

Statement of resources guidance for England and Wales

The Statement of Resources (SOR) is a document that sets out how an establishment will operate in terms of hours, and what Food Standards Agency (FSA) resources will be required in the specific premises.

For all queries about this guidance, including if you require the information in an alternative format such as audio, large print, or Braille, please email us at: CBI@food.gov.uk.

Summary

Intended audience: Manufacturers and processors

Which UK nations does this cover? England and Wales

Purpose: This guidance is to support Food Business Operators in England and Wales to work with the Food Standards Agency to develop a Statement of Resources setting out how their establishment will operate in terms of hours and throughput, and the FSA resources required.

Legal Status: Individual Food Business Operators are required to state their operating hours to the Food Standard Agency for official controls purposes and agree staffing resources under the Charges Regulations.

Key words: Food law, monitoring and controls, hygiene and food safety, meat and livestock

Review date: January 2026

Sunset date: Not applicable

Revision history

This guidance follows the Government Code of Practice on Guidance. If you believe this guidance breaches the Code for any reason, please let us know by emailing betterregulation@foodstandards.gov.uk. If you have any comments on the guidance itself, please email us using the contact details.

Revision number	Revision date	Purpose of revision and paragraph number	Revised by
1	December 2013	Page 19-21 – Change Director of Operations to Chief Operating Officer Page 19, line 46 – Change report to reports	Kenny Thoresen

Revision number	Revision date	Purpose of revision and paragraph number	Revised by
2	April 2018	<p>Page 2 – Contact details amended – telephone number replaced by email address</p> <p>Page 9-19 – Change Service Delivery Manager (SDM) to Inspection Team Leader (ITL)</p> <p>Page 8-15 - Reference to Scotland removed</p> <p>Page 17 – Link to charges guide updated</p> <p>Page 6 -Index amended to include Overview of review & appeals process (Page 21)</p> <p>Page 7-19 – Paragraph numbers added/amended</p> <p>Wild Game Establishments amended to Game Handling Establishments</p>	Moira Williams
3	January 2021	<p>Page 9 - para 9</p> <p>Change EU or Domestic Legislation amended to UK legislation.</p> <p>Page 14 – para 40</p> <p>Article 27 of EC Regulation 882/2004 amended to Article 27 of UK Regulation 882/2004.</p> <p>Page 18 – para 60 requirements of the EC Regulation amended to requirements of the UK Regulation.</p> <p>Page 19 – para 71 in accordance with EC law amended to in accordance with UK law.</p> <p>Page 22 – last para.</p> <p>Breach of EU law amended to Breach of UK Law.</p> <p>Page 11 – point 14 - added reference to Annex 2</p> <p>Page 14 – point 35 – reference to Annex 2 and Export Agreements</p>	Susan Roberts-Pugh-Mark Deakin
4	April 2022	<p>Amended page 9- point 16 to include The Statement of Resource can be agreed electronically via E-Mail.</p> <p>Amended Notification Letter to covering letter</p> <p>Removed the requirement for the FBO to sign the Statement of Resource.</p>	Shaun Gleadle
5	January 2025	<p>Amended SoR appeal.</p> <p>Review of SoR appeal, amendments to reflect the latest Field Operations management structure & interpretation of the Meat (Official Control Charges) (England) regulations 2009</p>	Shaun Gleadle
6	January 2025	<p>Removed superfluous information</p> <p>'Please put your answers in the box and stick to the options in the lists given. This is to make sure the guidance is found by the right audience on the website.'</p>	Anna Fabre

Introduction

1. The Statement of Resources (SOR) is a tailored document setting out how an establishment will operate in terms of hours and throughput and what Food Standards Agency (FSA) resources will be required in the specific premises. The SOR is designed to be drafted in collaboration between the individual Food Business Operator (FBO) and the FSA staff. It is hoped that by working together the SOR will lead to a clear understanding of each other's business needs, generating a more productive and positive working relationship and improved agreement of specific FSA resources required by FBOs. It is anticipated that such a relationship will deliver cost savings for both the industry and the FSA and at the same time promote best practice. In summary, the SOR captures the needs of an individual FBO and enables the FSA to effectively deliver both official controls and animal health and welfare.

Intended audience

2. This guidance is intended for all approved meat manufacturers and processors who are subject to official control inspection services in England and Wales.
3. This guidance is applicable to all red and poultry meat abattoir and game handling establishment operators and those cutting premises approved to remove vertebral column (VC).

Purpose of the SOR

4. The FSA provides a range of services in approved meat premises across England and Wales. Some of these services are currently paid for by other Government Departments and others are charged to the FBO.
5. Under The Meat (Official Controls Charges) (England) Regulations 2009 and The Meat (Official Controls Charges) (Wales) Regulations 2009 (known as the 'Charges Regulations'), individual FBOs are required to declare their business operating hours and working practices to the FSA. The SOR assists them in doing so.
6. The FSA will work with the operator to agree the number of inspectors required to carry out the official controls and the number of hours required daily for that purpose. The information provides the basis for billing charges to the operator. The details will include, among other information, operational start and finish times, the number of animals expected to be processed and any additional information such as seasonal variations. The agreement is beneficial for both parties. It enables the FSA to make sure that the appropriate and most efficient level of staffing is deployed, helping the FSA keep costs down and providing the FBO with the level of controls required at the lowest possible cost.
7. The operating hours and working practices are permanently recorded in writing. The FSA will prepare the SOR document, jointly with the FBO to enable this to happen.

Legal Status of the SOR

8. As laid out in regulation 5 of the Charges Regulations, operators are required to supply the FSA with any information the Agency may reasonably require for the purpose of calculating charges. This information includes:
 - Operating hours
 - Throughput data at slaughterhouses and game handling establishments (GHE)
 - Information relating to authorised slaughterhouse staff (or PIAs) where applicable
 - Information relating to the trading and legal status of the business.
9. The SOR does not supersede or replace any legal requirement applicable to either the FSA or the FBO under UK Legislation. These guidance notes have been produced to provide advice on:
 - the legal requirements of the Charges Regulations.
10. The guidance notes on legal requirements cannot cover every situation and the FBO may need to consider the relevant legislation itself to see how it applies in their circumstances. Following the guidance notes will help FBOs to comply with the law. FBOs with specific queries may wish to seek the advice of their local FSA representative.

About this guidance

11. This guidance is designed to support FBOs in the process of working with the FSA to develop a SOR specific and particular to their establishment.

12. The SOR is designed to be drafted in collaboration between the individual FBO and FSA staff with the key to a successful SOR discussion being preparation and a willingness of both the FBO and the FSA team to cooperate.

13. It is hoped that by working together the SOR will lead to a clear understanding of each other's business needs, generating a more productive and positive working relationship and improved agreement of specific FSA resources required by FBOs. It is anticipated that such a relationship will deliver cost savings for both the industry and the FSA and at the same time promote best practice. In summary, the SOR captures the needs of an individual FBO and enables the FSA to effectively deliver both official controls and animal health and welfare.

14. Drafting of the SOR should initially be undertaken by the FBO and the FSA Inspection Team Leader (ITL). The ITL will be supported by the Official Veterinarian (OV) and FSA inspection staff and Field Veterinary Co-ordinator (FVC) as required. It is anticipated that on most occasions the ITL will initially meet with the FBO team to discuss the process and discuss what would be the appropriate level of FSA resources required in the establishment concerned. Export certification agreements and SHAs process should be followed as detailed in Annex 1 of this guidance.

15. Before this initial meeting, the FBO and the ITL may be sent copies of any material which could help inform their discussion about staffing. This may include supporting documentation such as audit reports and official control in plant performance measures.

16. The ITL will use the information available (current operating hours, throughput levels, line speed, etc.) to produce a SOR completed as far as possible and signed by the ITL but not the FBO or representative. The SoR can be agreed electronically via email. The SOR will show the allocated number of FSA inspectors, OVs and their hours that the FSA considers should be allocated to the plant and the business will be charged for these. The FBO will be given a copy of the SOR and a covering letter.

17. Whilst the SOR will establish initial staffing levels it should be noted that the document is intended to be a living document and should be kept under constant review by both the ITL and the FBO. A formal review should take place at least every 12 months but this should not stop either party suggesting changes to the SOR as and when business need or circumstances require it.

18. In developing the SOR all parties are expected to work in co-operation and all FSA staff are expected to behave in a responsible, professional, and courteous manner. Similarly, the FSA expects its staff and contractors to be treated professionally and courteously at all times by the FBO and the FBO's employees.

19. There will be occasions when the FBO and FSA team cannot agree on a suitable staffing level, for example the FBO could suggest that the line can be operated with less inspection positions or veterinary hours than that suggested by the FSA team. It is a requirement of the Charges Regulations that the FBO provides a declaration of their working hours and working practices. In circumstances where there is a lack of agreement between the two parties and where the FBO will not comply with the request for a declaration of working hours and working practices, or if a declaration is provided which the FSA considers inappropriate, the SOR will be completed by the ITL. The ITL will allocate the resource that the FSA determine is required noting the FBO's comments in the relevant section of the SOR and covering letter. The FBO is then able to enter into an appeals process to pursue the issue. Please see the section on

SOR Appeal Process below.

SOR Section 1.0 - Establishment details

20. The FBO needs to provide the following information:

- Registered name
- Approval number
- Establishment type

21. As the SOR is establishment specific, a separate SOR will need to be written for each approved establishment regardless of where those approved establishments are under the same ownership.

SOR Section 1.1 - Operational throughput details/average

22. The throughput, line speed, species, design of the line (carcass presentation), and inspection positioning will all to a greater or lesser extent influence the number of FSA staff required at the specific establishment.

23. The throughput table in the SOR should include a guide to the average number of animals that are expected to be processed each day. These details are not designed to limit the throughput allowed instead they give the FSA as accurate a forecast as possible of the throughput demand and this allows staffing requirements to be more accurately planned. The business information section can be utilised to further expand on throughput information.

24. Where significant changes are anticipated, such as seasonal variations or other known business fluctuations these should be noted in the business information section of the SOR and the relevant tables should be completed to agree the operating hours and staffing levels required for that period.

25. In multi-species establishments, fewer FSA staff are needed to inspect some species, for example pigs when compared to cattle in small to medium sized premises. Therefore, it may be possible to reduce inspection resources where an FBO can commit to processing species in a particular order, particularly if fewer staff are required at the start of the day. This should among other considerations be considered by the FBO and FSA team when drafting the SOR.

SOR Section 1.2 - FSA staffing allocation of average hours, coding and operating hours

26. As well as providing the FBO with more detail about exactly how the FSA staff will be deployed, the information from this table is used to complete the 'FSA staffing average total hours' table. For multi species establishments, the table should be replicated for each species indicating grade of staff etc. The multiple lines/shifts section of the SOR will accommodate different operations and concurrent slaughter arrangements.

27. These tables will be completed by the FBO and the ITL and will establish when the relevant grade of FSA staff is required for the processing of animals. Start times should be identified to ensure the FSA has the maximum opportunity possible to efficiently deploy staff.

28. Operating hours will summarise the extent to which the establishment starts and finishes and should mirror the start and finish times of the OV and or FSA staff. When determining hours of operation, the following issues should be considered:

- Stock delivery times

- Time taken for ante-mortem bearing in mind that ante-mortem can be carried out up to 24 hours before slaughter
- Anticipated start and finish time for processing
- The time needed to clean down and report at the end of the day.

29. This table will be completed by the FBO and ITL and will establish start and finish times for FSA staff and grade required e.g. OV and Official Auxiliaries for the processing of animals at the individual establishment. Where possible start times should be identified to ensure the FSA has the maximum opportunity possible to efficiently deploy staff.

30. The OV attendance table should specifically set out the start and finish time required for OV presence at the establishment considering, where appropriate, whether the OV can leave early or arrive late depending on the ante mortem procedures. The Official Auxiliaries attendance should also establish the required start and finish times for the inspection team, it should be noted that if species are slaughtered in a particular order the start time for some of the inspection team could be later than others.

SOR Other Business Information

34. This section should be used to record any other information which is of relevance to the efficient use of FSA resources in the premises concerned. Matters for consideration can include, but are not limited to, the following:

- Whether the FBO or the FSA has identified any FBO working practices which if altered could improve the efficient deployment of FSA resources e.g. changes to the line which could lead to more efficient working arrangements for the FSA team or greater predictability in the supply of stock.
- Whether the FBO or FSA team has identified any areas where changes to the FSA processes / procedures could lead to the more efficient use of FSA resources.
- Predictable seasonal variability to ensure the FSA has as much warning as possible about significant seasonal changes to throughputs.
- Where an FBO wishes to work on Bank holidays or to alter their operating hours to accommodate religious festivals, they should be encouraged to provide details of these events as early as possible to help plan FSA attendance.
- Any other comments which have been identified during the drafting process which could lead to the more efficient deployment of FSA staff.
- Any comments which the FBO wishes to make which are not taken into account elsewhere in the document.
- FSA staff allowances should be stated in the Business Information box to ensure the FBO is aware of contractual overtime and/or allowances being levied on invoices.
- FSA employed staff have an entitlement of up to 30 minutes facility time per day. The provision of chargeable facility time is in addition to the start and finish times as stated in section 1.2 of the SOR.

35. Where a Field Veterinary Co-ordinator or an OV are on site and who is also an approved Local Veterinary Inspector (LVI) then they may carry out LVI certification work, including internal movement documents, at the FBO's request. Any agreement to carry out such work must follow guidance in Annex 2 of this document and be recorded on the SOR. For this work, the FBO will be charged at the full cost non-regulated rates on HLVI coding.

Next review date

36. The frequency of the review will be determined by individual circumstances and should be mutually agreed between the ITL and the FBO. However, the review period should be no greater than 12 months. If at any stage there is a need to review the document it should be reviewed

immediately rather than delaying until the review date, for example when changing start and finish times or the level or type of throughput.

Cutting plants co-located and stand alone

37. In standalone and co located cutting plants a SOR is only required where VC removal is carried out or in circumstances where the FSA management deem appropriate to do so e.g. additional controls due to hygiene deficiencies, line speed issues, access for audits etc. Cutting Plant SORs should detail operational days, start, and finish times, identification of over thirty months (OTM) cutting, operational days, attendance to supervise OTM processing, grade of staff attending and estimated hours and coding. Co located operations can be added to the abattoir SOR by checking the VC removal box to reveal the relevant detail required for completion.

Game handling establishments

38. In game handling establishments, a SOR is required when official controls are to be provided. Attendance may be seasonal therefore seasonal requirements should be recorded in the SOR seasonal operating box and other relevant information should be recorded. A SOR is required where inspection or hygiene monitoring (e.g. monthly) resulting in official control coding is a requirement.

Increased resource

39. In some limited circumstances, it may become necessary for the FSA to implement short notice increases to the level of official controls provided, which are not laid out in the current SOR. Examples of such circumstances are in response to:

- Health and Safety concerns
- Bullying and harassment of FSA staff (note in extreme circumstances the FSA may withdraw its official controls inspection team)
- High levels of non-compliance which pose a risk to protection of public health (such as significant levels of contamination of final product requiring inspection).

40. In these circumstances, the FSA will aim to revise the SOR as soon as practicable after the introduction of increased resource and will issue a letter to the FBO detailing the action taken and FBO's right of appeal. A new SOR will be produced when the increased level of resource has been reduced again. The increased level of official controls will be chargeable pursuant to Schedule 2, paragraph 6 of The Charges Regulations and Article 27 of UK Regulation 882/2004.

Completed SORs

41. To retain their effectiveness, the SOR will need to be kept under review by both the FBO and the FSA team responsible for the premises. The FSA is committed to working collaboratively with businesses to make adjustments quickly to SORs in line with changing operational needs. A formal review of the SOR will take place at least every 12 months if not sooner. One of the aims of this will be to minimise the likelihood of the FSA and FBO incurring costs for hours that the business no longer needs.

42. As with any discussion between two parties, a degree of negotiation may be needed between the business and the FSA team to ensure that the level of staffing is appropriate to the

circumstances of the individual premises and to regulatory requirements. During these discussions, the ITL will be able to draw on advice and resources from elsewhere in the FSA e.g. Field Veterinary Co-ordinator to assess flexibility requests.

43. It is the responsibility of the ITL that the SOR is completed following the discussion and issued to the FBO. The FSA will implement the agreed staffing levels and working hours immediately or at an agreed date as detailed within the SOR. This version should be retained by the ITL in the FSA establishment office for a minimum period of 2 years.

44. The ITL will also issue a covering letter to the FBO which will remain as a formal record of discussions captured during the SOR meeting.

45. If the FBO is not content with the outcome of the discussion and a determination has been made by the FSA for the level of resource to be allocated to the premises, the letter will provide details of the actions which can be taken by the FBO to enter into the appeals process.

46. A completed, up to date SOR should be displayed in all relevant FSA offices.

47. Letters and completed SORs should also be uploaded to the K2 reporting system for central record keeping purposes

How the SOR affects FBO Official controls charges

49. The business will be charged for all the FSA time chargeable to industry covered by the agreement, which will include time spent on the production line and in undertaking support tasks, for example necessary paperwork. The business will also be charged for any FSA chargeable time that is needed in excess of the agreed levels in the SOR as provided for in Schedule 2, paragraph 6 of The Charges Regulations.

50. FSA time-based charges are calculated by multiplying the time that has been recorded on the FSA inspection team timesheets as time spent carrying out official controls, by the appropriate hourly charge out rate, minus any applicable discounts. The FSA will charge the FBO for all of the hours specified in the SOR when these hours are paid to FSA staff or contractors, with the following exceptions:

- Where staff are not required, and they can be redeployed elsewhere.
- Where force majeure applies such as electricity, gas or water failure as a result of activities on or off-site not in the control of the FBO; protest or civil disturbance delaying the arrival of stock; emergency disease / public health restrictions and/or controls; severe adverse weather resulting in the late delivery of stock; premises evacuated as a result of an incident in neighbouring premises; and closure of livestock markets due to sudden severe adverse weather conditions.
- For up to two hours on any two occasions in any four or five week charging period, where downtime has resulted from contractual or customary practices or events outside of the FBO's control, for example, sudden unexpected breakdown of machinery that has been properly maintained, as evidenced by maintenance records, planned repairs to essential equipment where reasonable notice is given to the FSA; markets have no suitable stock, stock prices is unacceptably high, stock is not of an appropriate quality, the FBO loses an order, the FBO cannot predict when stock will arrive or its quantity (e.g. game), Traffic accident resulting in the late delivery of stock. The request must be made in writing to the FSA inspection team, within 24 hours of the event and downtime.

51. Charges would be levied for unutilised FSA time in the event of on-site failures due to the activities/decisions of the FBO, failure of machinery / equipment due to poor maintenance, maintenance, repair or replacement of machinery / equipment, failure of electricity, gas or water supply due to non-payment of the utilities, events against which would be reasonable to expect the business to be insured, delayed working, late delivery of stock.

52. Any time worked outside of the SOR will also be included in the time costs e.g. if the daily finishing time of the plant extends beyond that specified in the SOR. (Note where this occurs frequently, the SOR should be reviewed to provide a more accurate reflection of the operating hours at the premises). For the audit of cutting establishments, the time spent and to be charged includes the preparation and reporting time that may be carried out away from the premises.

53. The FBO must provide the FSA with as much notice as possible when intending to change the operating hours at the premises. By giving reasonable notice of changes, the FSA will have time to try and re-arrange resources to fit the new requirements without incurring additional costs. For major or permanent changes 30 days' notice are required to enable FSA to give notice to its staff and contractors where contractual changes are necessary. The FBO should always notify the FSA in writing of the intended start date of any change as this helps to avoid any confusion.

54. For short term changes where, due to their temporary nature, a permanent change to the SOR is inappropriate the FBO should aim to give the FSA as much notice as possible. Whilst at short notice the FSA cannot guarantee to meet the FBO's needs, any amount of notice that can be provided gives some opportunity to provide resources, as required, keeping charges to a minimum. Where the FSA cannot meet temporary requirements without incurring additional costs then charges will be incurred.

For further details of how charges are calculated please refer to the Charges guide.

Health and Safety

55. The FSA and FBO share a legal duty to co-operate within one another and coordinate each other's processes toward achieving a safe and healthy environment. Both parties also share an obligation not to harm nonemployees. Both the FSA and the FBO can reasonably expect that each will report defects from which harm could arise.

56. One of the primary control measures the FSA has to mitigate the risk of, is job rotation which typically includes some off-line duties. Any impact on the FSA's ability to rotate staff should be carefully considered as should any reduction in headcount or line positions. The FSA ergonomic risk assessment should be used in such circumstances.

57. It is important to make sure that the food safety and management practices are of a good standard. Communication of key health and safety information between the two parties is critical. The FBO should be asked to nominate an individual with whom the FSA can link. The establishment of a series of meetings is a useful consideration and certainly where the FBO convenes a Health and Safety Committee, they should be asked to make this accessible to an FSA representative.

SOR Appeals Procedure

58. The FSA recognises that there may be occasions when an FBO and the FSA do not agree locally on the level of resources and the number of hours required at the premises for carrying out official controls. Where this happens, the FSA will determine the level of resources that it considers appropriate. If the FBO does not agree with the FSA's determination they will be able to challenge this following the SOR appeals process. This provides for two-stages, with internal and

external components. The process is intended to give confidence in the system, but also to encourage FBOs and the FSA to work collaboratively to agree on resource allocations.

59. If an FBO does not agree with the FSA's determination it can request that the FSA reviews it. A £250 fee is payable by the FBO at the outset of the review process as a contribution to the FSA's costs. Reviews will not commence until the fee has been paid. If the FBO is not satisfied with the outcome of that review, they can request that a determination is made by a nominated person.

60. While the appeal is being carried out, the FBO will still be required to pay the FSA invoices in full, including the cost of providing the disputed resources. If the appeal is successful either as a result of the FSA review or a determination made by a nominated person, the FBO will receive a credit on a future invoice and the £250 refunded. If the FBO's appeal is not successful, the charges will stand. The FSA may in certain circumstances continue to retain the disputed resources in the plant even after an appeal is lost by the FSA where it is considered necessary to meet the requirements of the UK Regulation, but the FBO will not be charged for the excess attendance.

Stage 1: Internal review appeal process

Step 1

61. An FBO who does not agree with an SOR determined by the FSA is able to request that the FSA reviews it. This request must be made within 21 days of the FSA notifying the FBO of the SOR it has determined. A £250 fee is payable by the FBO on making a request for review and is refundable if their challenge is upheld following the FSA's review or through any subsequent determination by a nominated person. Upon making the request for a review, the FBO will be asked to state the grounds for disagreeing with the FSA resource allocation and the FSA will provide a standard form for this purpose. A review will not be commenced until the £250 fee has been paid.

Step 2 - Appointment of an Area Manager

62. A Field Operations Area Manager from another business area will conduct the review.

63. When notified that a review has been requested, the local ITL will, within 5 working days, provide the Area Manager with a copy of the SOR and a paper setting out the reasons for the resource allocation reflected in the SOR and any other relevant information. A copy of this paper will be supplied to the FBO.

64. The review will be carried out in the light of the information supplied to the Area Manager. It will consider the SOR determined by the FSA, the grounds put forward by the FBO for disagreeing with the resource allocation in the SOR and any other information obtained from the business or the local ITL. The Area Manager will be able to seek appropriate advice, e.g. from Field Veterinary Coordinator (FVC) and Field Veterinary Leader (FVL), the FSA Health and Safety team and Meat Charging Policy. The Area Manager will prepare a report with recommendations for their regional Operations Manager for consideration.

Step 3 - Consideration by the Regional Operations Manager

65. The regional Operations Manager will consider the Area Manager's report and recommendations and make a decision on whether the FSA's determination was correct or incorrect and notify the FBO of the decision. A copy of the report will be sent to the FBO. If the FSA's decision was that it was incorrect, the Operations Manager should indicate to FSA colleagues what they believe the appropriate level of resources for the premises should be, taking into account the grounds provided by the FBO, so that this can be discussed with the FBO.

66. If the review decision is that the FSA's determination was incorrect the £250 fee must be refunded to the FBO.

67. The FBO will be charged accordingly, and the costs of any official controls delivered after the date the FSA received the FBO's request for review which are determined by the review to be in excess of those necessary to deliver the appropriate level of official controls will be reimbursed.

68. It is intended that the FSA's review will take no more than four weeks to complete from the date it receives the FBO's request for review.

Step 4 - FBO disagrees with FSA's review decision that its determination was correct

69. If the Operations Manager decision is that its determination was correct and the FBO has paid their £250 the FBO is able to request a determination by a nominated person. This request must be made within one week of being notified of the FSA's review decision.

Stage 2: The Independent Appeal Process

Step 5

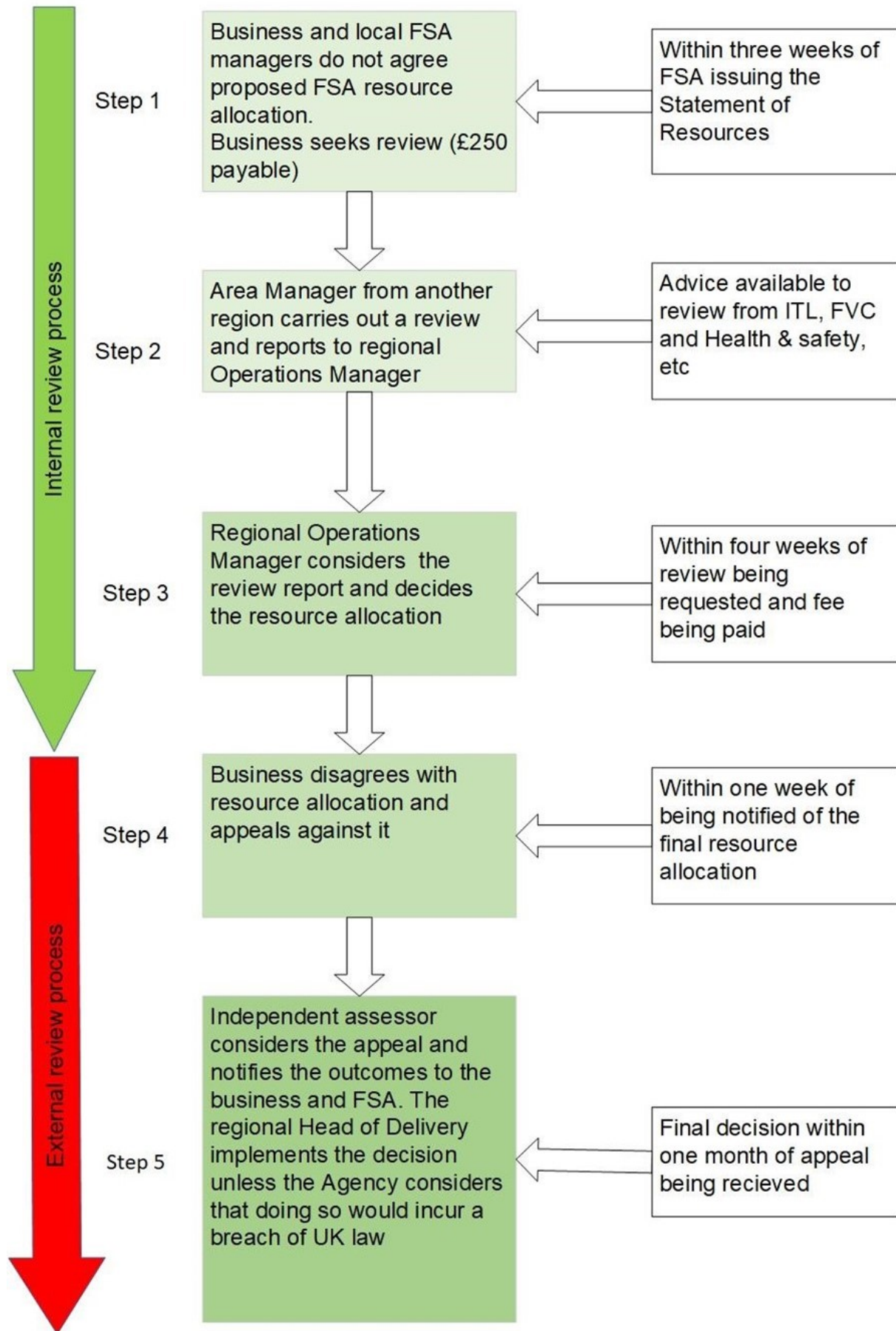
70. When an FBO requests a determination by a nominated person, the FSA must nominate a person from a list it is required to maintain. (When a person is added to that list the FSA must consult bodies representing FBOs). Within one month of being nominated, the person:

- I. Must give the FBO and the FSA an opportunity to make representations on the matter to be determined.
- II. Must determine the matter concerned.
- III. May order the business or the FSA to pay costs.
- IV. Must notify the FBO and the FSA of their determination and of any order for costs.

71. If the nominated person finds in favour of the business the £250 fee for initiating the appeals process will be returned to the business.

72. The FSA will implement the determination by the nominated person unless it considers that the resource they have determined is insufficient to enable it to carry out the official controls required under UK law. In such circumstances the FSA will deploy the level of resource it deems necessary to achieve compliance with the law and the FBO will not be charged for any staff/hours over and above those determined by the nominated person. This will apply from the date that the £250 has been received.

Overview of review and appeal process and timescale



Annex 1: Export Certification OV capacity assessment

Introduction

This section outlines a standardised process to assess Official Veterinarian capacity to carry out Export Certification alongside with delivery of official controls.

From 1st of January 2021, any consignment which contains Products of Animal Origin (POAO) that is to be exported from UK to an EU country, must be accompanied by an EHC.

An EHC is an APHA official document that confirms the export meets the health requirements of the destination country. If there are movements of such consignments between sites before they are exported, they may be required to be accompanied by a Support Health Attestation (SHA) or Internal Movement Certificate (IMC).

An IMC is an official document provided by APHA to support EHCs for animal products destined to certain countries for which specific, bespoke, official attestation is required. An SHA is not an official document created to facilitate and support exports to other countries but is not an export certificate nor an IMC.

Assessment

Although the FSA is not the competent authority for export certification work, FBOs may approach FSA to assist with this work. The FSA must have a robust and consistent process in place to assess whether OVs in abattoirs have capacity to undertake any of this export certification work. This can be for when an FBO requests FSA to complete certification work or to review existing arrangements that are in place and the assessment will be completed by the AVM and FVC.

If it is identified that there is some capacity to do some export certification work, the agreement must be clearly recorded in the SOR with details of the number and type of certificates that can be completed, days of the week and times of the day. The FSA is not looking to extend SORs to create time to enable export certification work. The consideration is whether there is capacity within existing hours.

Roles and responsibilities

ITL

FBOs will approach ITLs to ask for this support in the first instance. The ITL is not required to make any assessment of the OV capacity and should ask the relevant FVC and AVM to assist with this process. The ITL should oversee that the capacity assessment takes place in a timely manner by maintaining good communication with the FVC/AVM. The ITL should escalate to the Area Manager if this assessment is not progressing within a satisfactory time.

Once an assessment of the OV capacity has been completed, the ITL should receive the information from the FVC/AVM via an email explaining the outcome of the Annex1.Export Certification-OV capacity assessment. If export certification work is to be completed, the SOR should be updated (including the addition of the HLVI hours) and the usual SOR appeal letter sent to the FBO. If the outcome is

that certification cannot be completed, the ITL must inform the FBO of this and the reasons why.

FVC/AVM

FVCs and AVMs will be required to carry out necessary capacity assessments in their clusters and this can be done remotely using their knowledge of the plant. The FVC will use information provided by the FBO, OV and local FSA Team on the day to-day running of the business when making their assessment. They should discuss any resource implications with the ITL, such as the utilisation of MHI resource to assist with information gathering (CSO). Completion of any export certification work must not impact on the delivery of official controls.

Examples that have a negative impact on the capacity of the OV to do export certification:

- Logistics of the food establishment. For example, delivery of livestock is organised in such a way that it requires OV attendance in the lairage to do ante-mortem inspection throughout the day, limiting the time for other duties.
- Implemented OV flexibilities. For instance, the OV utilises part of his/her time to cover Meat Hygiene Inspectors and carries out post-mortem inspection.
- High level of enforcement due to lack of FBO's compliance which requires Official Veterinarian to increase their delivery official controls and verification checks to ensure that Hygiene and Food Safety are not compromised.
- Layout of the site. E.g. certification work is required a long way from the abattoir or lairage
- OV is not trained to carry out export certification (essential for EHCs)

The FVC/AVM should send details (in writing) to the ITL for inclusion in SOR (including days, times, type of cert and any other details as required) or to respond to the FBO's request. Suggestions may be put forward on efficiencies that could be implemented to change the outcome e.g. certification work may be achieved if animal intake scheduling was condensed into a shorter time period.

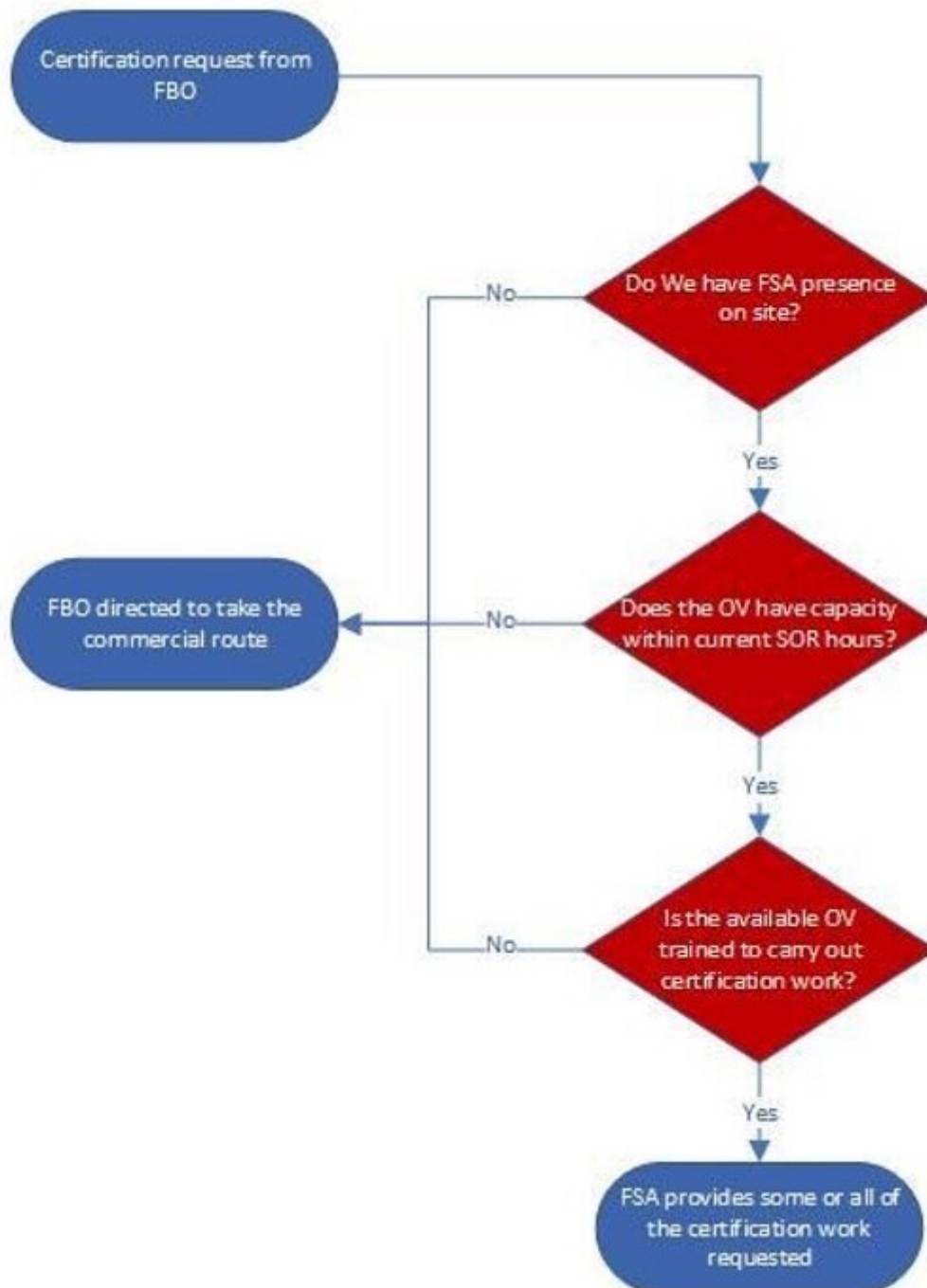
FVL

Where further assurance or guidance is required (for example, where the FBO does not agree with the FVC decision), an FVL may provide additional technical advice.

These arrangements will remain under regular review.

Annex i: FVC/AVM Assessment decision tree

From January 2021, FSA OVs may complete 1 x Statutory Health Attestation (SHA) per species, per day, for FBOs (provided certain criteria is met. For certification in addition to this, the decision tree should be followed.



Annex ii: FSA process for considering FBO certification requests

Field Operations process for considering FBO certification work requests

From January, FSA O.Vs may complete Statutory Health Attestation (SHA) per species per day for FBOs (provided certain criteria is met). For any other certification, the process below should be followed.

Please note the FSA is not the competent authority for export or export certification and the FSA position completing any certification will be reviewed regularly.

FBO requires certification as part of routine business

Option 1:

1. List of vets on APHA list
2. FBO progresses this avenue to secure resource
3. APHA approved yet Deliver controls through private arrangement

Option 2:

1. Consider FSA resource (abattoir only)
2. Contact made to ITL to request if EHC work can be completed by OV within SOR hours
3. ITL solids FVC and AVM to assess OV capacity
4. Consider trained resource availability and if OV has capacity to deliver EHC work alongside OC
 - FSA do not have capacity to deliver
 - FSA are able to deliver some controls
 - FSA can deliver all work requested
5. Local certification delivery plan (including limitations) clearly defined in SOR document
6. FSA delivers some certification work at establishment in line with certification delivery plan