

Inquiry into the failure to comply with
the requirements to test all relevant
24–30 month old casualty animals for BSE

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Introduction

1. In May 2004 it was reported as a result of an internal audit check, that the Meat Hygiene Service (MHS) had failed to ensure that all eligible 24-30 month old casualty cattle in Great Britain were being tested for BSE in accordance with a requirement laid down by the Department of Environment, Food and Rural Affairs (Defra). As a result of this finding, the Board of the Food Standards Agency (FSA), which has overall responsibility for the performance of the MHS, requested that a full independent inquiry be undertaken as quickly as possible. The Department of Agriculture and Rural Development (DARD) in Northern Ireland requested that similar failures which had occurred in Northern Ireland also be investigated as part of the inquiry.
2. The terms of reference of the inquiry were:
 - i. To investigate:
 - (a) the reasons for the Meat Hygiene Service's (MHS) and Department of Agriculture and Rural Development's (DARD) failure to ensure that animals were tested in accordance with the instructions issued;
 - (b) why these failures were not identified earlier;
 - ii. To make recommendations to improve the robustness of the testing arrangements so as to minimise the likelihood of this, or a similar problem, recurring;and, to make a report to the FSA Board and DARD by the end of September 2004.
3. The aim of the MHS, which is an Executive Agency of the FSA, is to safeguard public health and animal welfare through enforcement of hygiene, inspection and welfare regulations in slaughterhouses in GB. In doing this the MHS undertakes a range of food safety, animal welfare and disease surveillance activities on behalf of the FSA and Defra. These activities, and the way they are carried out, are set out in more detail in Annex A. The identification of casualty animals for BSE testing, which is an EU requirement, is one of the tasks undertaken by the MHS for Defra and the work required in this case is set out in a Service Level Agreement (SLA). It is backed up by further detailed instructions issued to MHS staff. Official Veterinary Surgeons at slaughterhouses are responsible for identifying animals requiring BSE testing at ante-mortem inspection.
4. A Steering Group, whose membership is at Annex B, was asked by the Agency to oversee the inquiry with the investigation being undertaken on their behalf by the independent expert auditors PKF. The results of the Steering Group's findings in relation to DARD are reported separately.

The scale of the problem

5. Following the reporting by the MHS in May 2004 of four incidents where cattle were not tested in accordance with instructions set out in the MHS Operations Manual, the MHS senior management instigated a full investigation to determine if other cattle should have been tested. The investigation revealed that in GB there were 128 confirmed cases (representing 6.2% of recorded tests shown to be required by MHS records) that had not been tested according to the instructions and 133 possible further cases.

The food safety risk

6. On the basis of expert advice from SEAC, the risk to human health if all 24–30 month old casualty animals were to enter the food chain untested is considered to be very small. There have been no confirmed cases of BSE in cattle under 30 months of age in the UK since 1996. Cattle over 30 months do not enter the food chain, and in addition Specified Risk Material (SRM) controls are applied. There have also been no BSE positives detected in the more than 2,800 of the 24–30 month old casualty cattle tested to date in the UK.
7. The Steering Group considers that these failures are in contrast to the MHS delivery of the requirement to remove specified risk material (SRM). The auditors PKF found that the instruction for SRM removal was clear and unambiguous, the priority given to it by the MHS was very high, good training was provided, supervision was in place, monitoring was rigorous and there were strong sanctions for those not in full compliance.

The investigation

8. PKF were asked by the Steering Group to seek answers to the questions set out in Annex C by auditing a number of GB plants by site visits and through an extensive telephone survey of plant Official Veterinary Surgeons (OVSS) at other plants. Independent Local Authority members of the UK Illegal Meat Task Force¹ carried out the telephone survey. Details of the investigation and PKF's findings and conclusions are given in the PKF report at Annex D.
9. PKF reviewed other matters of relevance to the testing arrangements including liaison between the FSA, MHS and Defra, the procedures for monitoring of MHS performance by the FSA and Defra's arrangement for monitoring of the MHS's compliance with the terms of the SLA. Key managers and staff in Defra, FSA, MHS and various of the OVS Contractors were interviewed. In GB, independent contractors employ over 90% of OVSS in plants.

¹ Established and funded by the FSA.

10. PKF visited nine GB plants (five where testing failures had been detected and four where there had been no failures recorded) to undertake detailed plant audits. The GB plants visited spanned all MHS regions and included high- and low-throughput premises and included a plant where the OVS was directly employed by the MHS and plants where OVSs were supplied by Contractors (eight plants).
11. Telephone survey responses from a further 191 OVSs in GB plants were analysed to supplement the findings of the more detailed abattoir audits.

EU testing requirements

12. The requirement was for the surveillance of animals which might be at increased risk of BSE. The first instruction to OVSs was issued in December 2001 and applied from 1 January 2002 in GB. The EU requirement (Annex E) is to test for BSE all 24 to 30 month old cattle that are slaughtered for human consumption if:
 - They are subject to special emergency slaughtering
 - Slaughter has been deferred² at ante-mortem because the animal is suspected of suffering from a disease communicable to man and animals, or showing symptoms of disease or of a disorder of the general conditions which is likely to make their meat unfit for human consumption.

GB testing requirements

13. In GB Defra has overall policy responsibility for BSE testing. As indicated above, the MHS carries out the relevant functions in slaughterhouses, for Defra, their customer. A SLA (Annex F) between MHS and Defra specifies the testing requirements. The MHS has a Chief Executive who is responsible for the day to day operations of the MHS including the deployment of resources. As the MHS is an Executive Agency of the FSA, the FSA is accountable for the overall performance of the MHS.
14. The current GB instruction for testing 24-30 month old cattle is set out in Annex G. FSA legal advice is that this instruction goes beyond EU requirements by requiring that all 24-30 month old cattle that during ante-mortem inspection, are identified as showing signs of any disease, injury or abnormality are tested.

The delay in identifying failures

15. The Steering Group has considered the information gathered by PKF and considers that the identification of the failures was delayed as a result of inadequate technical supervision and monitoring of OVSs by Contractors and the MHS, together with the omission of this function from the audit programme agreed by the FSA and Defra.

² Animals which are put aside to be slaughtered separately so that they can be subjected to more detailed post-mortem inspection.

16. There may have been more failures than those identified against the current GB requirement, as it is clear from the PKF investigation that some OVSs have been using their own judgement as to what should be tested, and not recording minor injuries or abnormalities. The exact level of failure to test against the current instruction cannot therefore be determined with any certainty, as no records exist for these animals.
17. However the Steering Group considers that the current GB requirement for testing was not practical to implement in all circumstances.

Reasons for the failures

18. The Steering Group has considered the findings of the PKF investigation and concludes that there were a number of reasons for the GB testing failures and that all organisations involved – FSA, Defra, MHS, and their Contractors contributed to the failure to one degree or another.
19. It is the view of the Group that the failures occurred principally because the requirements and the objectives of testing were not clearly agreed nor communicated effectively, and not properly monitored by Contractors or the MHS.
20. Where the cattle are known or suspected to be diseased or injured, the farmer is required to prepare a Schedule 18 Certificate to accompany the animal to slaughter. This is to give adequate warning of the animal's condition to the slaughterhouse operator. Sixty-three per cent of the failures were accompanied by Schedule 18 Declarations that should have been seen by the OVSs and led to testing.
21. Where cattle are killed on farm, the farmer is required to ensure that a Schedule 19 Certificate is signed by a veterinary surgeon and accompanies the carcase to a slaughterhouse. Nine of the failures concerned were animals slaughtered on the farm. The Group consider that there can be no excuse for Schedule 18 and 19 animals not having been tested.
22. The Group has concluded that there were a number of factors that led to a systems failure of the testing requirement. These were:
 - The lack of specific measures of technical performance or standards in the Defra/MHS Service Level Agreement (SLA).
 - That the instruction was not communicated effectively. The instruction was changed on five occasions and the most significant change, which removed flexibility in interpretation of the instruction by withdrawing the right of the OVS to exercise professional judgement, was not flagged as a key change. The arrangements for providing guidance to OVSs were inconsistent and did not recognise the importance of the instruction.
 - That where OVSs sought further guidance the response was often inconsistent and this contributed to variations in the implementation of the instruction.

- That the instruction was not practical to implement in all circumstances. The instruction required, in its final form, the detection and testing of all 24–30 month old cattle that during ante-mortem inspection are identified as showing signs of any disease, injury or abnormality, no matter how insignificant. This appears to exceed the requirement of the EC Regulation.
- That there was an inadequate supervisory structure for OVSs, who often lacked monitoring and support and consequently were often isolated. Some of the OVSs involved, particularly those trained abroad, were clinically inexperienced and not familiar with GB slaughterhouse practices. They needed a higher level of training, guidance and support than was available whether from the MHS (in the case of directly employed OVSs), or from their employer (where this was a Contractor).
- That there was insufficient monitoring of performance against the requirements of the SLA by either Defra or by the MHS, with no agreed performance indicators to establish the quality of the service to be provided. The SLA did not identify a key performance indicator against which the standards of testing being delivered could be checked.
- That there was insufficient training of OVSs by the Contractors in the case of OVSs supplied by them or the MHS in the case of directly employed OVSs.
- That there was no formal cross-checking arrangements between the results of ante-mortem and post-mortem inspections, as identified by PKF. The post-mortem examination of all animals could have acted as a means of picking up animals which should have been identified for testing when inspected in the lairage, but which were missed.
- That there was no means by which an OVS would know when a Schedule 18 had been submitted to the plant operator but not passed on to them.

Testing priority

23. The casualty testing requirement was interpreted by some OVSs, Contractors and the MHS as being primarily for disease surveillance purposes and so of lower priority than the requirements for food safety.

Recommendations

- R1. Service Level Agreements and other similar documents should make it clear what the priority of an activity is and the standard expected for delivery, and include specific measures of technical performance. Arrangements should then be put in place to monitor performance on a basis commensurate with the importance of the measure. This should be agreed between the MHS and the customer and reviewed periodically.**
- R2. The MHS should agree with the FSA a mechanism for prioritising its activities with all its customers.**

Testing instruction

24. It is the view of the Steering Group that the current instruction was not practical to implement in all circumstances as it required the detection and testing of all 24-30 month old cattle that during ante-mortem inspection are identified as showing signs of any disease, injury or abnormality, no matter how insignificant. Nor was the logic behind changes to the instruction communicated effectively. It is clear that those carrying out the instructions did not understand the veterinary rationale and this affected their attitudes towards carrying it out in the way envisaged by Defra. One aim of the final instruction and its catchall requirement to test animals with any injury or abnormality was to increase the pool of animals to be tested.
25. With the lack of clarity of the requirement, effective guidance, supervision or monitoring, and the apparent impracticality of the instruction, some OVSs exercised professional judgement during ante-mortem inspection as to which animals to test.

Recommendation

- R3. The current instruction should be revised to make it practicable to implement in all circumstances and the logic behind the instruction clarified.

Supervision and monitoring

26. The level of supervision and monitoring was inadequate and appears to reflect the lower priority given to this requirement than to some other duties. There was no monitoring of testing at the plant level during the period of the testing failures although data was collected on the results of the tests carried out. There was no direct supervision of employed OVSs by the MHS, monitoring by the MHS of the technical performance of Contractors, or direct supervision by the Contractors of their OVSs.
27. Technical support was available to OVSs at the start of the period from MHS Principal OVSs and then subsequently by MHS Regional Veterinary Advisors but this does not appear to have been effective, according to OVSs. In the case of contract OVSs, who make up the majority of OVSs in plants, ongoing technical support is now the responsibility of their employer. Indications from the PKF survey of OVSs are that the technical support received from their employers was sometimes insufficient to carry out their role to MHS standards.
28. There was no FSA auditing of the testing requirement. The scope of the FSA audit of the MHS is agreed by an Audit Committee, which includes FSA, Defra and the Scottish and Welsh agricultural departments. Defra, which has the policy function for testing, did not have a separate mechanism in place for checking on satisfactory delivery of requirements.

Recommendations

R4. A proper monitoring system and supervisory structure should be developed with appropriate measures to assess performance on a basis commensurate with the importance of the various duties of OVSs and Meat Hygiene Inspectors (MHIs). FSA audit arrangements should reflect the full range of activities carried out by the MHS.

Contract arrangements

29. The contractor process for OVS supply gives insufficient priority to actual technical performance compared with costs throughout the tendering, delivery and monitoring process. It is the view of the Group that Contractor accountability needs to be improved. The process for evaluating tenders for the supply of OVSs should have an increased focus on quality assurance. In addition, the Contractor's quality assurance arrangements should be subject to ongoing checks throughout the contract period.

Recommendations

R5. Contractor accountability should be improved. Contracts should ensure that what constitutes a satisfactory level of service is clearly set out and that this is adequately monitored. Contractors must be held accountable for the performance of their OVSs, with appropriate sanctions built into the contract to ensure this.

R6. An alternative would be to change the nature of the contract so that contractors supply competent staff who are then line managed by the MHS.

R7. The priority associated with the various activities contracted for needs to be made clear from the outset by the MHS in consultation with the customer and the standards expected defined.

Training

30. There is currently around a 25% turnover of OVSs per year with a consequent high training requirement. Veterinarians are required to be "designated" by law before they can act as an OVS in a slaughterhouse. This requires attendance at an MHS training course and the gaining of practical experience at an abattoir. Once "designated" by the MHS, training becomes the responsibility of the OVS's employer. OVSs must undertake five days Continuing Professional Development (CPD) per year, two days of which are provided by the MHS on priority areas. The content of the other three days are determined by the OVS and their employer.

31. PKF found that no specific training was provided on the testing of 24-30 month old casualty animals. Training on new requirements is provided to OVSs by the MHS where agreed with, and funded by FSA (where this relates to work undertaken for the FSA) or by Defra (where this relates to work done by Defra). The SLA did not include a requirement for specific training.

32. PKF found that OVSs and Contractors considered the training necessary to receive the OVS designation insufficient. There was a view that the designation training was too compressed given the complex technical nature of the material. The MHS does invest in ongoing training for its staff, and its accreditation as an Investor in People was renewed this year following a reassessment. However, OVSs considered that ongoing training (whether provided by the MHS for directly employed OVSs, or by Contractors for contract OVSs) – was limited, and not sufficiently targeted given the complex nature of the work and the rate at which requirements are revised.
33. The Group noted that many of the OVSs involved were inexperienced and needed a higher level of training than was available. In some cases newly designated veterinarians from overseas were also unfamiliar with the GB slaughterhouse system and often did not have any practical experience. This placed even more emphasis on the need for effective training to be provided, particularly before initial designation.

Recommendations

- R8. The training of OVSs should be improved. There should be a review of arrangements for designating OVSs to ensure that a satisfactory level of clinical expertise can be demonstrated and that candidates can perform to a required standard under GB slaughterhouse conditions, before designation is made.**
- R9. A probationary period should be served and an assessment carried out at the end of this to ensure the OVS can function satisfactorily in a GB slaughterhouse environment. During the probationary period, OVSs should be closely supervised by the MHS (for directly employed OVSs) or their contractors (for contracted OVSs) and given a high level of technical and operational support.**

The development of an integrated meat hygiene service

34. The view of the Steering Group is that the current line management arrangements are unsatisfactory and appear to place OVSs in a difficult position managerially with legal responsibility for all meat hygiene official controls, but without the organisational authority to support it. The OVS, Meat Hygiene Inspectors (MHIs) and Meat Technicians (MTs) are not managed as a team.
35. From the evidence gathered by PKF, many OVSs appear to feel isolated in plants with a lack of support. The Steering Group considers that the development of an integrated service with a more effective team approach for personnel in plants (OVSs, MHIs and MTs), better line management and support, and clearer accountability would result in a more effective service.
36. The Group also concluded that there needs to be better communication between the MHS and FSA and Defra and clearer definitions of their roles and responsibilities, so that the practicalities of implementing legislative and policy requirements are fully taken into account when formulating instructions. In addition, if those implementing instructions discover practical problems in doing this, there must be effective mechanisms for feeding this information back to those responsible for drafting the instructions.

Recommendations

- R10. A more integrated service should be developed so that the various parties work together more effectively. In addition, steps need to be taken to improve the effectiveness of the working arrangements between MHS, FSA and Defra.
- R11. A mechanism should be established so that practical experience in the front line can be taken into account by those responsible for drafting instructions.

Ante-mortem inspection

- 37. The Steering Group consider there is room for improvement in ante-mortem inspection arrangements. The Group considers it crucial that facilities and staffing levels for ante-mortem inspections are adequate for OVSs to be able to undertake any work required of them.
- 38. The Group considered that the link between post-mortem and ante-mortem inspection results should be strengthened as this would provide a valuable tool to monitor and provide feedback on the effectiveness of ante-mortem inspection.

Recommendations

- R11. Steps need to be taken to ensure that facilities and staffing levels are adequate to enable the degree of ante-mortem inspection required to be carried out.
- R12. The link between post-mortem and ante-mortem inspections needs to be strengthened to monitor and provide a measure of the effectiveness of ante-mortem inspections.

SUMMARY OF RECOMMENDATIONS

- 39. The Steering Group concluded that there were several areas that were functioning sub-optimally and recommended the following with respect to GB to improve the robustness of the testing arrangements so as to minimise the likelihood of this, or a similar problem occurring:

Testing Priority (see paragraph 23)

R1. Service Level Agreements and other similar documents should make it clear what the priority of an activity is and the standard expected for delivery, and include specific measures of technical performance. Arrangements should then be put in place to monitor performance on a basis commensurate with the importance of the measure. This should be agreed between the MHS and the customer and reviewed periodically.

R2. The MHS should agree with the FSA a mechanism for prioritising its activities with all its customers.

Testing instruction (see paragraphs 24 and 25)

R3. The current instruction should be revised to make it practicable to implement in all circumstances and the logic behind the instruction clarified.

Supervision and monitoring (see paragraphs 26–28)

R4. A proper monitoring system and supervisory structure should be developed with appropriate measures to assess performance on a basis commensurate with the importance of the various duties of OVSs and MHIs. FSA audit arrangements should reflect the full range of activities carried out by the MHS.

Contract arrangements (See paragraph 29)

R5. Contractor accountability should be improved. Contracts should ensure that what constitutes a satisfactory level of service is clearly set out and that this is adequately monitored. Contractors must be held accountable for the performance of their OVSs, with appropriate sanctions built into the contract to ensure this.

R6. An alternative would be to change the nature of the contract so that contractors supply competent staff who are then line managed by the MHS.

R7. The priority associated with the various activities contracted for needs to be made clear from the outset by MHS in consultation with the customer and the standards expected defined.

Training (see paragraphs 30–33)

R8. The training of OVSs should be improved. There should be a review of arrangements for designating OVSs to ensure that a satisfactory level of clinical expertise can be demonstrated and that candidates can perform to a required standard under GB slaughterhouse conditions before designation is made.

R9. A probationary period should be served and an assessment carried out at the end of this to ensure the OVS can function satisfactorily in a GB slaughterhouse environment. During the probationary period, OVSs should be closely supervised by the MHS (for directly employed OVSs) or their contractors (for contracted OVSs) and given a high level of technical and operational support.

The development of an integrated meat hygiene service (see paragraphs 34–36)

R10. A more integrated service should be developed so that the various parties work together more effectively. In addition, steps need to be taken to improve the effectiveness of the working arrangements between MHS, FSA and Defra.

R11. A mechanism should be established so that practical experience in the front line can be taken into account by those responsible for drafting instructions.

Ante-mortem inspection (see paragraphs 37 and 38)

R11. Steps need to be taken to ensure that facilities and staffing levels are adequate to enable the degree of ante-mortem inspection required to be carried out.

R12. The link between post-mortem and ante-mortem inspections needs to be strengthened to monitor and provide a measure of the effectiveness of ante-mortem inspections.

ANNEX A – Objectives and functions of the MHS and the roles and responsibilities of personnel involved in undertaking these functions

Corporate Objectives

- To consistently and effectively enforce all relevant public health and animal health and welfare legislation, and provide supervision, inspection services, and audit, in licensed premises;
- To deliver efficient, high quality services, exploiting technology, and constantly strive for excellence;
- To achieve the performance targets set by the Food Standards Agency (FSA) Board; and
- To operate in an open, accountable and independent way, respecting legislative requirements, and promoting inclusion and involvement.

Functions

The principal functions of the MHS discharged on behalf of the FSA are:

- The enforcement of hygiene legislation in licensed fresh meat premises
- The provision of meat inspection and controls on health marking in licensed red meat, poultry meat and wild game meat premises
- The enforcement of hygiene controls in meat products, minced meat and meat preparation plants, that are co-located with licensed slaughterhouses
- The enforcement, in licensed fresh meat premises, of controls over Specified Risk Material (SRM) and other animal by-products, and controls prohibiting the sale of meat from cattle over 30 months of age

The MHS also undertakes the following work on behalf of the Department for Environment, Food and Rural Affairs (Defra), the Agriculture and Rural Affairs Department (ARAD) of the National Assembly for Wales, and the Scottish Executive Environment and Rural Affairs Department (SEERAD) under Service Level Agreements (SLAs):

- The enforcement of animal welfare and slaughter rules in licensed slaughterhouses
- The collection and dispatch of samples for statutory veterinary medicines residue testing on behalf of the Veterinary Medicines Directorate (VMD)
- The collection and dispatch of samples for TSE examination and testing
- Cattle identification checks as part of the Cattle Tracing System (CTS) at licensed slaughterhouses
- Provision of export certification when required either by the importing country or by European Union (EU) legislation
- The enforcement, in licensed premises, of emergency controls related to animal

disease outbreaks, including Foot and Mouth disease (FMD)

The MHS also discharges the responsibilities of the Rural Payments Agency (RPA) under an SLA for:

- The supervision, inspection and monitoring of the provision of services for the Over Thirty Months Scheme (OTMS)

The MHS may also deliver services, through SLAs or contracts, to other public or private sector customers, subject to the approval of the FSA, in accordance with its general aims and objectives, and HM Treasury guidelines on selling to a wider market.

The roles and responsibilities of the personnel who undertake these functions

a) At meat plants

Official Veterinary Surgeon (OVS)

The OVS is the individual designated by statute as having responsibility for ante-mortem inspection and other enforcement matters. Ultimate legal responsibility for ensuring that BSE testing is carried out rests with the OVS. The majority of OVSs are not employed by the MHS, they are supplied by third parties (contracts are negotiated and let for an agreed period. The Contractor must comply with certain minimum requirements and the contract may be terminated in certain circumstances).

Meat Hygiene Inspector (MHI)/Meat Technician (MT)

Personnel employed by the MHS who carry out onsite inspection of meat hygiene and are responsible for verifying the elimination of SRM during the slaughter process.

b) In Regional Management

Regional Directors (RDs)

Regionally responsible for the activities of the Area Managers (AMs) and the Regional Veterinary Advisors (RVAs). Each RD holds a regional budget, is responsible for the financial performance of the region against budget and its operational performance.

Regional Veterinary Advisors (RVAs)

Qualified veterinary surgeons who work with the Area Managers and, when requested, to provide technical advice and support in the course of AM's management of the relationships with plants and Contractors. RVAs also provide technical advice and support to Contractors (and to the small number of employed OVSs)

MHS Area Managers (AMs)

The individuals having management responsibility for the provision of meat inspection and other services to plants. This role encompasses full managerial responsibility for Meat Hygiene Inspectors, provision of the service within budget, liaison with the Contractors (who supply OVSs to plants) and management of the contract relationship. AMs manage OVSs only insofar as they manage the relationship with the Contractor (unless an in-house

employed OVS is used).

Enhanced Senior Meat Hygiene Inspector (ESMHI)

Former senior meat hygiene inspectors now responsible for managing MHIs and MTs on site, resource allocation between plants, performance review and appraisal of MHIs and MTs and other management functions in conjunction with the Area Manager. ESMHI should also liaise with the OVSs on site in order to ensure statutory compliance.

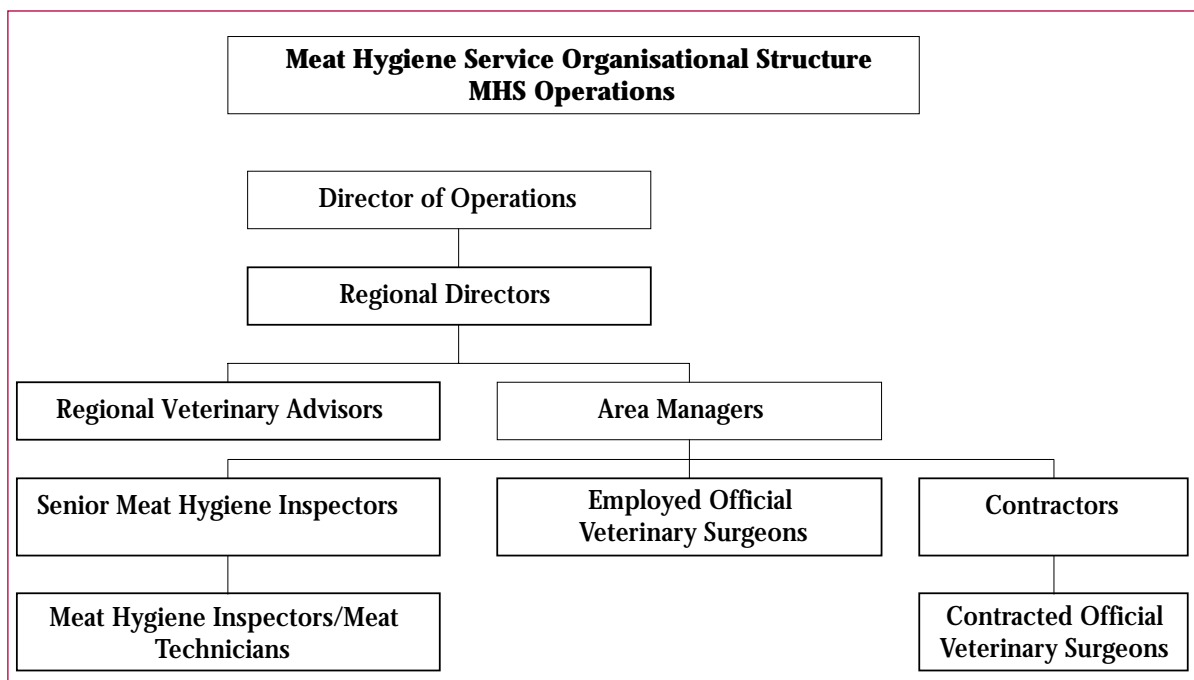
c) At Headquarters

Director of Operations (Dir Ops)

Nationally responsible for the activities of the RDs, AMs and the RVAs. The Dir Ops holds a national cost budget for service delivery, is responsible for the financial performance against budget, and its operational performance.

Meat Hygiene Service (MHS) Vet Tec

The department within the MHS responsible for providing veterinary advice and giving technical approval to all concession notes issued to plants, OVSs and MHIs



ANNEX B – Membership of the Steering Group

Chairman

Patrick Wall Professor of Food Safety in the Centre for Food Safety in University College, Dublin. Member of the management board of the European Food Safety Authority and former Chief Executive of the Food Safety Authority of Ireland.

Steering Group members

Peter Jinman Member of the Spongiform Encephalopathy Advisory Committee (SEAC) and former president of the British Veterinary Association

Barbara Saunders Consultant in consumer affairs. Previously served on the FSA's Food Advisory Committee which was disbanded in 2001. Independent member of the Council of the Royal College of Veterinary Surgeons.

ANNEX C – Questions to be addressed by PKF

External investigation into the causes for the MHS testing failures

1. Was the requirement for testing clear and understood by those devising the instructions, those supervising the delivery of the instructions and those intended to carry out the instructions? If not, why not? If it was, why was it not followed?
2. Was the instruction disseminated to MHS staff and contractors effectively, and do systems provide assurance that this was the case? If not, why not?
3. Were plant staff including OVSs and MHS inspection teams adequately trained in executing the instructions and how to follow the correct procedures? Was the training timely and was it sufficient for new staff and locum staff? If not, why not?
4. Was adequate monitoring of the testing activity at plants carried out by the MHS and its contractors in order to ensure compliance? Did this result in corrective action being taken where appropriate? If not, why not? Were responsibilities clear for ensuring that monitoring was carried out and corrective action taken where necessary?
5. Did the FSA carry out sufficient monitoring of the work of MHS in order to satisfy itself that the MHS had appropriate procedures in place and that the performance was satisfactory? If not, why not?
6. Do plant, MHS and contractor arrangements give rise to undue error or omission or discourage non-compliance?
7. What were the common features of plants that were fully compliant?
8. Has the remedial action taken by the MHS to address this issue prevented this particular problem recurring?
9. Would the MHS be able to identify any future failures on this particular issue and if so how long would it take for a failure to be detected given the level of auditing/checking?
10. Is there a similar vulnerability in respect of other testing or procedural requirements?

ANNEX D – PKF Report

Report to the Steering Group to oversee the independent inquiry into failure to comply with the requirement to test all 24-30 month old casualty animals for BSE

GB Arrangements

September 2004

Final Version 30 September 2004

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Summary

BSE testing of 24 – 30 month cattle was introduced in GB in 2002 primarily as a result of an EU surveillance requirement. The Meat Hygiene Service (MHS) was required to deliver an enhanced version of this requirement under the terms of a Service Level Agreement with the Department for Environment, Farming and Rural Affairs (Defra). Following identification by MHS that some cattle for which testing was appropriate had not been tested, an internal investigation was carried out and a Steering Group was established by the Food Standards Agency (FSA) to oversee an independent inquiry into the failure to comply with the Defra requirement to test all cattle presented with a Schedule 18 certificate plus all cattle that during ante-mortem inspection are identified as showing signs of any disease, injury or abnormality as well as those with a schedule 19 certificate, and the reason this was not discovered earlier.

PKF was appointed to carry out the investigative work. This involved review of the relevant arrangements within MHS, FSA and Defra plus visits to plants and interviews and surveys of Contractors and Official Veterinary Surgeons (OVSs).

Based on the investigations carried out under the direction of the Steering Group we have concluded that the missed tests resulted from OVSs not ensuring that all cattle that should have been tested were tested, either by the inappropriate exercise of professional judgement or by not noting matters at the ante-mortem stage. This last category was not able to be quantified as no records are held. This situation arose as a result of a combination of factors.

In particular:

- The requirement was seen as being primarily for disease surveillance and not food safety and therefore treated as a lower priority by those implementing it.
- There was a lack of clarity as to what was required. The instruction was changed on 5 occasions and the most significant change was flagged as a reminder rather than a key change. The final version did not match OVS views on what constituted BSE risk and was not practical to implement at all plants. The mechanisms for communicating the instruction and providing guidance to OVSs were ineffective and no explanation as to the reason for the requirement was given.
- There was inadequate supervision and monitoring of OVS records or activity to identify that the instruction was not being met. When the POVS role was removed no compensatory supervision role was introduced and this remains an issue.
- Many of the OVSs involved were inexperienced and in need of a higher level of training, support and guidance than was available. In some cases this may have been exacerbated by unfamiliarity with the GB system and language difficulties.

The missed tests were not identified because monitoring of technical matters was limited, the main focus of monitoring being administrative measures in line with the Service Level Agreement between MHS and Defra.

In particular:

- There is no cross check between the results of the ante-mortem and post-mortem inspections. This could have identified that animals with injuries and abnormalities were not being identified at the ante-mortem stage.
- The Service Level Agreement did not identify testing activity as a key performance indicator. MHS, FSA and Defra monitoring was driven by the key performance measures.
- There was inadequate supervision and monitoring of OVS records or activity to identify that the instruction was not being met.
- There was no expectation of testing levels by MHS or Defra and therefore no mechanism to identify that tests were being missed.

Action taken by MHS since identification of the issue has reduced the likelihood of some categories of missed tests occurring. The subsequent introduction of an internal audit process has increased the likelihood of missed tests being identified if the animal had a Schedule 18 or 19 certificate. However, in those cases where the need for a test is not recorded by the farmer and not identified by the OVS there is currently no mechanism for identifying missed tests retrospectively.

A number of changes are taking place as a result of further EC requirements, which take effect from 1 January 2006. In addition MHS has developed an Action Plan to take steps to reduce the risk of tests being missed in future.

MHS recognises that a number of more broadly based changes would support delivery of BSE testing requirements. The additional actions being considered include strengthening of the designation and training regime, the introduction of appropriate Contractor sanctions and implementation of management processes to reinforce good performance and penalise bad, together with the introduction of greater opportunity for feedback of issues to MHS management.

This report has been prepared for FSA and the Steering Group and we neither accept nor assume any responsibility or duty of care to any third party in relation to it. The conclusions and recommendations are based on the results of the audit work carried out and are reported in good faith. However, our methodology relies upon explanations by managers and sampling of evidence and management should satisfy itself of the validity of any recommendations before acting upon them.

We would like to record our thanks to FSA, Defra, MHS, Contractors, OVSs and plant operators for their co-operation and support in the conduct of this review.

Introduction

Background

The MHS carries out a range of food safety, animal welfare and disease surveillance functions on behalf of Defra and FSA through its enforcement of hygiene, inspection and welfare regulations in slaughterhouses in GB.

The 24-30 month BSE testing requirement was introduced by EC regulation from 1st January 2002 primarily as a disease surveillance measure. An enhanced version of this requirement was required to be carried out by MHS under the terms of a Service Level Agreement with Defra, backed up by further detailed instructions. This involved the identification of cattle for testing and ensuring that the cattle identified were tested and managed in accordance with the requirements. The requirement to undertake BSE testing is one of many inspection and testing requirements that MHS undertakes in order to fulfil statutory requirements, or on behalf of Defra and the FSA.

In the period since 1 January 2003, 259 GB plants have carried out cattle slaughter, ranging from large plants slaughtering more than 50 cattle each working hour to those slaughtering less than 50 cattle each year. MHS is required to ensure that an OVS is present throughout the slaughter process and that the carcasses are inspected and managed appropriately. Meat Hygiene Inspectors (MHIs) are also required to carry out inspection of the carcasses. The OVS service is currently delivered through a combination of contracted OVSs and a small number of directly employed OVSs. MHIs are employed directly by MHS, except for locum MHIs supplied under contract. The specific requirements are set out in the MHS Operations Manual.

MHS is funded through a combination of charges to the meat industry, charges included in Service Level Agreements and direct funding by FSA.

All cattle transported are required to be accompanied by their passport and plant operators are required to confirm the identity of the animals prior to slaughter. Where cattle are killed on the farm, the farmer is required to ensure that a Schedule 19 certificate is prepared and accompanies the animal to the abattoir. Where the animal is on medication, injured or suffering from disease or abnormality the farmer is required to prepare a Schedule 18 certificate to accompany the animal to the abattoir.

Animals arriving at the abattoir are received in the lairage. Prior to slaughter the OVS is required to carry out an ante-mortem inspection of each animal; the purpose of this is to consider the welfare of the animal, look for signs of communicable disease and to identify those required for testing for BSE surveillance. The OVS may hold back animals from slaughter for up to 48 hours where they wish to investigate further and can require the carcass to be detained or destroyed post slaughter in certain circumstances.

Each animal is also subject to post-mortem inspection carried out by MHIs, or at very small plants, also by the OVS. The post-mortem is concerned with meat hygiene and provides assurance that specified risk material is removed and the carcass is fit for human consumption. MHIs can require carcasses to be destroyed in certain circumstances.

Missed tests

In 2003 MHS identified that two cattle for which testing was appropriate had not been tested at a plant in Scotland, as a result of the OVS not being supplied with a Schedule 18 certificate. MHS treated this as an isolated incident. However, in April 2004 further cases were identified where tests had been missed at other plants. These were identified through a combination of internal audit and management review.

As a result MHS carried out a wider investigation of the 259 plants slaughtering cattle in the period since 1 January 2003, covering a comprehensive check of records. This established that 128 tests had been missed (representing 6.2% of the tests shown to be required by MHS records) and that 133 others may have been missed. These omissions involved 55 of the 259 GB plants involved in cattle slaughter in the relevant period. FSA and Defra were kept informed of the situation.

The missed tests related to cattle that:

- Had a Schedule 19 or Schedule 18 certificate;
- Had been identified by the OVS as showing signs of any disease, injury or abnormality;

The MHS investigation identified three main causes of the missed tests:

- OVSs exercising professional judgement, contrary to the testing instruction, because they did not appreciate what was required or why;
- Errors leading to cattle identified as requiring testing not being tested;
- Operator error in not providing Schedule 18 certificates to the OVS.

Objectives

A Steering Group was established by FSA to oversee the independent inquiry into failure to comply with the requirement to test all cattle presented with a Schedule 18 certificate plus all cattle that during ante-mortem inspection are identified as showing signs of any disease, injury or abnormality as well as those with a schedule 19 certificate. PKF was appointed to carry out the investigative work.

The objectives of the inquiry were determined by the Steering Group. They were:

1) To investigate:

- the reasons for the MHS and Department of Agriculture and Rural Development (DARD) failure to ensure that animals were tested in accordance with instructions issued;
- why these failures were not identified earlier;

2) To make recommendations to improve the robustness of the testing arrangements so as to minimise the likelihood of this, or a similar problem, recurring;

and, to make a report to the FSA Board and DARD by the end of September 2004.

Separate reports have been prepared to cover the GB and NI arrangements.

Investigation

The scope of the investigation work carried out by PKF was agreed with the Steering Group in July 2004. A number of specific questions were identified that the Steering Group was seeking answers to in order to meet its objectives. These are set out as Appendix A.

The PKF investigation was carried out in July to September 2004 and included:

- Interviews with key managers and staff in Defra, FSA and MHS and review of supporting evidence;
- Review of the MHS Operations Manual, Concession Notes and MHS training materials;
- Visits to a sample of 9 red meat plants to observe procedures, review records and interview OVSs and MHIs, plus one over thirty month plant to compare procedures;
- A telephone survey of OVSs currently working at the other 250 red meat plants – 191 OVSs responded;
- Interviews with a sample of Contractors supplying OVSs to MHS;
- Receiving representations from trade unions;
- Comparison of the GB arrangements with those in NI.

PKF was supported in the course of this work by a veterinary advisor appointed by FSA and reliance has been placed on this advisor in all veterinary matters. Periodic feedback has been provided to MHS and the Steering Group on the progress, findings and provisional conclusions of the investigation.

Findings

The testing requirement

The requirement for testing of 24–30 month cattle was introduced as a result of EU regulation 999/2001 and applied from 1st January 2002. The purpose of the requirement was the surveillance of animals at increased risk from BSE.

Defra was the department with responsibility for the implementation of the requirement. The EU Directive was considered by the TSE/BSE Testing Project Group (The Group), which comprised representatives of Defra, FSA and MHS. This Group developed the testing requirement to be applied in GB. A Service Level Agreement was agreed between Defra and MHS for the delivery of the testing requirement and this set the agenda for the work carried out by MHS.

The requirement was not seen to have been for food safety and therefore was not given the priority associated with food safety matters, although it was recognised that compliance was important. This is reflected in the Service Level Agreement, which although setting out the

technical and administrative requirement, covers the administrative matters in more detail and 5 of the 6 key performance indicators were administrative, the 6th being compliance with the MHS Operations Manual generally, to be measured through the results of FSA audit of MHS.

The first instruction was drafted by FSA and agreed by the Group in December 2001 and issued by Vet Tec (a department of MHS) as Concession Note 38 (CN38) in December 2001. It appears that at the time of issue of this instruction there was some disagreement within the Group and even after the instruction was issued its wording was still a matter of debate. As a result of the ongoing debate and consideration of legal views sought, the instruction was amended and reissued early the following year. The debate continued and was added to as a result of concerns that the actual levels of testing resulting from the instruction were insufficient. In total 6 versions of the instruction were issued, the last of which was June 2002, each with slightly different wording.

The key changes resulting from the versions were

21 December 2001 – Testing required for Schedule 19 animals, those dead on arrival or in the lairage and those where, in the OVS professional judgement, the animal was “at-risk”. Specific exclusion of minor conditions, even if on Schedule 18 certificates.

11 January 2002 – Excluded TB reactors and focused on injuries “that could be a result of neurological dysfunction”.

15 March 2002 – Excluded ringworm. Removed paragraph referring to the exclusion of minor conditions even if included on Schedule 18 certificate.

8 May 2002 – Specifically included animals in the Beef Assurance Scheme.

8 May 2002 (Manuscript change) - Minor change on page 3.

21 June 2002 – ***Required testing of all cattle presented with a Schedule 18 certificate plus all cattle that during ante-mortem inspection are identified as showing signs of any disease, injury or abnormality as well as those with a schedule 19 certificate.***

The aim of the first four changes was to provide clarification and ensure that the EC requirements were met. The purpose of the final change was to increase testing levels rather than to ensure that the EC requirement was met. This final change was also the most significant as in effect it removed professional judgement from the process.

The Instruction

The instruction was issued as a series of Concession Notes (CNs) to the MHS Operations Manual. The process for dissemination involved Vet Tec issuing CN38 to the MHS regions, including Principal Official Veterinary Surgeon (POVS), which then distribute them by post to the Manual holders in their regions i.e. plant operators, Contractors, MHIs and OVSs. CN38 was one of many instructions sent out to Manual holders.

No specific training was provided to support CN38 as Vet Tec did not consider it to be sufficiently complex to require it, nor was any specific supporting guidance provided to POVSS, Contractors or OVSs.

Since the time of the issue of the first version of CN38 the format of CNs has been improved to give more detail of the requirement on the cover page summary. However, the final version of CN38 is presented “to remind MHS staff” rather than bringing out the extent of change. Whilst in our assessment the requirements of CN38 were not technically complex the shift, from reliance on OVS professional judgement for cattle to be tested to a much wider requirement that went beyond OVSs perception of BSE risk, did need to be conveyed strongly. The number of iterations of CN38 and the failure to highlight the key changes and the rationale behind them increased the likelihood of OVSs not recognising what was required of them.

The difficulty in using CNs was raised as a concern by OVSs and Contractors. 4% of OVSs surveyed did not have a copy of the MHS Operations Manual. 31% did not consider that they received updates and CN in sufficient time to implement them. 23% could not always find the information that they needed in the Manual and 75% did not always find the Manual helpful when they did find the information. Each of the Contractors interviewed also indicated their concern over the adequacy of guidance and support.

At the time, the identified route for OVSs or Contractors to get advice on CNs was via the POVSS, who could raise queries with Vet Tec as required. However, the lack of specific training of POVSS on this instruction meant that the advice received was not consistent and may not have coincided with the intentions of the instruction. The POVSS role has since been abolished and in part replaced by the introduction of Regional Veterinary Advisors (RVAs), however concerns over the consistency of advice remain.

The current advisory arrangements are a matter of concern to OVSs. 35% of OVSs indicated that the technical support received from their employer (the Contractor in the case of employed OVSs) was sometimes insufficient to carry out their role to MHS standards. 43% found that they could not always get the advice that they needed from other OVSs. 80% do not regularly use the RVA for advice and 27% did not always find the advice of the RVA helpful. On the limited occasions that the Operational Support Unit or Vet Tec were used directly by OVSs more than a quarter of OVSs reported that they did not always find the advice of these groups helpful.

Delivery arrangements

Identification of animals for BSE testing is the responsibility of the OVS, who is required to be present at an abattoir whenever it is operating. The OVS has legal responsibility to ensure that all meat hygiene and testing requirements are carried out. Each OVS is required to follow procedures and arrangements set out in the MHS Operating Manual, which is periodically updated. When new arrangements are introduced, such as the requirement for BSE testing, OVSs and other Manual holders should update their copies of the Manual and comply with them. A paper based system is in place to ensure that OVS' have received the updates but not that they have read and understood them.

The OVSs are not employed by the abattoirs at which they work, instead they are either employed by MHS or, more usually, employed by a third party contractor which specialises in the management and supply of OVSs. The third parties specialising in the management and supply of OVSs are responsible for ensuring that the OVSs supplied to abattoirs are technically competent and adequately trained to carry out their role and that their knowledge and practice is kept up to date, through Continuing Professional Development (CPD). These minimum requirements are set out in a contract between those supplying the OVSs (the Contractors) and the MHS.

Key aspects of the OVS in relation to the BSE testing requirement include:

- Considering the compliance of the plant with the MHS Operating Manual
- Carrying out an ante-mortem inspection of each animal and approving animals for slaughter
- Identification of animals for testing
- Identifying animal welfare matters
- Ensuring that tests are carried out and carcasses detained
- Maintaining adequate records of the ante-mortem and testing activity

The ante-mortem inspection is carried out by the OVS in the lairage and involves an inspection of each animal for signs of disease, for cleanliness and welfare. The method of inspection is not prescribed in the Manual but it does say that “each animal should be inspected preferably while moving slowly past the OVS and any signs of abnormality investigated further”. Before the inspection OVSs should be provided with any copies of Schedule 18 or 19 certificates.

Our visits observed that larger plants may process over 50 animals per hour and the animals may arrive in groups of 40 or more. The layout of most lairages observed meant that animals were grouped in solid-walled pens of up to 20 and tended to stand in tight groups. OVSs told us that they prefer to see animals unloaded, as they are difficult to observe once in pens, although we noted that animals often go past the OVS up to 4 abreast. This restricts the OVSs’ ability to carry out the depth of inspection required to identify any signs of disease, injury or abnormality.

Our visits and the results of the survey of OVSs have raised a number of concerns over the effectiveness of the ante-mortem process for meeting the current BSE testing instruction for 24-30 month old cattle.

4% of OVSs indicated that they did not receive copies of Schedule 18 certificates before the ante-mortem check. Separately 6% indicated that they did not have the opportunity to see animals individually. In addition 21% indicated that they did not think that their ante-mortem check was sufficient to identify signs of any disease, injury or abnormality.

Alongside the OVSs work Meat Hygiene Inspectors (MHIs) and Meat Hygiene Technicians, who are required to ensure that the meat produced by an abattoir is ‘fit for human consumption’. This is carried out through the post-mortem process. A key requirement of effective post-mortem processes is that animals determined for testing at the ante-mortem stage are identified to the MHIs. The arrangements for achieving this were found to vary but all appeared to be effective.

Signs of injury, abnormality or disease can emerge at the post-mortem stage but there is no requirement for these to result in BSE testing. However, they may lead to all or part of the carcass being condemned. We observed that there is little link between the post-mortem and ante-mortem processes. The post-mortem process can be effective in identifying some types of condition that would have resulted in BSE testing if identified at the ante-mortem stage. Improving the links could provide a cross check against the effectiveness of the ante-mortem inspection.

The MHIs are also not employed by the abattoir, instead they are employed by MHS itself although some use is made of locums to provide casual cover.

The structure for the delivery of the testing requirement includes a number of key linkages, each of which creates potential for misunderstanding by either MHIs or OVSs. In this case a number of these linkages appear to have not been effective. In particular:

Relationship between Defra, FSA and MHS – As there were three parties involved in determining how the EC regulation would be met it was important that there was clarity of what was needed. In this case it appears that there was a difference of views on the actual need and this appears to remain. Whilst agreement was reached to issue the final instruction, this relationship was not effective for conveying the importance of the requirement and the final instruction was therefore issued as a reminder, rather than as a significant change to the instruction.

Relationship between the Veterinary and Operations directorates within MHS – The Veterinary directorate liaise with Defra and FSA in developing the requirements and produce the detailed instructions for the Operations directorate to implement. It appears that this relationship was not effective as the practical difficulties of the instruction were not identified. Further, the operations staff advising OVSs were not adequately briefed and many were giving out messages inconsistent with the intention of the instruction.

Relationship between the MHS and Contractors – The Contractors are responsible for providing and managing their OVSs to deliver the MHS requirements. It appears the Contractors did not appreciate the priorities of MHS, believing that cost was the major determinant of their performance. MHS was unaware of the effectiveness, or otherwise, of Contractors' supervision of quality matters. In addition working arrangements have deterred Contractors from seeking advice on technical matters and reporting issues.

Relationship between the OVS and MHIs – This is the key local relationship in order to ensure that the requirements of the MHS Operating Manual are met. Whilst in some cases this relationship appears to work, in many cases OVSs and MHIs work independently. The OVS is legally responsible for the work of the MHIs but OVS do not have any formal managerial authority over MHIs. The physical working arrangements and administrative processes also act to separate the OVS from the MHIs. In many cases OVSs are at plants for a short time. The survey indicated that a quarter of OVSs had been at their current plant for three months or less and half for no more than a year. An often cited OVS perception was that they could not rely upon MHIs, MHS or their employer for support or advice. This means that the ability of the OVS to carry out their role effectively is reduced.

Training and support of OVSs

In order to act as an OVS a vet must be 'designated', this requires the vet to attend a training course and to undertake a minimum of 1 day practical experience at an abattoir pre course and 3 days post course. Once designated, the training of OVSs and their on-going technical and personal support is the responsibility of the OVS's employer – this is generally a third party Contractor, as few OVSs are directly employed by MHS.

Many OVSs are relatively new to the role. The survey identified that 23% have been designated for less than 12 months, 37% between 1 and 3 years and 40% over 3 years. A significant proportion of OVSs seeking and achieving designation are from overseas and have limited experience of the GB meat industry.

The training necessary to receive the OVS designation is considered to be insufficient by those involved. Each Contractor interviewed expressed concerns, as did 70% of OVSs surveyed and these concerns were also held by MHS. Whilst the designation training covers the relevant technical material, it is generally felt that the designation training compresses a significant amount of complex technical material into too short a course. As a result, those involved felt there is too little opportunity for vets to appreciate either (i) the inter-relationships between the various areas of training or (ii) develop an understanding of the issues that commonly arise when trying to carry out their work at an abattoir. 27% of OVSs surveyed felt that the training provided by MHS was insufficient for them to carry out their role.

Once designated as an OVS vets are required to receive 5 days of training annually (Continuous Professional Development, CPD). Of these, 2 days training is in the form of specific courses provided by MHS attendance at which is mandatory. The MHS training is intended to address topical matters and is universal (i.e. all OVS receive the same course whether working in poultry, pork or beef plants). The content of the other 3 days is at the discretion of the OVS and their employer, and MHS provides a range of materials to support this training.

Whilst on-going training is acknowledged to include relevant material, it is generally felt by OVSs to be insufficient (given the complexity of their work and the rate at which procedures, arrangements and requirements are revised by MHS and other Government bodies) and not to be sufficiently targeted (OVS are required to maintain knowledge in relation to all animals, whereas many work with just one type of animal).

No training was specifically given by MHS in connection with the BSE testing requirements and there was confusion amongst OVSs as to the practical meaning of the BSE testing instructions, as the words 'any injury, abnormality or disease' are potentially very broad in their scope. The guidance received on this issue by Contractors from MHS was said to be inconsistent and the arrangements within MHS were insufficient to ensure consistency of advice.

Monitoring of delivery and audit

BSE testing does not have targets and is not subject to monitoring. There is no expectation formed of the number of animals that are likely to be subject to testing (based, for example on the nature of the animals taken by the abattoir for slaughter) and, as a result, it is not possible to say whether fewer or more animals are tested than one might have expected.

As a consequence MHS management is not informed if BSE testing numbers are unexpectedly low or unexpectedly high, either at a particular plant or in total. Therefore the regime relies upon OVSs to apply the BSE testing requirements appropriately.

Responsibility for meeting the requirement currently lies with the OVS with the Contractor having responsibility for ensuring that the OVS is competent and complies with the Manual and with other administrative requirements. Where the OVS is an MHS employee, they report to the Area Manager.

At the time of the issue of CN38, site based monitoring was carried out by Principal OVSs (POVSs) who had both a line management responsibility for the OVSs and also were responsible for providing guidance to them. This meant that the POVS both told the OVS what should be done and monitored their actions. Consequently, if a POVS gave inappropriate instructions, or set inappropriate requirements, it would be the POVS who would be responsible for identifying those failings. In effect MHS managerial arrangements required a POVS to criticise themselves. Subsequently the role of the POVS was abolished and Regional Veterinary Advisers (RVAs) were introduced having different responsibilities. Their contract requires Contractors' to supervise their own OVSs.

Quality management standards were included in the tender requirements for the supply of OVSs and appraised in the tender submissions. A minimum standard was set and tenders not meeting it were rejected. However, this evaluation did not verify that the claimed arrangements were in place. Tenders were awarded based upon adequate quality and cost.

Whilst reliance is placed on the Contractors' quality monitoring arrangements for ensuring technical quality, with no MHS on-site supervision, there is no mechanism in place to ensure that the Contractors' quality monitoring arrangements are being followed. In addition Contractors claim that they have been unable to get consistent and reliable advice in a number of cases.

MHS does not require Contractors to report to it on technical performance, instead focusing on administrative matters. This means that there is no effective day to day technical supervision of OVSs.

Monitoring of compliance can only be achieved by review of MHS records or by direct observation. The records are paper and often not filed in a way to facilitate easy verification that all necessary tests have taken place.

At the time of the issue of CN38, the only audit of OVS activity was by FSA internal audit. The programme of audits was determined by the Audit Committee, which included representatives from Defra, FSA, MHS and others, and FSA internal audit was tasked with testing application of the whole Manual. As CN38 was not identified as a key matter of

concern or key priority, it was not included in the audit programme. In 2003 MHS established its own internal audit function, which again seeks to cover the whole of the Manual and did identify missed tests. However, audit can never be sufficiently frequent to provide more than a retrospective test check.

The arrangements for ensuring delivery of the BSE testing requirements have been compared with those for Specified Risk Material (SRM), which was successfully introduced by MHS. There are a number of notable differences. In particular the instruction for SRM was clear and unambiguous, the priority was unequivocally very high, training was provided, supervision was in place, monitoring was rigorous and there were strong sanctions for anyone not achieving full compliance. This reflects the difference in importance perceived in the implementation of a food safety matter and a disease surveillance matter.

Action taken and proposed

Following the identification by MHS internal audit service of BSE testing omissions, MHS instigated a detailed review to establish the nature and extent of the testing omissions. As a consequence, awareness of the instruction to test and of its practical meaning has markedly increased.

In addition, the testing omissions have drawn MHS' attention to the opportunity to revise the OVS designation and other training requirements in conjunction with changes required by revision of European Food Standards in 2006.

However, the increased awareness of the BSE testing requirement and the potential for changes to the OVS designation and training regime are unlikely in themselves to be sufficient to prevent testing omissions. This is because the time available for ante-mortem inspection at larger plants renders it difficult for OVSs to carry out the detail of ante-mortem inspection required on all animals. The OVS ought to receive notification of animals requiring closer inspection (known technically as a Schedule 18) if legal requirements are followed, however this information is not always provided on time (or at all); currently there is no means by which an OVS can identify when Schedule 18 information is missing.

Conclusions

Causes of testing omissions

Specifically the testing omissions occurred as a result of OVSs not identifying all relevant animals for testing, either by the inappropriate exercise of professional judgement or by matters not spotted at the ante-mortem stage.

The failures to test arose as a result of a combination of the following factors:

- The requirement was seen by OVSs, MHS, FSA and Defra as being primarily for disease surveillance and not food safety. This meant that it was perceived as a lower priority for ensuring compliance and the arrangements for implementing it were designed accordingly.
- There was a lack of clarity as to what was required. The instruction was changed on 5 occasions and the most significant change, which removed professional judgement, was flagged as a reminder rather than a key change. The mechanisms for communicating the instruction were ineffective and the arrangements for providing guidance to OVSs were inconsistent and did not recognise the importance of the instruction.
- The final version of the instruction conflicted with OVS views as to what reflected a BSE risk and implied a detail of ante-mortem inspection that was much greater than previously carried out in order to identify sign of any disease, injury or abnormality – this was not practical at the larger plants as the design and operational arrangements limit the visibility of individual animals and the throughput demands limit the time available.
- There was inadequate supervision and monitoring of OVS records or activity to identify that the instruction had not been met. When the POVS role was removed the level of alternative supervision was not increased and this remains an issue.
- There is no cross check between the results of the ante-mortem and post-mortem inspections. This could have identified further animals with injuries and abnormalities that were not being identified at the ante-mortem stage. The lack of a formal check was exacerbated by the OVS and MHIs not working as a team.
- The Service Level Agreement did not identify testing activity as a key performance indicator. MHS monitoring was driven by the key performance measures.
- There was no expectation of testing levels by MHS or Defra and therefore no mechanism to identify that tests were being missed.
- Many of the OVSs involved were inexperienced and in need of a higher level of training, support and guidance than was available. In some cases this may have been exacerbated by unfamiliarity with the GB system and language difficulties. The designation training for OVSs is considered to be insufficient by MHS, Contractors and OVSs and many also feel that subsequent training is not enough to assist them to carry out their role.

Delay in identifying testing omissions

Identification of the failures was delayed as a result of a lack of effective technical supervision and monitoring by Contractors and MHS. Initially reliance was placed on the POVS, but this was ineffective as POVVs did not understand the requirements themselves and varied in their effectiveness as supervisors. Since the removal of the POVVs role in 2002, responsibility for supervision has been delegated to Contractors without technical MHS check. Again the structure has failed on this issue as the Contractors did not understand the requirement.

FSA and Defra relied on FSA audit of the application of the Manual by the MHS. However this particular testing requirement was not included in the audit work specified or carried out as it was not identified as a high priority for check.

Records of ante-mortem and testing activity are paper based and held locally. They do not facilitate easy checking of completeness of tests nor easy analysis of data. Reporting within MHS has therefore tended to focus on exceptions rather than giving fuller information. The matter was eventually identified when MHS introduced its own internal audit function. The testing failures identified are likely to have been only part of those missed as OVVs interviewed indicated that they do not always record minor injuries on the ante-mortem record.

The Key Performance Indicators (KPIs) focus upon administrative matters and there was no effective measurement or monitoring of technical standards, or of technical performance. Measurement of such qualitative matters is limited – the performance of MHS was not monitored by Defra, the Contractors performance was not monitored by MHS.

Current areas of risk of BSE testing omissions

Action taken since the discovery of the failures has heightened awareness of the issue and improved the specific skills, thereby reducing the likelihood of errors on Schedule 18 and 19 cattle. However, human error will mean that without an effective check mechanism some missed tests may still arise. Of more concern is the continuing vulnerability to delayed or lost Schedule 18 certificates and the difficulty for the ante-mortem inspection process in identifying all the animals meeting the requirement for testing.

The GB testing requirement appears to exceed that required by the EU regulation, as the last change to it was introduced in order to increase the numbers tested rather than to meet a technical requirement of the regulation. It also appears to be impractical to achieve at some plants without increasing the resource available to carry out the ante-mortem inspection. This needs to be considered in the arrangements going forward.

Appendix A

Questions agreed with Steering Group

The following questions were agreed with the Steering Group to be investigated:

- Was the requirement for testing clear and understood by those devising the instructions, those supervising the delivery of the instructions and those intended to carry out the instructions? If not, why not? If it was why was it not followed?
- Was the instruction disseminated to MHS staff and Contractors effectively and do systems provide assurance that this was the case? If not, why not?
- Were plant staff including OVSs and MHS inspection teams adequately trained in executing the instructions and how to follow the correct procedures? Was the training timely and was it sufficient for new staff and locum staff? If not, why not?
- Was adequate monitoring of the testing activity at plants carried out by MHS in order to ensure compliance? Did this result in corrective action being taken where appropriate? If not, why not? Were responsibilities for ensuring that monitoring was carried out and corrective action taken where necessary clear?
- Did FSA carry out sufficient monitoring of the work of MHS in order to satisfy itself that MHS had appropriate procedures in place and that the performance was satisfactory? If not, why not?
- Do plant, MHS and Contractor arrangements give rise to undue error or omission or discourage non compliance?
- What were the common features of plants that were fully compliant?
- Would MHS be able to identify any future failures on this particular issue and if so how long would it take for a test failure to be detected given the level of auditing/checking?
- Has the remedial action taken by MHS to address this issue prevented this particular problem recurring?
- Is there a similar vulnerability in respect of other testing or procedural requirements?

Glossary

ante-mortem	Inspection of cattle by the OVS prior to slaughter
BSE	Bovine Spongiform Encephalopathy
Concession Note (CN)	Official notification from MHS of a variation to the MHS Operations Manual
Contractor	Supplier of contract OVSs to MHS
Defra	Department for Environment, Farming and Rural Affairs
FSA	Food Standards Agency
Lairage	Area where animals are received prior to slaughter
MHI	Meat Hygiene Inspector, employed by MHS to inspect meat at the post-mortem stage
MHS	The Meat Hygiene Service
OVS	Official Veterinary Surgeon, the veterinary representative of MHS at slaughter
Plant	A slaughterhouse
post-mortem	Inspection of the carcass after slaughter in order to ensure fitness for human consumption
POVS	Principal Official Veterinary Surgeon, formerly employed by MHS to supervise activity in plants
RVA	Regional Veterinary Advisor, currently employed by MHS to support OVSs and Contractors
Schedule 18	Certificate required to accompany cattle with injuries, abnormalities, diseases or on medication
Schedule 19	Certificate required to accompany cattle slaughtered on the farm
SRM	Specified Risk Material
Vet Tec	The department of MHS responsible for providing veterinary advice and giving technical approval to all CNs issued to plants, OVSs and MHIs

ANNEX E – Relevant legislation

The following is a summary covering the relevant legislation for BSE testing of 24-30 month-old casualty animals.

The Legislation

Pertinent points of both the domestic and EU legislation relating to Hygiene and TSEs are outlined below.

Current EU legislation

(i) TSE Legislation: Regulation 999/2001

Article 6 and Annex III, Chapter AI, point 2.1

Requires TSE testing of bovine animals **over 24 months** of age intended for human consumption if they

- have been subject to **Special Emergency Slaughtering (SES)**, or
- in accordance with EU Directive 64/433, Annex I, Chapter VI, 28(c), slaughter has been deferred at ante-mortem because they are suspected of suffering from a disease communicable to man and animals, or a disease or disorder of their general condition likely to make their meat unfit for human consumption.

These animals, in addition to fallen stock, are regarded as the **'at-risk' population** with respect to the presence of a TSE.

(ii) Hygiene Legislation: EU Directive 64/433

Article 2(n)

Special Emergency Slaughtering (SES) as defined in Art 2(n) means slaughtering ordered by a veterinary surgeon following an accident or serious physiological and functional problems. Such slaughter may take place outside the slaughterhouse if the vet considers the transport of the animal would be impossible or would subject the animal to unnecessary suffering.

Fresh meat may only be placed on the market for human consumption if it is derived from animals subjected to an ante-mortem by a vet in accordance with Article 3(1)(A)(b).

Article 3(1)(A)(b)

Meat intended for human consumption must **(a)** be derived from animals that have been subjected to ante-mortem inspection by an official veterinarian in accordance with Chapter VI of Annex I to the Directive and **(b)** have been passed fit for human consumption following such an ante-mortem inspection.

Article 6, 1(e)

The body of the animal must be accompanied by **a certificate** signed by the veterinary surgeon who has authorised the SES attesting to the favourable outcome of the ante-mortem inspection.

The meat from such animals is not allowed to be exported and is confined to sale on the domestic market.

Annex 1, Chapter VI

Points 27(a) & (b)

At the **abattoir ante-mortem inspection** by the OVS must determine

- (a) whether the animal is suffering from a disease communicable to man and to animals or whether they show symptoms or are in a general condition such as to indicate that such a disease may occur;
- (b) whether they show symptoms of a disease or disorder of their general conditions which is likely to make their meat unfit for human consumption....;

Point 28(c)

Animals in which one of the diseases referred to in point 27(a) and (b) has been diagnosed must not be slaughtered for human consumption;

Slaughter of animals suspected of suffering from one of the diseases referred to in point 27 (a) and (b) must be deferred. These animals must undergo a detailed examination to make a diagnosis. Where post-mortem examination is necessary to make a diagnosis the OV shall request that the animals in question are slaughtered separately or at the end of normal slaughter.

Current Domestic legislation

(i) TSE Regulations 2002 Part II, Regulation 4

Intended to reflect the EU requirement to TSE test bovines.

(ii) Fresh Meat (Hygiene & Inspection) legislation 1995

Regulation 18(2), (4) & (5)

Intended to reflect Article 2(n) 64/433: Applies to animals which are slaughtered outside a licensed premises if the animal has had an accident or it was suffering from a serious physiological or functional disorder. Requires an animal to undergo ante-mortem inspection by a vet and to be slaughtered on-farm by a licensed slaughterman. The body of the slaughtered animal is transported to the abattoir accompanied by a **Schedule 19 certificate** which provides relevant details to the OVS.

Regulation 17

Requires any person sending an animal to an abattoir which he knows or suspects to be diseased or injured to give reasonable notice to the operator of his intention to send it to the abattoir;

The animal must be accompanied by a **Schedule 18 certificate** – an owner's declaration of the abnormality noted;

The OVS must be provided with the certificate and undertake an ante-mortem inspection prior to slaughter.

Note: This declaration and certificate is not an EU requirement.

Regulation 13(3) and Schedule 12

Reflect the EU requirement to restrict the meat from SES animals to the domestic market.

ANNEX F – MHS/Defra SLA in Respect of TSE Sampling of Casualty Cattle of eligible age intended for Human Consumption

Service Level Agreement



Between:

**The Department for Environment, Food and Rural Affairs
The Scottish Executive Environment and Rural Affairs Department
The National Assembly for Wales Agricultural Department**

The Meat Hygiene Service.

In Respect of TSE Sampling of Casualty Cattle of eligible age intended for Human Consumption.

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Part A - Standard Terms

1. Definitions

The following definitions shall have the following meanings:

Agreement Coordinators	Shall mean officers of the parties to this agreement who will provide day to day operational management.
Customer	Shall mean jointly and severally the Department for Environment, Food and Rural Affairs, the Scottish Executive Environment and Rural Affairs Department and the National Assembly for Wales Agriculture Department.
Defra	Shall mean the Department for Environment, Food and Rural Affairs.
FMR	Fresh Meat (Hygiene and Inspection) Regulations 1995.
FSA	Food Standards Agency.
Eligible Casualty Cattle	Shall mean a bovine identified as a casualty animal at antemortem inspection or sent for slaughter to a license slaughterhouse under a schedule 18 certificate and of eligible age requiring testing for TSE.
Enabling Legislation	Shall mean the legislation listed in Clause 3.
GB	Shall mean Great Britain comprising England, Scotland and Wales.
MHS	Shall mean the Meat Hygiene Service, an executive agency of the Food Standards Agency.
NAWAD	Shall mean the National Assembly for Wales Agriculture Department.
Operations Manual	Shall mean the manual controlled by the MHS detailing all operational policies, procedures and guidelines.
Parties	Shall mean jointly Defra, SEERAD, NAWAD and MHS.
Principal Agreement Manager	Shall mean officers of the parties to this agreement duly authorised to commit their respective agencies to this agreement, and who shall assume overall responsibility for the management of this SLA.
SEERAD	Shall mean the Scottish Executive Environment and Rural Affairs Department.
The Services	Shall mean the provision of sampling services, associated controls and enforcement action eligible casualty cattle as defined in Part B of this agreement.
SLA	Shall mean Service Level Agreement.
SI	Shall mean Statutory Instrument.
VAT	Shall Mean HM Customs & Excise Value Added Tax chargeable at applicable rates for the goods and services provided.

THIS SERVICE LEVEL AGREEMENT REPLACES AND SUPERCEDES ALL PREVIOUS AGREEMENTS FOR THE PROVISION OF THE SERVICES IN CONNECTION WITH TSE SAMPLING OF ELIGIBLE CASUALTY CATTLE INTENDED FOR HUMAN CONSUMPTION.

2. Parties

This agreement is made between Defra, SEERAD, NAWAD (together hereinafter referred to as the 'customer') and the MHS.

3. Enabling Legislation

Commission Regulation 1494/2002.
The TSE (England) Regulations 2002.
The TSE (Scotland) Regulations 2002.
The TSE (Wales) Regulations 2002.
The Fresh Meat (Hygiene and Inspection) Regulations 1995.

4. Purpose

This agreement documents the arrangements made between the parties hereto for the provision The Services.

The MHS shall ensure insofar as is reasonably practical to do so that skill, care and diligence are exercised in providing the services to specifications agreed between the parties hereto.

5. Duration

This SLA will commence 1 June 2003. Subject to any variations made under the conditions set out in this agreement and, notwithstanding clauses 7 & 17 hereunder, this SLA will continue indefinitely unless and until alternative arrangements are made.

6. Principal Agreement Managers

The Principal Agreement Managers shall jointly for the respective parties hereto assume responsibility for the management of this SLA, save as except in escalation procedures as defined in this agreement or upon agreement between respective Accounting Officers in the event of non agreement and/or failure to resolve issues and disputes under clause 12.

The Principal Agreement Manager for the customer will be Head of TSE Testing Branch of Defra.

The Principal Agreement Manager for the MHS will be the SLA Manager for the Veterinary & Technical Directorate.

7. Finance

The costs for MHS services and related resources provided to the customer are set out in Part C of this agreement for which the customer is responsible.

The customer guarantees that it has secured full and complete funding for the provision of the services under this agreement in order to meet all charges from the MHS.

Where appropriate and permissible under Enabling Legislation, charges to industry will be invoiced directly to industry.

Any industry debt incurred by the MHS for provision of services will be chargeable to the customer. MHS will use reasonable efforts to recover this debt.

The resources, services, information requirements and targets set out in Part B of this agreement will be reviewed and jointly agreed between the Principal Agreement Managers from time to time.

Where agreement cannot be reached, the arrangements at clause 12 will be applied.

MHS charges to its Government customers are agreed before the start of each financial year. The basis of charges will be the estimated time spent by the agreed grades of staff charged at the appropriate MHS Government hourly charge out rate (whether normal or overtime) for that grade.

The MHS Government charge out rates for non-EC regulated work may include any costs incurred in providing the service concerned which are not recoverable as in the case of EC regulated work. MHS hourly rates are calculated annually in accordance with the Treasury Fees and Charges Guide.

Charges for services under this agreement are exclusive of VAT, which will be payable where required at such rate as may be in force from time to time. The MHS will exercise care not to charge VAT on expenses which are not chargeable to VAT.

The schedule of costs set out in Part C of this agreement may be revised from time to time, to include any changes in the MHS hourly rate, additional training, consumable material costs, carrier charges, SLA Management, policy work or other costs directly or indirectly incurred in the provision of the services or resulting from suspension or cancellation of the services at the customers request and as described in Part B of this agreement. The customer may request any more detailed supporting information it requires to verify the additional amounts invoiced.

Invoices will be sent to the Agreement Coordinator at Defra as set out in section 5 of Part B of this agreement. Defra will pay all charges within 30 days of invoice date. Disputed charges will be subject to the arrangements in clause 12.

Defra will inform the MHS Agreement Coordinator immediately of any deficiency in the quality of The Services and the MHS will take steps to resolve any deficiency where it considers such remedies to be practical and reasonable to do so. The procedure set out in clause 12 of this document will be used to resolve any continuing dispute.

8. Variations

Either party may seek to vary The Services. Each party will do its utmost to give the other reasonable notice of any major changes, and to respond as quickly as possible within any agreed deadline. Any variation shall be agreed by the parties in writing.

Any telephone request concerning additional or changed services to be carried out by MHS must be followed up by Defra in writing within 2 working days. On receipt of such a request, the MHS will provide an estimate of the financial, material, human and other resources necessary to meet the request.

The MHS reserves the right to cancel, suspend and/or re-negotiate any part of this agreement if, as a result of a local, national or food emergency and/or, at Food Standards Agency direction, MHS resources are diverted to other priorities or due to issues beyond control of the MHS and/or force majeure.

Where emergency action is needed and the customer asks the MHS to undertake additional duties without there being sufficient time for all the provisions above to operate, the request must be made by the Principal Agreement Manager. In such cases the customer will accept that appropriate additional costs will be incurred and will be met by the customer. Written confirmation of both the request and agreement to pay the costs must be sent to the MHS Principal Agreement Manager within four working days.

In the event that instructions in the MHS Operations Manual have to be changed, Defra will ensure that instructions for changes to the operational methods will be notified promptly to the MHS for incorporation into the Operations Manual. No amending instructions will be issued directly to MHS staff or auditors without the MHS's prior agreement and, where instructions have to be issued urgently, this will be done by a Concession Note by the MHS to the Concession Note.

On agreement between the parties hereto of changes to the operational instructions the MHS require a period of 10 days from printing before such changes come into operation.

Costs associated with changes and amendments to the Operations Manual including printing and distribution, which are as a result of specific changes required by the customer, shall be borne by the customer.

Responsibility for the MHS to undertake its duties in GB under this agreement, under Enabling Legislation, shall at all times be the responsibility of the customer. Further, the customer shall be responsible for legal advice, investigation assistance and representation at meetings and proceedings where necessary, to ensure that the operational instructions and enforcement procedures are effective, save as except for the FMR Regulations which are the responsibility of the FSA.

Any new or changed services, including reports, records, key performance measures and financial arrangements once agreed, must be documented and signed by the Principal Agreement Managers for the parties hereto.

9. Records and Monitoring

Records of activities undertaken by the MHS under this agreement will be maintained at the MHS for a minimum period of one year from the end of the SLA year April to March and will be available for inspection by arrangement with the MHS Agreement Coordinator, save except as to any statutory requirement to maintain records for durations so specified.

The MHS will provide the report requirements set out in Part B of this agreement for monitoring purposes. The MHS will take account of any reasonable requests to amend these as may be made by the customer. An increased requirement for information recording may result in an increased cost being charged to the customer at prevailing rates.

10. Audit

The MHS's effectiveness in providing the services set out in Part B of this document may be audited. The MHS will arrange for a member of MHS staff to accompany the auditor during a visit. Arrangements to audit other aspects of this SLA will be made by agreement between the customer and the MHS.

The customer reserves the right at its own cost, after consultation with the MHS, to employ independent consultants to undertake an assessment of the MHS's performance in providing services under this agreement.

All costs incurred in undertaking such an audit will be met by the customer, including MHS costs.

The MHS will, on request, make available to the customer's auditors or independent consultants, records and documents relating to visits or other services carried out under this agreement subject to the requirements of the Data Protection Act or any other relevant legislation. Where the information provided is of a confidential nature the recipients will not disclose that information to third parties unless permitted to do so by the MHS.

MHS will inform Defra of any results / recommendations relevant to internal V&A audits.

11. Authorisations

Where applicable, the customer shall ensure that the requisite legal powers are in place to effect service under this agreement and shall agree the wording of any legal warrants or authorisation, so enabling the MHS to issue the necessary written warrants or authorisations to operational staff.

The customer shall at all times ensure that such legal powers, warrants and authorisations shall be in place no later than 10 working days prior to commencement of services under this agreement.

12. Disputes and Differences of Opinion

Where there is a dispute or difference of opinion between the customer and the MHS on or arising from the interpretation of the terms and conditions of this agreement or MHS performance in delivering the agreement, the matter will, in the first instance, be referred to the Defra and MHS Principal Agreement Managers. If they are unable to reach agreement then the matter shall be referred to the Defra and the MHS Accounting Officers.

In this context Defra acts as agent for all the customers to this agreement.

13. Respective Considerations for DPA and FOIA

The MHS will have due regard to the provisions of the Citizens' Charter, including the code of practice on access to Government Information in so far as they are applicable to the work undertaken.

Defra will co-ordinate with reasonable requests from auditors to the MHS's ISO 9000 program in respect of the MHS's provision of the services described in part B.

Both the customer and the MHS warrant that they are compliant with the provisions of the UK Data Protection Act 1998.

The customer undertakes that it shall not use any Personal Data (as defined by the Data Protection Act 1998) that may be disclosed to it by the MHS under this agreement for any purposes that have not previously been agreed by the MHS.

Furthermore, the customer undertakes not to disclose to a third party any Personal Data processed under this agreement other than with the specific agreement of the MHS, unless the disclosure is necessary for the proper operation of this agreement or for the customer to meet its statutory obligations.

The customer warrants that it has appropriate operational and technological processes and procedures in place to safeguard against any unauthorised access, loss, destruction, theft, use or disclosure of any Personal Data that are disclosed to it by the MHS under this agreement.

Both the customer and the MHS agree to assist each other with all requests for information made under the Freedom of Information Act 2000 that may be received by either party and which relate to information processed under this agreement. The parties agree to respond one to the other within 14 days of being requested by the other party for information that will assist it in meeting its obligations under the Act.

14. Confidentiality

Neither the customer nor the MHS will disclose information classified as restricted, policy restricted, commercial which is related to this agreement, or any issues arising as a result of the agreement, without the express written consent of the other party. If either of the parties hereto wishes to publish such information, or present it at external symposia/conferences, the proposed paper or information will be sent to the other party for approval. If either party wishes to veto or comment they will do so within a timescale agreed between the parties hereto.

15. Agents

In all contexts Defra acts as the agent for all of the customers in the agreement.

16. Legal Effect

Although this agreement cannot have any legal effect, the parties agree to be bound by its terms.

17. Termination

Save as except provided for in this agreement, this SLA may be terminated by either party subject to a minimum 12 months notice period, unless an alternative termination period is jointly agreed between the parties hereto. All notices of termination shall be in writing and sent by recorded delivery post addressed to the Principal Agreement Manager. Where MHS will incur costs either directly or indirectly as a result of termination and in particular any associated with the redeployment or redundancy of personnel these will be met by the customer.

<u>Signed on behalf of Defra, SEERAD and NAWAD.</u>	<u>Signed on behalf of the MHS</u>
Signature: _____	Signature: _____
Date: _____	Date: _____
Name in Capitals:	Name in Capitals:
Position/Job Title Head of Testing, BSE Branch	Position/Job Title Service Level Agreement Manager. G7

Part B - Details of the Services to be provided

1. Services

This section records the arrangements made between the customer and the MHS for the provision of The Services to ensure that legislation relating to TSE sampling in Eligible Casualty Cattle is complied with in licensed slaughterhouses in GB.

Charges under this agreement will be met by Defra on behalf of the Customers.

2. Service Specification (Coverage & Quality)

The MHS will provide sufficient resources insofar as it is able to do so, to collect Eligible Casualty Cattle heads or to supervise removal of Eligible Casualty Cattle brain stem samples undertaken by plant operators.

Heads or samples will be collected in accordance with the operational instructions commissioned by the Customers and provided to MHS by the Food Standards Agency and recorded in the MHS Operations Manual.

The MHS, acting as agent for the Customer or Food Standards Agency, may take enforcement action where deemed necessary to facilitate the continuing collection of heads or samples in order to safeguard public health and animal welfare.

All head sampling will be undertaken by authorised MHS staff who have been suitably trained and issued with an authorisation to sample by the MHS Operations Support Unit in licensed slaughterhouses that have not been trained to undertake brain stem removal by plant operators or when conditions require MHS intervention as requested by the customer

All brain stem sampling will be carried out by suitably trained plant operator staff under supervision the MHS.

3. Reports

MHS shall provide to the Customers the following reports:

1. Briefing report on request at progress meetings.
2. Monthly report of eligible casualty animals slaughtered in licensed premises..
3. Quarterly report of TNT transport costs for brainstem delivery to the testing laboratory subject to timely receipt from TNT and ending on 31 December 2003.

4. Key Performance Measures/Indicators

The key performance measures for the services are:

1. The taking of heads or sample supervision in accordance with the MHS Operations Manual.
2. Payment of MHS invoices within 30 days of issue.
3. Prompt submission of reports in item 3 above.
4. Dissemination of changes to operational instructions/new guidance to plant operators at least 10 before such changes come into operation.
5. Any operational breaches or failures, which may result in adverse publicity, should be reported to Defra as soon as they come to light in the form of an exception report.
6. Testing of all eligible animals covered by this SLA is carried out in accordance with the MHS Operations Manual.

5. Agreement Coordinators

All correspondence relating to this SLA's day to day management must be made to the Agreement Coordinators, save as except for provided in clause 12 of part A.

On behalf of the Customer	On behalf of MHS
Project Coordinator BSE Branch Defra 1a Page Street London SW1P 4PQ	SLA Coordinator SLA Unit Meat Hygiene Service VetTec, Kings Pool Peasholme Green York YO1 7PR

Part C – Cost

1. Cost Schedule – Head Sampling

	Amount in GBP (Ex Vat)
Cost Per Sample	

An invoice based on actual costs will be sent to the budget holder quarterly, excluding any start up and training costs that shall be invoiced separately.

2. Cost Schedule – Brain Stem Sampling Supervision

	Amount in GBP (Ex Vat)
Cost Per Sample	

An invoice based on actual costs will be sent to the budget holder quarterly, excluding any start up and training costs that shall be invoiced separately.

ANNEX G – GB Instruction, MHS Concession Form 38

Final amendment, issued 21/06/02

1. Introduction

At-risk animals

Under EC Regulations¹ the following animals are referred to as “at-risk” animals and must be tested for BSE in **accordance with these instructions**:

- All 24 to 30 month bovines that have been slaughtered on-farm – Schedule 19 certificate animals, including those registered on the Beef Assurance Scheme (BAS).
- All 24- 30 month bovines that during the ante-mortem inspection are identified as showing signs of any disease, injury or abnormality*.
- All 24-30 month bovines presented with a schedule 18 certificate*.

Note

*TB reactors, inconclusives and animals suffering from ringworm may be exempt from testing **ONLY** if they are showing no other abnormality at ante-mortem inspection.

These instructions are not intended to apply to animals suspected of suffering from BSE which must be dealt with in accordance with Chapter 14, Section E.

¹ EU Regulation (EC)999/2001 of 22nd May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies and amended by Commission Regulation 1248/2001 of 22nd June 2001.

