
Written advice	41	12	742	152
Hygiene Improvement Notice	6	2	31	12
Remedial Action Notice	4	2	31	13
Recommendations for referral for prosecution	1	1	29	19
Total	52	12*	833	162*

* Establishments may have more than one enforcement action taken

1.13. Since 2006, the MHS has been involved in 33 successful prosecutions in Great Britain against a company or an individual that has breached animal welfare regulations.

- 1.14. Over the same period, the MHS has undertaken 455 enforcement actions in Great Britain under WASK against 166 premises (an establishment may have had more than one enforcement action taken against it).
- 1.15. The MHS notes that EU Regulation 1099/2009 on the Protection of Animals at the Time of Killing was officially published on 18th November 2009ⁱⁱ. This regulation will come into effect in January 2013, and will include a number of improvements to current European welfare rules. It will also allow Member States to make national rules to maintain existing measures, where these are stricter than those in the EU Regulation. The respective UK administrations are developing implementation provisions that will include independent statutory instruments, but consistent training provisions, and plan to hold consultation exercises on how the regulation will be implemented into domestic legislation.
- 1.16. The MHS supports proposals by Defra and the Devolved Administrations to work with industry to develop best practice guidance to underpin implementation of EU Regulation 1099/2009.
- 1.17. The FSA has established a Food Hygiene Delivery Programme in response to the Report of the Public Inquiry into the outbreak of *E.coli* in South Wales in 2005ⁱⁱⁱ. The programme scope covers all foodborne pathogens and all food groups across the UK and delivery, for example, through local authorities, the MHS and the Department of Agriculture and Rural Development in Northern Ireland. The overall purpose for the programme is to minimise the level of foodborne disease through:
- improved awareness and control of food safety hazards by food businesses, food law enforcers and consumers; and

ⁱⁱ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:303:0001:0030:EN:PDF>.

ⁱⁱⁱ <http://new.wales.gov.uk/ecoliinquiry/report/?lang=en>

- reliable assurance that compliance with legal standards is maintained, using timely, effective and proportionate enforcement where necessary.

The outcomes of this programme will have an impact on future delivery and approach to enforcement of food hygiene legislation. Its delivery is closely aligned to the recently published strategic plan for the FSA for 2010 – 2015^{iv}.

1.18. Within the existing regulatory framework, the MHS considers enforcement structures are effective. Any open debates which result in a further improvement to animal health and welfare or safeguarding public health are welcomed.

2. How should veterinary supervision arrangements be delivered in abattoirs and slaughterhouses in Wales?

2.1. During the course of 2008, a new operational structure was introduced for the MHS, as part of its transformation programme. This involved the decommissioning of its Regional Offices, including the office in Wales; centralising operational support; introducing a new management structure and appointments to new roles.

2.2. The introduction of the new structure was partly in response to the independent inquiry chaired by Professor Patrick Wall in 2004, subsequent reviews and a public consultation in 2007, which all considered options for strengthening veterinary supervision arrangements and structure. The Tierney review, considered by the FSA Board in July 2007, considered alternative models for the delivery of official controls and veterinary supervision holistically and the opportunities for financial savings^v.

^{iv} <http://intranet/Document%20Library/strategy20102015.pdf>

^v <http://www.food.gov.uk/multimedia/pdfs/fsa070706.pdf>

- 2.3. The FSA Board supported the MHS transforming into a leaner and more efficient organisation, but at the same time officials worked up proposals for an alternative delivery model (a control body). In May 2008, in response to changes introduced under the transformation programme, the FSA Board backed the MHS as its preferred model for the delivery of official controls^{vi}.
- 2.4. The new operational structure was fully implemented in February 2009, when new contracts with service delivery partners went live.
- 2.5. The new structure is designed around geographical clusters of approved meat premises, to maximise the effectiveness and consistency of MHS service delivery, and ensure greater flexibility and accountability at a local level. Under new contract arrangements, the number of service delivery partners has been reduced from around 70 to 7. These service delivery partners provide contract veterinary and, where necessary, supplementary meat hygiene inspection services.
- 2.6. Two Business Directors have been appointed to cover the North and South of Great Britain and are responsible for operational delivery. MHS services are managed at a local level through 12 Business Managers. Each Business Manager has three or four clusters of meat premises within their business area.^{vii}
- 2.7. As part of strengthened veterinary supervision arrangements, a Lead Veterinarian has been appointed for each of the 37 clusters^{viii}. The majority of Lead Veterinarians are provided through the new contract arrangements with service delivery partners, while 12 are employed by the MHS.

^{vi} <http://www.food.gov.uk/multimedia/pdfs/board/fsa080504.pdf>

^{vii} <http://www.food.gov.uk/multimedia/pdfs/mhsbusinessmanagers.pdf>

^{viii} <http://www.food.gov.uk/multimedia/pdfs/mhslv.pdf>

- 2.8. Lead Veterinarians provide technical advice, leadership, support and management to OV's and their frontline teams. Under the new management structure, there are closer links to senior Veterinary Managers based in York headquarters. They provide veterinary leadership and technical guidance to Lead Veterinarians, and support Business Managers by assessing performance of Lead Veterinarians on technical issues on an ongoing basis.
- 2.9. Since February 2009, OV's have been the team leaders for MHS teams working in approved meat premises. They are responsible for the day-to-day management of inspection resources, supported by their Lead Veterinarian and Senior Meat Hygiene Inspectors.
- 2.10. The majority of OV's are also supplied through service delivery partners. Under its transformation programme, the MHS determined a mixed employed / contracted business model would provide the best mix of public and private sector skills and resource flexibility for delivery of official control duties.
- 2.11. The MHS Business Director for the South of Great Britain has responsibility for operational delivery in Wales. Two Business Managers lead the five clusters which cover Wales (Business Area 7: clusters 16, 17; Business Area 9: clusters 24, 25, 26). There are 65 approved meat premises in Wales - 30 slaughterhouses and 56 cutting plants (certain sites have approval as both slaughterhouse and cutting plant).
- 2.12. As well as representation at local forums and meetings, often initiated by the Welsh Assembly Government, the Business Director and Business Managers attend quarterly liaison meetings with FSA officials in Wales, which provide an opportunity to discuss issues of relevance for Wales. The two Business Managers also liaise regularly with Local Authorities in Wales on matters of common interest.

2.13. While the MHS structure in Wales does not mirror the Welsh border, the grouping of premises within clusters permits a cost effective service that would otherwise be difficult to achieve.

2.14. The introduction of its new structure allows the MHS to particularly focus on more outcome based measures of performance in relation to FBO compliance and delivery of official controls:

- OV audits are reviewed by Lead Veterinarians to ensure they are completed according to the risk-based frequency and to an acceptable quality;
- The MHS has developed a compliance and enforcement strategy, which emphasises working with FBOs to achieve compliance, rather than simply relying on enforcement as a compliance mechanism;
- In October 2009, the MHS introduced a system which identifies FBOs that are considered a cause for concern on the basis of their most recent audit scores in relation to hygienic production, environmental hygiene and confidence in their food safety management (HACCP based) systems, and an analysis of their trends in compliance. These FBOs are given the opportunity to work co-operatively with the MHS to put in place action to raise their levels of compliance and bring standards to acceptable levels. However, if they choose not to improve their levels of compliance, the MHS takes appropriate enforcement action;
- The MHS is establishing a target to measure improvements in FBO compliance. This is a better performance measure than measuring enforcement activity, as has been done in the past;
- In February 2009, the MHS introduced a programme of co-ordinated Lead Veterinarian visits, to provide assurance and assess performance on particular MHS risks or areas of concern;

- Key Performance Indicators have recently been introduced to measure MHS performance at slaughterhouse, cluster, Business Area and national level. These will help determine where particular support or focus is required and any emerging issues or trends.
- 2.15. With an increasing focus on the outcome of OV audits, the MHS acknowledges the importance of taking an evidence based and consistent approach. Lead Veterinarians (and Business Managers) review all audits completed within their cluster to ensure consistency of audit standards and that audits are carried out to the required frequency.
- 2.16. Most FBOs are already taking active steps to ensure that the meat they produce is safe. In October 2009, only 6% of the 1,137 approved meat premises in Great Britain were identified as a cause for concern. 2 slaughterhouses and 3 cutting plants have been identified as a cause for concern in Wales.
- 2.17. In addition to OV audits of FBO controls, internal audits of arrangements established by the MHS to comply with EU regulations are carried out and reported to the FSA Audit Committee by the FSA's Internal Audit Team's Veterinary Auditors. The Audit Committee is a sub-committee of the FSA Board.
- 2.18. The MHS considers that it has an effective operational structure in place. It favours an equivalent operational delivery model and veterinary supervision arrangements in England, Scotland *and* Wales in order to deliver consistent standards and best meet UK central competent authority requirements. At the same time, it recognises the role of the Welsh Assembly Government in devolved areas such as health, agriculture and rural affairs.

3. How effective is the relationship between the Meat Hygiene Service and the industry?

- 3.1. Building effective relationships with FBOs and their trade organisations has been a key focus for the new MHS senior management team.
- 3.2. As previously stated, FBOs have responsibility for producing safe meat and for complying with food hygiene and other relevant legislation. The MHS seeks to work co-operatively with FBOs to ensure their compliance by providing guidance and support. The MHS compliance and enforcement strategy will be key to this aim.
- 3.3. In 2007, the MHS launched the Link newsletter for FBOs. The newsletter aims to update FBOs on operational, technical and legislative issues.
- 3.4. Business Agreements have been introduced in all operating slaughterhouses. These enable FBOs to enter a discussion with the MHS to determine the level of official controls required and provide a strong framework for the MHS to deliver both official controls and animal health and welfare effectively. Similar agreements are also being introduced in cutting plants.
- 3.5. In two of its Business Areas, the MHS is currently piloting a 'working together' initiative at a local level to enable FBO engagement with MHS senior managers, outside of the meat establishment environment.
- 3.6. Consideration is currently being given to a new stakeholder forum for industry representatives to provide the opportunity to consider the impact of new policies or changing requirements in relation to official control duties.

3.7. The MHS carries out an annual Industry Satisfaction Survey and this provides one of the main tools of client satisfaction measurement within the Agency. This is distributed to all FBOs.

3.8. There was a 20% response rate to the 2009 survey, with 180 completed surveys received. The headline figures were:

- Respondents were asked to rate their satisfaction with the overall quality of MHS services on a 1-10 scale, where 1 indicated they were 'extremely dissatisfied' and 10 indicated they were 'extremely satisfied'. 177 responded with 76% giving the MHS a score of 7 or above. The average score was 7.6, a rise on the previous year.
- 96% of respondents were 'satisfied' or 'extremely satisfied' with the performance of premises-based staff.
- 82% of respondents felt that the MHS is an effective enforcement body, a 4% increase on the previous year.
- 90% of respondents felt that, in general, they received fair and equal treatment by the MHS, a 7% increase on the previous year.
- When asked whether MHS services had improved or declined in 2008, 42% of respondents felt that services had either greatly improved or improved a little (a 6% rise on the previous year). 52% felt that services remained unchanged (same response as previous year).

3.9. The MHS has introduced flexibilities that FBOs can take advantage of subject to meeting certain minimum criteria of hygiene and controls.

- 3.10. These flexibilities include the possibility of cold inspection, so removing the need for full time MHS presence and OV flexible working. A number of smaller premises in Wales currently have the benefit of OV-only working, which provides flexibility of working arrangements with stock delivery but at a reduced cost. The OV is able to carry out the full range of official control duties in these premises, removing the need for a Meat Hygiene Inspector.
- 3.11. These working flexibilities have helped the MHS reduce its costs and also reduced the hours and costs charged to FBOs.
- 3.12. Business Managers have established links with Hybu Cig Cymru/ Meat Promotion Wales (HCC) and, through the FSA office in Wales, have effective liaison with food bodies in Wales, ensuring concerns on food hygiene or animal welfare are addressed.
- 3.13. On the whole, the MHS considers that it has a constructive working relationship with the industry in Wales. The MHS has delivered many improvements following its modernisation programme and considers that it has forged effective links at a local and strategic level.
- 4. Could the Welsh Assembly Government take any further action to ensure proper implementation of relevant legislation on meat hygiene and animal welfare in abattoirs and slaughterhouses in Wales?**
- 4.1. The MHS is keen to work co-operatively with FBOs and to drive up compliance with food hygiene, animal health and welfare and other relevant legislation. It is noted that, as central competent authority for the UK, the FSA has responsibility for ensuring appropriate implementation of meat hygiene legislation. Defra, the Welsh Assembly Government and the Scottish Government are the competent authorities for animal welfare legislation in Great Britain.

- 4.2. The Welsh Assembly Government will wish to consider future links with the FSA, particularly with the plan to bring the MHS into an Operations Group of the FSA from April 2010.
- 4.3. Whilst recognising the need to address specific issues that may relate to only one of the UK countries, the FSA seeks to ensure a consistent approach for implementation of European legislation across Wales, England, Scotland and Northern Ireland to avoid inconsistencies in enforcement and cross border issues.
- 4.4. The Report of the Public Inquiry into the outbreak of *E.coli* in South Wales in 2005 recommended that “additional resources should be made available to ensure that all food businesses in Wales understand and use the HACCP approach and have in place an effective, documented food safety management system which is embedded in working culture and practice”. The FSA fully supports this recommendation and encourages the Welsh Assembly Government to consider what assistance in this regard could be provided to operators of approved meat establishments in Wales.

Food Standards Agency
January 2010

De-Agencification of the Meat Hygiene Service

1. The Food Standards Agency (FSA) plans to formally merge the FSA and the Meat Hygiene Service (MHS) by removing the executive agency status of the MHS and bringing its staff and functions into the FSA, its parent department, a process known as de-agencification.

2. All of the FSA's operational delivery functions, including MHS, would be brought together in a single Operations Group to derive a wide range of benefits, including:

- A consistent, strategic view of the enforcement of legislation relating to all Food Business Operators, irrespective of whether enforcement is undertaken by local or central government.
- A structure capable of better strategic delivery of meat controls against external expectations and drivers – for example recommendations of the Report of the Public Inquiry into the outbreak of *E.coli* in South Wales in 2005 and recommendations of EU Food & Veterinary Office Missions.
- A more cohesive understanding of education and enforcement interventions that work in increasing Food Business Operator compliance with food hygiene regulations.
- Coordinated and consistent support to UK businesses in relation to compliance with official controls and other statutory requirements.

3. In line with the process set out in Cabinet Office guidance, final approval to dissolution of the MHS will be given by the Chief Secretary to the Treasury and the Minister for the Cabinet Office. The final part of the process is to announce the dissolution of the MHS to Parliament and the devolved Governments in Scotland and Wales. Following formal approval, the move to the new arrangements will start from 1 April 2010, with full transition completed by March 2011 at the latest.

4. The intention to plan for the formal merger of the FSA and MHS was announced to stakeholders – staff; unions; suppliers; meat industry representatives; operators of approved meat premises; Government customers; trade press – in July 2009. The formal decision to de-agency the MHS was made at the FSA Board's open meeting on 10 November 2009 in London, which was also webcast live over the internet.

5. A comprehensive Strategic Business Case has been produced in line with Office of Government Commerce best practice guidelines and approved by the FSA Executive Management Board. Health and Rural Affairs Ministers in England and Wales have said that they are content for the MHS to be de-agencified. Ministers in Scotland noted the proposal.

6. The de-agencification of the MHS will not create a risk to public health or animal health and welfare. All existing regulatory functions carried out by frontline MHS operational staff in approved meat premises will continue to be done by the same staff in the same way post-merger. Merging the FSA and MHS will improve the effectiveness of food law enforcement and generate savings of approximately £2 million.