

Chapter 2.3 Animal Welfare

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1. Introduction

1.1 Purpose

1.2 Legislation

1.1 Purpose

1.1.1 Key principle

Council Regulation (EC) No 1099/2009, Article 3(1) states 'Animals shall be spared any avoidable pain, distress or suffering during their killing and related operations'.

This requirement is the key principle underpinning the guidance which follows in this chapter.

1.1.2 FSA role

FSA Operations staff should verify compliance with relevant EU and domestic legislation on animal welfare prior to and during slaughter and killing, taking proportionate enforcement action.

Every time animal welfare is compromised and an animal is suffering, enforcement action should be taken. A risk based and proportionate approach to enforcement should not be perceived as supporting bad practices or compromising animal welfare.

Council Regulation (EC) No 1099/2009 only refers to Business Operator (BO) not FBO. Throughout this chapter this reference is used where appropriate to ensure the correct use of terminology as used in the regulation.

The hygiene and welfare regulations require the BO to have procedures in place to guarantee that the welfare of each animal is not compromised on farm, during transport and on arrival at the slaughterhouse and the OV is required to verify compliance with this requirement.

1.1.3 Data collection

The FSA collects data to inform Defra and the Welsh Government of trends in animal welfare in England and Wales.

1.1.4 Welfare surveillance

The OV and FSA team must identify welfare issues in **live / dead** animals and carcasses at post-mortem, which appear to have originated on the farm of provenance or during transport, gather evidence and report the details to the APHA dedicated email contact. Where there is an urgent incident, contact the relevant LA and APHA as soon as possible.

Delay in reporting incidents may affect the ability to gather further evidence. In urgent cases, the LA Inspector should be given the opportunity to visit the abattoir as soon as possible and collect evidence gathered by the OV.

In every case the owner of the animal must be given the opportunity to examine the evidence. They will usually be informed by the BO or their representative. It is not the role of the OV to inform the owner.

The BO should be informed by the OV and asked to contact the owner of the animal (where they are not the owner) giving the owner the opportunity to examine the evidence. A record must be made in the day book of this request.

Do not delay action to safeguard the welfare of animals. If there is immediate pain or suffering that cannot be resolved, (for example a broken leg) then the animal must be killed or slaughtered as soon as possible. Photographs and / or video evidence should always be taken. Detain the carcass for further examination and retain any relevant body parts as evidence for any enforcement action. Ensure that you maintain correlation of body parts with the animal's ID should this be required as evidence.

Fitness for human consumption should not be a consideration in the decision to kill an animal on welfare grounds.

Other FSA staff, particularly MHIs, must take an active role in welfare monitoring and when aware of welfare issues record them in the day book or personal note book and report to the OV for action to be taken. If there is suffering the MHI must take immediate action to prevent further suffering.

1.2 Legislation

1.2.1 Welfare legislation

Key pieces of legislation relating to welfare include:

- Council Regulation (EC) No 1099/2009 on the protection of animals at the time of killing
- The Welfare of Animals at the Time of Killing (Wales) Regulations 2014 SSI 951
- The Welfare of Animals at the Time of Killing (England) Regulations 2015 SI 1782
- Council Regulation (EC) 1/2005 on the protection of animals during transport and related operations
- Welfare of Animals (Transport) (England) Order 2006
- Welfare of Animals (Transport) (Wales) Order 2007
- Council Directive 2007/43/EC (the 'Broiler Directive')
- The Mandatory Use of Closed Circuit Television in Slaughterhouses (England) Regulations 2018 ('CCTV regulation')

1.2.2 Council Regulation (EC) No 1099/2009

Provides key animal welfare standards which must be achieved. It places a responsibility on the BO to ensure animals are provided with physical comfort and protection; protected from injury; handled and housed appropriately; do not show signs of avoidable pain or fear or exhibit abnormal behaviour; do not suffer prolonged withdrawal of food or water; and are prevented from avoidable interaction with other animals which may harm their welfare.

Key requirements of the Regulation are:

- Standard Operating Procedures **(SOP)**
- Guides to Good Practice **(GGP)**
- Animal Welfare Officer **(AWO)**
- Certificate of Competence **(CoC)**
- keeping of records for 1 year

The regulation is directly applicable across all Member States and is implemented through domestic legislation.

1.2.3 Domestic legislation

Domestic implementing legislation provides powers to appoint inspectors, details enforcement powers, specifies penalties, time limits for taking formal action, and maintains national rules.

England: The Welfare of Animals at the Time of Killing (England) Regulations 2015 SI 1782

Wales: The Welfare of Animals at the Time of Killing (Wales) Regulations 2014 SSI 951

1.2.4 Guides to good practice

Council Regulation (EC) No 1099/2009 Chapter II, Article 13 requires Member States to encourage the development of guides to good practice. These guides have been developed by industry, and are validated by the Competent Authority (Defra).

<http://britishmeatindustry.org/resources/animal-health-and-welfare/>

http://www.britishpoultry.org.uk/identity-cms/wp-content/uploads/2017/11/2015_11_Poultry_GGP_final.pdf

<http://animaltransportguides.eu/materials/>

1.2.5 (EC) 1/2005 and Welfare of Animals (Transport) (England) Order 2006 SI 3260 and (Wales) Order 2007 WSI 1047 (WATO)

Council Regulation (EC) No 1/2005 on the protection of animals during transport sets out the statutory provisions that apply to the welfare of animals transported for an economic activity. The regulation is directly applicable across all Member States but national implementing legislation is required to provide for enforcement, powers, penalties, time limits, derogations, and additional national measures. This is done through The Welfare of Animals (Transport) Orders / Regulations in England and Wales (WATO).

Council Regulation 1/2005 provides key welfare standards that must be achieved during transport.

The FSA does not enforce WATO or Regulation 1/2005. If the OV or MHI identifies a suspected non-compliance with welfare during transport they shall:

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- ensure appropriate action is taken immediately to safeguard the welfare of the animal
- advise the haulier and the BO of the non-compliance
- where the incident is urgent, telephone the relevant LA and APHA as soon as possible
- collect evidence and report to the APHA dedicated email: CSCOneHealthWelfare@apha.gsi.gov.uk using Annex 4 report form and Annex 5 evidence form
- record details of the haulier, including driver name, vehicle registration number and trailer number; this should be recorded on Annex 4
- complete Annex 5 evidence form to accompany and be submitted with Annex 4 report form

1.2.6 Legislative responsibilities

Regulations (EC) No. 853/2004, No. 854/2004 and No. 882/2004 all refer to duties in relation to animal welfare.

1.2.7 (EC) 853/2004

BOs transporting live animals to slaughterhouses must ensure that during collection and transport, animals are handled carefully without causing unnecessary distress.

Reference: Regulation (EC) No 853/2004 Annex III, Section 1, Chapter I, 1.

1.2.8 (EC) 854/2004 and (EC) 882/2004

Regulation (EC) No 854/2004, Annex I, Section I, Chapter II 'Inspection Tasks', C. Animal welfare states:

'The official veterinarian is to verify compliance with relevant Community and national rules on animal welfare, such as rules concerning the protection of animals at the time of slaughter and during transport'.

Regulation (EC) No 882/2004 makes provisions for welfare. Title I, Article 2, Para's 1, 7, 8 and 10 provide for official controls, inspection, monitoring and non-compliance.

1.2.9 Council Directive 2007/43/EC Broiler Directive

Lays down minimum rules for the protection of conventionally reared meat chickens (broilers) on holdings with 500 or more birds (known as the 'Broiler Directive').

Under this Directive, the maximum on-farm stocking density (SD) for conventionally reared meat chickens is 33 kg/m².

SD in excess of 33 kg/m² and up to 39 kg/m² is allowed, providing that the keeper complies with and records on the FCI the extra requirements as detailed in the implementing legislation as listed below:

- cumulative daily mortality rate
- breed / line information

Foot pad dermatitis (FPD) is one of the on-farm welfare indicators monitored under the Broiler Directive. This is only to be scored on an exception basis where there is a welfare concern that the FPD is severe. In this case 100 birds are to be scored as per the FPD condition card in Annex 3 and the data recorded.

If FCI is received with SD over 39 kg/m², please refer this to APHA immediately and notify the SLA and Contracts team.

Note: refer to chapter 2.4 on 'Post-Mortem, Health and Identification Marking', section 7

Defra is the Competent Authority under the terms of this Directive. FSA collects the information required under Annex III of EC 43/2007 (required elements of poultry Food Chain Information) and reports back to the Competent Authority where there are indications of poor animal welfare conditions.

2. Business Operator Role

- 2.1 Standard operating procedure
- 2.2 Animal Welfare Officer
- 2.3 Restraining and stunning
- 2.4 Delay in slaughter in white meat slaughterhouses and the provision of food and water

2.1 Standard operating procedure

2.1.1 Introduction

Council Regulation (EC) No 1099/2009 on the protection of animals at the time of killing requires all slaughterhouses to have a 'standard operating procedure (SOP)'. This means written instructions aimed at achieving uniformity in the performance of specific functions or standards. There should be SOPs for all the different operations, for example, lairage, restraint, stunning, bleeding and assessment.

The SOP should detail the process such that it explains fully the role of each individual in the activity it covers and all of their duties and responsibilities. It should also detail who is responsible for ensuring that the process is carried out correctly, carrying out assessments on the key parameters as in Annex 1, including monitoring for signs of unconsciousness, and taking any action necessary to ensure that the process is fully compliant with welfare legislation.

Reference: Council Regulation (EC) No 1099/2009, Chapter II, Article 6

2.1.2 SOP requirements

Council Regulation (EC) No 1099/2009, Chapter II, Article 6 states:

- BOs shall plan in advance the killing of animals and related operations and shall carry them out in accordance with standard operating procedures.

- BOs shall draw up and implement such standard operating procedures to ensure that killing and related operations are carried out in accordance with Article 3(1).

Note: Article 3(1) states ‘Animals shall be spared any avoidable pain, distress or suffering during their killing and related operations’.

As regards stunning, the SOP shall:

- a) take into account the manufacturers' recommendations
 - b) define for each stunning method used, on the basis of available scientific evidence, the key parameters set out in Chapter I of Annex I, ensuring their effectiveness to stun the animals
 - c) specify the measures to be taken when the checks indicate that an animal is not properly stunned or, in the case of animals slaughtered in accordance with Article 4(4) (religious slaughter), that the animal still presents signs of life
- The BO must show SOPs to the OV on request.
 - When non-compliances are found during normal operations for which there is a SOP, the SOP should be checked by the OV. Where the circumstances leading to the non-compliance are not covered, the BO must be required to make amendments to the SOP in order to prevent further similar non-compliances occurring.

2.2 Animal Welfare Officer

2.2.1 Legislative requirements

Council Regulation (EC) No 1099/2009 requires the BO to designate an Animal Welfare Officer (AWO) if the establishment slaughters more than 1,000 livestock units (definition of livestock unit below) or 150,000 poultry or rabbits per annum. The BO can appoint more than one AWO. For example, the BO could appoint an AWO for the lairage operations and another for the restraint and stunning / bleeding operations. The responsibilities of the AWO are detailed in the legislation and should be specified in the SOP as they apply to the slaughterhouse operation.

Reference: Council Regulation (EC) No 1099/2009, Chapter III, Article 17.

2.2.2 Advisory booklet for BOs

The EU Commission has produced an advisory booklet available at:

https://ec.europa.eu/food/sites/food/files/animals/docs/aw_prac_slaughter_awo-brochure_24102012_en.pdf

This provides an outline of the envisaged role and examples of the checks that an AWO could carry out with a suggested record keeping format.

2.2.3 Role of the AWO

The AWO must:

- report directly to the BO on matters relating to the welfare of the animals; they shall be in a position to require that slaughterhouse personnel carry out any remedial action necessary to ensure compliance with the rules laid down in Council Regulation (EC) No 1099/2009
- comply with the responsibilities set out in the standard operating procedures of the slaughterhouse; these responsibilities shall be effectively brought to the attention of the personnel concerned
- hold a Certificate of Competence (CoC) issued for all the operations taking place in the slaughterhouses for which they are responsible; where activities include slaughter by religious rites, it may be necessary to designate the person holding a CoC for code 61 activities as the AWO for those activities

Note: Refer to section 5 on 'CoC' further details.

Keep a record of the action taken to improve animal welfare in the slaughterhouse in which they carry out their tasks.

Keep the above record for at least one year and make it available to the competent authority upon request.

2.2.4 Definition of a livestock unit

'Livestock unit' (LU) means a standard measurement unit that allows the aggregation of the various categories of livestock (red meat species) in order to enable them to be compared.

The conversion rates for **1 LU** are summarised below:

- 1 adult bovine animal or horse
- 2 bovine animals under 8 months
- 5 pigs with a live weight of over 100 kg
- 6.66 other pigs
- 10 sheep and goats
- 20 lambs, kids and piglets less than 15 kg live weight

2.2.5 Restraining and stunning

Council Regulation (EC) No 1099/2009 on the protection of animals at the time of killing Article 9 requires that the AWO (BO) ensures all equipment used for restraining or stunning animals is maintained and checked in accordance with the manufacturers' instructions by persons specifically trained for that purpose.

The AWO (BO) must keep a record of maintenance on restraining and stunning equipment and retain these records for at least one year.

The OV should regularly ensure that these are kept up to date. In the event of any equipment failure, the OV should examine the maintenance records. If they are missing or not up to date, the OV should take appropriate enforcement action.

Appropriate back up stunning equipment must be immediately available, on the spot at all times the slaughterhouse is operating. This may differ from the first method used.

For non-stun religious slaughter of **poultry only** this is not a requirement and a repeat incision with the knife is permitted.

Animals must not be placed in restraining equipment, including head restraints, until the person in charge of stunning or bleeding is ready to stun or bleed them as quickly as possible.

2.3 Restraining and stunning

2.3.1 Checks on stunning

Council Regulation (EC) No 1099/2009 on the protection of animals at the time of killing Article 5 requires the BO to ensure that persons responsible for stunning, or other nominated staff e.g. AWO, carry out regular checks to ensure that the

animals do not present any signs of consciousness or sensibility in the period between the end of the stunning process and death.

These checks must be carried out on a representative sample of animals and the frequency established by taking into account the outcome of previous checks and any factors which may affect the efficiency of the stunning process. A record must be kept of the checks carried out.

The SOP should determine the frequency of checks and any factors used to reduce the checks. When the checks indicate that an animal is not properly stunned, the person in charge of stunning must immediately take appropriate measures as specified in the standard operating procedures.

EFSA has produced guidance on the signs of consciousness in bovine, sheep and goats, pigs and poultry:

Bovine: <http://www.efsa.europa.eu/en/efsajournal/pub/3460>

Sheep and goats: <http://www.efsa.europa.eu/en/efsajournal/pub/3522>

Pigs: <http://www.efsa.europa.eu/en/efsajournal/pub/3523>

Poultry: <http://www.efsa.europa.eu/en/efsajournal/pub/3521>

2.4 Delay in slaughter in white meat slaughterhouses and the provision of food and water

2.4.1 BO responsibility: contingency plan for delayed slaughter

BOs should have contingency plans in place for delays in slaughter as part of the SOP, and as normal practice, arrange the catching, transport and the delivery of poultry in such a way that waiting times are kept to a minimum.

EC 1/2005 and Welfare of Animals (Transport) (England) Order 2006 SI 3260 and (Wales) Order 2007 WSI 1047 (WATO) require that poultry are provided with food and water after 12 hours from the start of their journey.

Poultry which are still aboard the transport vehicle is considered to still be in transit and the journey has not been completed. The journey starts when the animals are loaded onto the vehicle and ends at the point they start to be unloaded. When they are unloaded, this should be done without delay. If the birds haven't been unloaded from the vehicle after 12 hours from the start of the journey, they must be provided with feed and water.

Liaison will be required with the Local Authority (LA) if the 12-hour transport time is likely to be exceeded when birds remain on the transport as this comes under the responsibility of the LA.

If it will not be possible to unload the birds and put them in the lairage within 12 hours of their journey starting, arrangements must be made by the FBO or haulier to provide them with feed and water or make alternative arrangements in accordance with their contingency plan procedures.

In the case of a major breakdown in plant operations, the welfare of birds is paramount and the BO should:

- Immediately notify farms and hauliers to ensure that no further birds are despatched to the slaughterhouse until the problem has been resolved.
- Put in place measures to ensure bird welfare is protected whilst the breakdown is rectified. This may include:
 - Keeping vehicles moving to ensure ventilation or placing transport containers in the shade and / or providing forced air ventilation. It is important to monitor both ambient temperatures as well as those within the transport vehicle.
 - Contact other slaughterhouses with compatible crate handling systems which may be able to accept live birds for killing / slaughtering.
 - Consider whether to return birds to **the farm of origin** for water and feeding. Sending birds to farms other than that of origin is not good biosecurity practice and may increase disease risk. Birds must be returned to the farm and unloaded within 12 hours of the start of the journey or feed and water will need to be provided.
- Take all necessary action to rectify the breakdown.

When the modules / containers are unloaded from the vehicle, Council Regulation (EC)1099/2009 will then apply and the provisions in Annex III for feed and water will need to be considered if slaughter is delayed.

The provision of feed and water may be by a method other than using water or feed in a recognisable form. FSA are aware that there are products available that provide a fluid and nutrient source to poultry. If clarification is required on the suitability of a product used, please consult with your FVL, FVC or AVM.

The BO should be able to demonstrate that the method used to provide feed and water is capable of achieving nutrient and fluid intake.

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BOs must ensure that they plan the delivery and processing of birds taking into account their operational hours or make alternative arrangements where slaughter of all the birds delivered is not possible within the working day.

In exceptional cases, when birds remain between operating shifts, they must be supplied with water (and feed after 12 hours) and adequate ventilation provided or alternative arrangements be put in place, such as transport to an alternative slaughterhouse.

3. FSA Role

- 3.1 Inspection duties
- 3.2 Verification of animal welfare
- 3.3 Referral to LA / APHA
- 3.4 Entry of compliance level in animal welfare database
- 3.5 Suspected breach of animal welfare

3.1 Inspection duties

3.1.1 OV checks

The OV should carry out checks:

- to monitor welfare of live animals
- to monitor slaughter operations
- to monitor slaughter by a religious method*
- on restraint facilities for religious slaughter*

* **Note:** See section 4 on 'Religious slaughter' in this chapter.

The OV must record welfare scores of 2, 3 or 4 on the FSA animal welfare and enforcement system (Chronos).

3.1.2 FSA duties

The following inspection and verification duties are to be undertaken at the given frequency.

Duty	By	How often
Inspect and verify BO compliance with welfare legislation – see following paragraphs for details of daily welfare reports to be completed.	OV and MHI MHIs must report any welfare incident to the OV.	During each killing period and at least several times daily. The FSA team should establish clear guidelines on welfare checks and frequency.

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		This must be reflected in the agreed welfare checks protocol. A copy of this must be retained in the site FSA office.
Confirmation of compliance with welfare legislation, or where welfare incidents occur, appropriate enforcement action taken and entry of details in Chronos, the animal welfare and enforcement system.	OV and MHI	Daily
The communication of inspection results to farmers and private veterinary surgeons.	OV Management of the database may be by an MHI.	Same day
Reporting of animal welfare incidents to APHA / LA.	OV	Same day where possible; non-urgent cases by 17:00 the next day.
CoC checks. The FSA team should maintain a welfare file containing copies of SOPs, where not readily available, and the CoCs for all staff handling live animals, verified with the WATOK team, Business Support, York. The CoC file should be updated each time a new member of staff begins work in the premises together with any updates to the CoCs held.	OV	For new staff and as required for all BO staff handling live animals.
Log welfare incidents on Chronos. Ref. chapter 7 on 'Enforcement'.	OV	As required
Welfare surveillance	OV	As required – see below

3.1.3 Welfare checks: OV responsibility

The OV has overall responsibility to ensure daily welfare inspections are conducted in plant. The delegation of specific monitoring duties to MHIs should

be established at plant level by the OV. The OV and MHIs should work together to ensure the highest standards of welfare are maintained. The Animal Welfare Verification Protocol pro-forma should be completed and maintained as a plant specific record of the duties carried out and an up to date copy retained in the site FSA office. This document can be found at Annex 8.

The OV will need to establish that each MHI is aware of the required welfare standards and that their welfare training is up to date.

A welfare file should be maintained in each premises with copies of all relevant SOPs, using version control, CoCs for all staff working in the premises and other relevant welfare records. Where the BO provides immediate access to the SOP, a note should be made to that effect in the welfare file together with the relevant contact point. A check should be made with the WATOK team in York that CoCs are valid when new staff commence employment. The OV should always verify with the BO that the SOP is the most recent version before taking enforcement action.

On each day of operation, the OV and MHIs should ensure that the BO and staff follow the procedures laid down in the SOP.

The SOP should be reviewed regularly – at least monthly or following any change to the slaughter process introduced by the BO.

If you have access to K2, the database for CoCs can be accessed at:

http://k2smartforms-live.meathygiene.mhs/Runtime/Runtime/Form/SF.SL_Launch/

You will need the date of birth or CoC ID number to check the details.

All EU country CoCs are valid throughout the EU. Other EU country issued CoCs are not available for checking on K2.

3.1.4 Daily welfare assessment reports

The WEL 3/1 (Red Meat) / WEL 3/2 (White Meat) Welfare Assessment Reports must be completed as appropriate on a daily basis when slaughter is carried out on the premises. The forms are located in Chapter 9 'Forms'.

3.1.5 Completion of daily welfare assessment reports

The workload in plants and time restraints will often result in these assessments being populated as a collective effort from the FSA team over the course of the working day. The time of each check should be entered and initialled in the relevant boxes by the MHI / OV who conducted the check for the specific area.

Welfare competent MHIs should be designated by the OV for specific assessments. In OV only plants, the OV should initial the box after completion of the checks.

In the event that the MHI is the only FSA team member remaining (due to OV flexibility), then the OV should check the assessment form when next attending the plant. The OV should verify that the daily welfare sheet has been completed and make a note of this in the daybook.

In plants where 'cold inspection' is carried out, the frequency of welfare checks should be established in consultation with the local field veterinary team. Additional visits by a Welfare Assurance Team member should be facilitated to ensure local managers are assured that welfare standards are maintained when FSA staff are not present.

3.1.6 Team responsibility

Where non-compliance with legislative requirements is identified by an MHI they must inform the OV immediately, having first taken action to ensure the welfare of the animal(s) is protected.

In doing so, the evidence gathering for potential enforcement should not be jeopardised and prompt action must be taken to seek witnesses to corroborate events. Carcase parts or the entire carcase, as appropriate, must be detained when they are evidence for a potential welfare case.

Where appropriate, a WATOK Enforcement Notice (WEN), suspension or in serious cases a revocation of the CoC should be used by the OV.

The use of the contemporaneous notebook, camera and video equipment by the OV is essential during these checks. OVs and MHIs should record details of any welfare incident observed in their contemporaneous notebook or in the day book as soon as possible after the incident. Where a camera is available, it can be used to obtain further evidence of a welfare incident if the OV is not present or unable to attend.

If the BO has CCTV installed and access to live footage is agreed, FSA staff should monitor the stunning and killing process at random during each working day or at intervals agreed with the BO. The FSA has agreed a CCTV viewing protocol with the main industry bodies and this should be followed by the OV.

CCTV is a very useful source of evidence where a welfare breach is suspected. FSA OVs have powers to seize CCTV footage if a breach of the welfare regulations is suspected. A request should be made in writing to the BO for a copy of CCTV relating to any suspected breach. The CCTV footage should be handed to the FSA investigator by the BO or their representative to maintain the evidential chain. The OV must not allow the CCTV copy to pass out of the direct control of the OV or BO until such time as the FSA investigator collects the footage.

The OV must close off the assessment report at the end of the day by making a note in the daybook.

A proactive approach to welfare monitoring should be exercised at all times and reality checks undertaken throughout the day by all FSA staff where the opportunity arises. These reality checks may sit outside recorded checks already undertaken and be reported and acted upon as with any other welfare issue and recorded in the daybook.

3.2 Verification of animal welfare

3.2.1 Introduction to the animal welfare assessment database

Chronos is the verification programme for animal welfare in slaughterhouses. Data is shared with Defra and the Welsh Government on a monthly basis.

It is used where welfare incidents have occurred, to record the level and nature of such welfare incidents and action taken.

3.2.2 Daily input

When a welfare incident is recorded, appropriate enforcement action should always be taken and recorded. A WEN should always be considered for scores of 4, other than in cases where the incident is an unavoidable accident or the evidence is lacking. In every case, a score of 4 should be actioned by giving written advice to the BO. Should the welfare incident relate to an incident in transport or on farm, referral to the APHA is required. In urgent cases, the LA should also be informed. See the section below for guidance.

Where animal welfare complies with all aspects of the legislation and a 1 score applies the OV will not need to take any action.

3.2.3 Frequency of observation

Some aspects require observing several times each day – this will depend on the throughput and risk:

Example: Effectiveness of stunning, bleeding operations.

Other aspects can be checked on a less frequent basis – at least monthly.

Example: The provision of a SOP as required by Council Regulation (EC) No 1099/2009 (see page 2-2).

These will also be verified at audit but the OV should ensure that checks are carried out monthly to verify that the BO has procedures in place to comply with all legislative requirements. It is a good idea to initial and date documents when a check is made.

3.2.4 Welfare incident recording

Select a welfare score when entering daily data in Chronos, and provide explanatory details in the action boxes. See below for guidance on scoring.

Also, include any reference number that you may have been given by the LA or APHA and / or use the unique reference number allocated in the format: plant number / date / time offence was observed.

3.3 Referral to LA / APHA

3.3.1 Referral process

Where a suspect animal has arrived at the slaughterhouse, the OV should determine if in their opinion avoidable pain, suffering or distress has been caused to the animal(s) and ensure evidence is gathered (Council Regulation (EC) No 1099/2009 uses the word 'avoidable' but in other legislation the word 'unnecessary' is used).

Completed Annex 4 and Annex 5 reports must be returned to the APHA One Health mailbox: CSCOneHealthWelfare@apha.gsi.gov.uk.

OVs must identify each Annex 4 and Annex 5 with a unique serial number made up of Establishment no / date (ddmmyy) / time (hhmm) (for example, UK 1234 / 110517 / 1330).

Urgent cases

Where a serious welfare breach is, or has been, occurring at the premises of origin / market / means of transport, or is identified in the lairage:

- contact the LA and APHA customer advice team in England (03000 200 301 options 3-2-1) or in Wales (0300 303 8268 working hours or 07000 780 144 out of hours) as soon as possible to inform them of the incident and provide the welfare reference number
- follow up with Annex 4 and Annex 5 to CSCOneHealthWelfare@apha.gsi.gov.uk by 17:00 the next working day (the LA will be notified in a later email from APHA)

Non-urgent cases

Reports must be submitted to CSCOneHealthWelfare@apha.gsi.gov.uk by 17:00 the next working day. The LA will be notified in a later email from APHA.

In all cases, record details of the haulier, including driver name, vehicle registration number, and trailer number, as well as details of the premises of origin, journey start and finish times and any delays.

3.3.2 DOA animals

All red meat DOA animals should be reported to APHA as a suspected Welfare in Transport case. The OV should not carry out a post-mortem because this requires suitable facilities and expertise should the case result in a prosecution. In white meat premises if, after carrying out a sample of post mortem examinations, the OV believes that welfare in transport or on farm has been compromised this should be reported to APHA as a suspected non-compliance of Welfare in Transport.

As a guide, broiler chickens over 1.5% DOA should be reported for investigation and other large poultry should be referred where there are over 2.5% DOA. Where there are regular occurrences at levels below these, they should also be reported after discussion with the AVM, FVL or FVC.

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Where it is suspected that the stocking density in transport is too high, the details of the vehicle should be recorded together with the number of animals, approximate weights and type (for example, sheared sheep would require less space than those in full wool).

Poultry stocking densities can be calculated from the table below:

Kgs	Min cm ² /kg	Max cm ² /kg
< 1.6 kg	180	200
1.6 – 3 kg	160	160
3 – 5 kg	115	115
> 5 kg	105	105

If a welfare issue is suspected to originate on-farm then it should be reported to APHA following the process previously described.

In urgent cases, initial contact with the LA and APHA should be by telephone (leave an answerphone message if necessary), with details of the case and confirm referral using the Annex 4 notification form and a completed Annex 5 evidence form. All calls and emails should be logged in the day book or personal note book to support the evidential chain.

The owner must be informed of any referral for investigation and be allowed to invite their own veterinarian to attend any post-mortem (diagnostic) examination undertaken in the course of an investigation. **Failure to do so could jeopardise any court action.** The BO should contact the owner of the animals where they have not been purchased by the BO.

Annexes 4 and 5 must be retained in the premises Animal Welfare file.

All reports must be sent by email to APHA and a unique identifying number allocated to each case. This should be in the format:

Plant number / date / time offence was observed.

For example: 7312/23.02.2015/10.36

This number should be used as the title for emails and other correspondence allowing traceability of all messages.

3.3.3 Assessing lame animals

When examining a lame animal, it is useful to record the degree of lameness using a scoring system. The descriptions below should be used to score the lameness and can then be referred to in statements and notes.

Score 1	Visibly lame but can keep up with the group
Score 2	Unable to keep up with the group
Score 3	Requires assistance to rise; non-weight bearing on one or more legs
Score 4	Requires assistance to rise; non-weight bearing on one or more legs; reluctant to walk; halted movement; unable to climb steep ramps
Score 5	Unable to rise or remain standing; extreme discomfort or vocalisation with assisted movement

Animals with lameness scores 3, 4 and 5 should be killed immediately where they lie. (Council Regulation (EC) No 1099/2009, Annex III, 1.11.) Slaughter does not have to be for human consumption and this should not determine the approach and timescale for dealing with the animal. Lame animals must not be loaded for transport to a slaughterhouse and transport of a lame animal must be reported to APHA.

Refer to APHA for further investigation if:

- the animals arrive lame
- in the opinion of the OV, pain, distress or suffering has been caused to the animal; this may have been by loading it when lame or having sustained an injury while in transport

The OV must complete the declaration that avoidable suffering occurred where they have suitable evidence showing the lame animal.

When collecting evidence, video footage of the lame animals is essential to convey the degree of lameness and suffering. Still photographs are of very little use in these cases.

Procedures for heavily pregnant animals are contained in Annex 6.

3.3.4 Guidance for OVs to aid enforcement authorities

If the welfare of an animal is compromised, always ensure it is killed as soon as possible.

When a welfare incident is suspected, it is important that appropriate evidence is obtained at the earliest stage of the investigation. The following notes should be

used as a guide together with the OV checklist at Annex 5 when gathering evidence.

1. **In every case the OV must ensure that suitable evidence is gathered for the investigation.** The aim should be to take pictures / video showing any lameness and or wounds while the animal is still alive. Clear notes at this stage will help in the preparation of a statement, should this be required.
2. Where the relevant enforcement officer cannot attend the slaughterhouse or the animal needs to be dispatched immediately to protect welfare, the OV must gather the following evidence:
 - a) Video and photographic evidence of the 'live' animal must clearly show the cause of any welfare or health issue and any identification markers on the animal.
 - b) It is useful to record yourself on the video evidence stating date and time of location with details of the case.
 - c) Photographs must be annotated with the date, time and by whom the pictures are taken.
 - d) Details of the livestock vehicle (name of the driver, haulier, registration number and trailer number) should be recorded. The APHA welfare in transport team will monitor and log these details.
 - e) Details of other livestock arriving from the same holding (numbers and conditions)
 - f) Copies of original paperwork including passports and relevant documentation that indicates the identification of the animal, details of the owner and transporter and time of arrival.
3. The OV must provide a clear, professional opinion of the case, verbally in the first instance then in writing (see paragraph 5). The OV in this event is a witness of fact (not an 'expert') asked by the court to analyse evidence and give an opinion on their observations in relation to their professional role. If the OV's opinion is that the animal has been caused 'unnecessary or avoidable pain, distress or suffering' this should be stated in the initial written report. (Council Regulation (EC) No 1099/2009 uses the word 'avoidable' but in other legislation the word 'unnecessary' is used.)
4. The evidence will be collected at the earliest opportunity. The date until which evidence will be retained should be completed on the Annex 4 referral form. This should allow reasonable time for collection of the evidence where suitable storage facilities are available. If large items need to be retained as

evidence, contact your ITL or Area Manager who should be able to locate premises with more suitable storage facilities.

5. There may be a request for a witness statement. This should be produced without delay and must be clear, detailed and unambiguous. The statement needs to tell the factual points of the events in a chronological order:
 - a. Identify the person making the statement and their qualifications, experience and job profile.
 - b. Clearly state what the issue / concern is and when applicable state that the animal 'has been caused unnecessary or avoidable pain, distress or suffering', plus reasons why. **Without this statement there is no offence.** The wording used should reflect the legislative requirement.
 - c. If veterinary terminology is used, this needs to be explained in layman's terms.
 - d. Include any video footage / photographs taken and refer to this in the statement.
6. Include any ante / post-mortem report and exhibit this as an item in the statement.

3.4 Entry of information in Chronos

3.4.1 Purpose

Compliance data is collected daily at all slaughterhouses to provide reports on welfare issues in plants on a monthly basis that subsequently allows trends in animal welfare to be assessed by Defra and the Welsh Government.

3.4.2 OV responsibility

The OV should verify compliance with relevant EU and national rules on animal welfare prior to and during slaughter and killing, using a systematic approach, taking proportionate enforcement action where necessary.

Suspected breaches occurring outside the slaughterhouse must be reported immediately to APHA when urgent. Non-urgent reports must be made by the next working day at 17:00.

The OV must log all calls and contact in the day book or their personal note book with details of date time and reason for contact, even where no reply or response was received from the officer being contacted.

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Where a lack of positive response is evident from the BO, after taking proportionate enforcement action, then the OV must report the circumstances to the local FSA Field Veterinary team.

3.4.3 Score definition

Reporting requires a score to be given for each score 2, 3 or 4 incident in accordance with the information below.

1 Welfare compliant	Compliant with welfare regulations; the BO is operating fully in compliance with the regulations and their own welfare controls and SOPs.
2 No immediate risk to welfare	Low risk of compromising animal welfare or an isolated low risk situation that poses no immediate risk to the welfare of animals.
3 Potential risk to welfare	Potential to risk of significantly compromising animal welfare but where there is no immediate risk to animals. This may lead to a situation that poses a risk to animals, causing pain, distress or suffering.
4 Welfare critical	Poses a serious and imminent risk to animal welfare or one where avoidable pain, distress or suffering has been caused.

Examples:

2 score – minor issue with SOP

3 score – slippery floor with potential risk of animals falling

4 score – animal not effectively stunned and no corrective action taken

Score	Definition	The OV should apply the score if
2	An isolated low risk situation observed with the requirements of legislation but with no immediate risk of injury, avoidable pain distress or suffering. There was a technical infringement that does not impact on the welfare of animals.	Lapses in compliance are observed which are rectified immediately on request and no harm occurred. BO compliant and good records. These may be subject to the use of enforcement notices.
3	Welfare practices were observed as failing to comply with the requirements of legislation	Any technical NCs have been noted during the period. These

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	and there was no potential risk to animals. There were no animals suffering any avoidable pain, distress or suffering during their killing and related operations. This may lead to a situation that poses a risk to animals, causing pain, distress or suffering, which would result in a 4 score. Welfare of animals during transportation was suspected to be compromised.	may be subject to the use of enforcement notices.
4	Welfare practices were observed as failing to comply with legislative requirements, and there was evidence of animals suffering avoidable pain, distress or suffering during their killing and related operations or a contravention poses a serious and imminent risk to animal welfare. Welfare of animals during transportation was seriously compromised with evidence of animals suffering unnecessary or avoidable pain, distress or suffering. DOA red meat animals will require a 4 score as the cause of death is not determined. These will be referred to the LA.	There have been NCs causing or that can cause actual harm to animals (whether prosecutable or non-prosecutable) during the period. In every case appropriate enforcement will have been carried out. Transport / on farm incidents will have been referred to the LA / APHA immediately.

Where an incident or accident is considered to be unavoidable and no fault of the operator a 4 score should be applied but there will be no need for enforcement action. This should be clearly explained.

3.4.4 '1' scores

No entry is required on Chronos for a score of '1' as this indicates compliance.

3.4.5 '2' '3' or '4' scores

If a '2' '3' or '4' score is awarded, the deficiency and action taken boxes must be completed with a brief description of the issue (for example, 'no water available for X time'). **The OV must record the number of animals on Chronos.**

If a '4' (and '3' where applicable) is scored, the OV must select from the 'action drop down list' and if relevant provide the following:

- the date it has been referred to the LA and / or APHA
- if an enforcement notice was served at the time of the incident as per section 5 guidance; enter in the enforcement section of Chronos
- if a CoC is suspended or revoked
- the date referred for investigation by the FSA and the investigation reference number, if held
- justification details if the incident has not been referred for investigation, for example unavoidable accidental incident, not witnessed

3.5 Suspected breach of animal welfare

3.5.1 LA / APHA contact

All referrals must be made to the dedicated APHA email contact point in the first instance: CSCOneHealthWelfare@apha.gsi.gov.uk.

The LA for the area where the slaughterhouse is located will be notified of any suspected breach of welfare, either in transport or on farm by APHA. They will then liaise with the LA responsible for the premises where the breach occurred when necessary.

In urgent cases both the LA and APHA in the area where the slaughterhouses is located must also be contacted and informed of the suspected breach.

You can find the relevant LA office by using FSAs LA postcode search tool:

<https://www.food.gov.uk/contact/consumers/find-details/contact-a-local-food-safety-team>

APHA can be contacted by using their central contact number:

England: **03000 200 301**

Wales: **0300 303 8268**

A summary of any communications with LA / APHA should be entered in the FSA daybook or notebook if away from the establishment.

3.5.2 Inadequate neck cut (red neck) birds using a 'simple stunning' method

(EC) 1099/2009 states: "The methods referred to in Annex I which do not result in instantaneous death (hereinafter referred to as 'simple stunning') shall be followed

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as quickly as possible by a procedure ensuring death, such as bleeding, pithing, electrocution or prolonged exposure to anoxia.”

Identifying an inadequately cut bird indicates that the bird did not receive a neck cut or adequate neck cut resulting in a rapid loss of blood and death. Such incidents indicate non-compliance with a number of requirements in (EC) 1099/2009 and WATOK legislation.

Where the business operator (BO) uses a stun (kill) method, the bird will be dead and an inadequately cut bird will not be a non-compliance unless there has been a failure of the stun system.

3.5.3 FSA action

Where an OV, MHI or PIA identifies an uncut / inadequately cut bird (red neck) on the shackle line, they must gather evidence and record the details.

The FSA team must identify non-compliances that have been observed using the legislative references shown below.

Scenario	Legislative reference
Bird could have been subject to avoidable pain when using 'simple stunning'	(EC) 1099/2009 Article 3 (1) states that “Animals shall be spared any avoidable pain, distress or suffering during their killing and related operations.”
Procedure (neck cut) did not ensure death in a 'simple stunned' bird	(EC) 1099/2009 Article 4 (1) states that “Animals shall only be killed after stunning in accordance with the methods and specific requirements related to the application of those methods set out in Annex I. The loss of consciousness and sensibility shall be maintained until the death of the animal.”
Procedure failed to ensure bird unconscious until death	(EC) 1099/2009 Article 5 (1) states that “Business operators shall ensure that persons responsible for stunning, or other nominated staff, carry out regular checks to ensure that the animals do not present any signs of consciousness or sensibility in the period between the end of the stunning process and death. Those checks shall be carried out on a sufficiently representative sample of animals and their frequency shall be

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	<p>established taking into account the outcome of previous checks and any factors which may affect the efficiency of the stunning process.</p> <p>When the outcome of the checks indicates that an animal is not properly stunned, the person in charge of the stunning shall immediately take the appropriate measures as specified in the standards operating procedures drawn up in accordance with Article 6 (2).</p>
<p>BO has not ensured line speed allowed sufficient time for adequate neck cut</p>	<p>WATOK Schedule 1, Paragraph 21 (1) (b) states that “No person may operate a shackle line unless the speed at which the shackle line is operated is such that any act or operation intended to be performed in relation to, or on, poultry suspended from it can be performed without undue haste and with proper regard for the welfare of the poultry.”</p>
<p>BO or slaughterman has not ensured neck cut is such that bleeding is rapid and profuse</p>	<p>WATOK Schedule 1, Paragraph 31 (1) states that “A person engaged in the bleeding or pithing of an animal that has been simple stunned must ensure that the animal has been bled or pithed without delay after it has been simple stunned.”</p> <p>Paragraph 31 (2) states that “A person engaged in the bleeding of an animal which has been simple stunned must ensure that the bleeding is: (a) rapid, profuse and complete; and (b) completed before the animal regains consciousness.</p> <p>Paragraph 31 (3) states that “Without prejudice to the generality of paragraph 3.1 of Annex III of WATOK, if an animal is bled after simple stunning, no person may cause or permit any further dressing procedure or any electrical stimulation to be performed on the animal before the bleeding has ended and in any event not before the expiry of: (a) in the case of a turkey or goose, a period of not less than two minutes</p>

	(b) in the case of any other bird, a period of not less than 90 seconds.”
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After each incident, the OV must give written advice to the BO detailing the non-compliance and actions required to achieve the objectives of the legislation. Where the line speed, shortage of slaughtermen or lack of rotation is a contributory factor, a WATOK Enforcement Notice (WEN) should be served to slow down the line.

3.5.4 Evidence gathering

The OV and FSA team must ensure that every incident where a bird is identified as not bled or poorly bled is recorded and evidence gathered at the time of the incident. This will help to demonstrate that the BO is failing to take action to spare animals' avoidable pain, distress or suffering. It will also help avoid systemic failures of SOPs and prevent problems recurring.

Notes to include as evidence:

- the line speed on the day and time of the incident, and whether it is different to normal for that premises
- the daily throughput and hours worked on the day of the incident
- the names of slaughtermen at the time of the incident; this will help to identify if there is a pattern with some slaughtermen more often involved
- where there is clearly one slaughterman failing to carry out adequate neck cuts, the OV should consider suspension or revocation of the CoC
- the amperage and voltage of the equipment to demonstrate that it was a stun to kill / simple stun / stun to establish that the bird will have suffered
- any discussions with BO staff, and allow the BO to add comments to the day book

The OV / MHIs should record the outcomes of the discussions carried out with the BO, animal welfare officer and operatives including their comments and intentions about how to solve the problem.

Evidence should be obtained on whether the SOPs have been reviewed by the BO in order to prevent recurrence.

Photographs of the affected bird(s) must be taken and secured as advised in MOC Chapter 7 Enforcement.

Where possible, a representative sample of affected birds should be retained if there are suitable freezer facilities available. If not, facilities may need to be secured off site.

If, after discussion with the FVL or FVC, it is considered necessary to send birds for post-mortem, arrangements will be made by the FSA.

3.5.5 Verification procedures

SOPs should describe the procedures and checks necessary to ensure there is adequate stunning and bleeding of the animals. The animal welfare officer should keep records on the checks they carry out and of the actions taken when shortcomings are identified. The FSA team should check the SOPs and records regularly, record any deficiencies identified and discuss these with the BO representative.

Verification by the FSA team should include checks on the stunned animals at the point before they enter the plucking machine in order to verify that they are unconscious and properly bled at that moment. Evidence should be recorded of any animal that is inadequately cut, poorly cut or conscious along with actions taken and the reason why this happened.

4. Religious Slaughter

- 4.1 Compliance with religious slaughter requirements: BO responsibility
- 4.2 Compliance with religious slaughter requirements: FSA responsibility

4.1 Compliance with religious slaughter requirements: BO responsibility

4.1.1 Legislation: slaughter

WATOK (England), (Wales) Schedule 3, 1, (c) states:

‘killing in accordance with religious rites’ means killing without the infliction of unnecessary suffering:

- a) by the Jewish method (Shechita) for the food of Jews by a Jew who is licensed by the Rabbinical Commission and holds a certificate for that purpose
- b) by the Muslim method (Halal) for the food of Muslims by a Muslim who holds a certificate for that purpose.

4.1.2 Legislation: species

WATOK (England) and (Wales) Schedule 3, Part 1 2, (1) sets out the species that are permitted to be slaughtered by a religious method. These are sheep, goats, bovine animals or birds killed in a slaughterhouse.

WATOK (England) and (Wales) Schedule 3, Part 1, 1 (a) defines ‘bovine animal’ as an ox, bullock, cow, heifer, steer or calf; and 1 (b) defines ‘bird’ as a turkey, domestic fowl, guinea-fowl, duck, goose or quail.

These are the only species permitted to be slaughtered according to religious rites without prior stunning.

4.1.3 Legislation: method of slaughter

WATOK (England) and (Wales) Schedule 3, Part 2, 5 for sheep goats and bovines and Part 3, 7 for birds, requires that:

Any person that kills an animal in accordance with religious rites must inspect the knife immediately before killing to ensure that it is:

- a) undamaged
- b) of sufficient size and sharpness to kill the animal

For ruminants, the incision must ensure it is killed by the severance of both its carotid arteries and jugular veins by rapid, uninterrupted movements of a hand-held knife.

For birds, the incision must ensure the bird is killed by the severance of both of its carotid arteries by rapid, uninterrupted movements of a hand-held knife.

4.1.4 Compliance with religious slaughter requirements

In establishments where killing by a non-stun religious method takes place, there must be checks by the slaughterman, verified by the BO (this could be through the AWO), that animals are unconscious before being released from restraint and checks that the animal does not present any sign of life before undergoing dressing or scalding.

A guide to the signs of effective stun and unconsciousness can be found in the welfare indicator cards at Annex 11 Signs of properly stunned or dead poultry and Annex 12 Signs of a properly stunned animal by stunning method.

Note: The requirements in WATOK Schedule 3 for killing by a religious method also apply.

4.1.5 Legislative requirements

The EC Regulations permit slaughter by a religious method without prior stunning.

Reference: Article 4 (4).

Where animals are killed without stunning by a religious method the persons responsible for slaughtering must carry out systematic checks to ensure that animals do not present any signs of consciousness or sensibility before being released from restraint and do not present any sign of life before undergoing dressing or scalding. The person carrying out these checks must have a CoC for

the activities being checked and report to the AWO. A record should be kept of the checks carried out. **Reference:** Article 5 (2).

BOs engaged in religious slaughter without stunning must specify in the SOP measures to be taken when the checks indicate **the animal still presents signs of life**. **Reference:** Article 6 (2), (c).

BOs must also ensure that all animals that are killed by religious rites without prior stunning are individually restrained; in particular, ruminants should be individually mechanically restrained. **Reference:** Article 15 (2).

Bovines can only be killed in an approved restraining pen. **Reference:** WATOK (England) (Wales), Schedule 3, Part 2, 3.

The animals must not be placed in restraining equipment until the CoC holder is ready to make the incision immediately. **Reference:** Article 9 (3), WATOK (England) (Wales), Schedule 3, 6 (1) a.

If the restraining equipment was not in operation before 1 January 2013, then it must also comply with the requirements in paragraph 3, Annex II of Regulation 1099/2009; that is, it must:

- optimise the application of the killing method
- prevent injury or contusions to the animal
- minimise struggle and vocalisation when an animal is restrained and
- minimise the time of restraint

Note: The use of V-shaped restrainers for sheep / goats is permitted since these are a type of mechanical restraint. Only one live animal can be restrained at a time. The belt must be stationary for the duration of the bleeding, until the animal is unconscious and for 20 seconds as a minimum when the animal is killed without prior stunning.

Reference: Art 15, 2 and Article 9(3).

Restraining equipment must be checked and maintained in accordance with the manufacturer's instructions.

4.1.6 Adult bovine restraint

Note that adult bovines can only be restrained upright in a stunning box approved under:

- Schedule 3 Part 2 of WATOK (England) and (Wales)

Young bovines must be individually mechanically restrained for non-stun religious slaughter. The process / restraint used must not result in any avoidable pain distress or suffering and in particular consideration should be given to the contact of any body parts with parts of the equipment which would result in avoidable pain.

WATOK (England) and (Wales) Schedule 3, 6 (1) requires that animals are not placed in restraining equipment until the person is ready to make the incision.

The approval of restraint facilities for adult bovine animals, subject to slaughter by a religious method, is to be carried out by the FSA prior to use of the pen.

If during routine checks on approved adult bovine restraint facilities the OV is of the opinion that the facility is not being used as originally approved or may cause adult bovine's pain distress or suffering they should discuss this with their Field Veterinary team who may make a recommendation for an approval review. If a review is required the restraint box cannot be used until the review has been completed.

The SOP for the bovine restraint box slaughter method should be reviewed at least monthly and include the process that the BO uses to assess signs of unconsciousness and after what period of time a post cut stun is applied.

If a review is required or the restraint facility is causing pain distress or suffering during use then the OV should serve an enforcement notice preventing its use with immediate effect. See section 6 for enforcement details.

4.1.7 Handling of sheep, goats and bovine animals

Where sheep, goats or bovines are killed by religious rites without stunning the slaughterman and BO must ensure:

- that animals are not shackled, hoisted or moved in any way until the animal is unconscious and in any event not released from restraint before the expiry of:
 - a) sheep and goats: a period of not less than 20 seconds
 - b) bovines: a period of not less than 30 seconds
- there is appropriate back up stunning equipment close to the restraining pen / equipment for use on ruminants in case of emergency; this is to be used immediately where the animal is subject to avoidable pain, suffering or agitation or has injuries or contusions

Note: The animal must be unconscious before it is moved; some animals may require longer than the above times before they become so. **The BO must ensure that checks for consciousness / unconsciousness are made** by the responsible CoC holder before animals are released from restraint. A record must be kept of the checks carried out.

The BO, and any person engaged in the killing of a bird in accordance with religious rites without prior stunning, must ensure that where the bird has not been stunned without bleeding, no further dressing procedure or any electrical stimulation is performed on the bird if it presents any sign of life and in any event not before the expiry of:

- turkey or goose: a period of not less than 2 minutes
- any other bird: a period not less than 90 seconds

No dressing or scalding can take place until the absence of signs of life has been verified.

England only:

A premises stunning and then killing by a religious method with Jewish or Muslim slaughtermen does not have to comply with the parameters set out in Council Regulation (EC) No 1099/2009 Annex I. The animal must be immediately rendered unconscious and remain unconscious until dead before any further procedures take place.

4.2 Compliance with religious slaughter requirements: FSA responsibility

4.2.1 OV checks

The OV should carry out checks:

- to monitor slaughter by a non-stun religious method
- on restraint facilities for non-stun religious slaughter
- to monitor the period of time that the animal remains restrained after neck cut has taken place and ensure this complies with both domestic and EU regulations requiring unconsciousness and minimum standstill times
- ensure that animals are checked by persons responsible for slaughtering and they carry out systematic checks to ensure that the animals do not present any signs of consciousness or sensibility before being released

from restraint and do not present any sign of life before undergoing dressing or scalding

- monitor records of checks carried out by the BO on signs of unconsciousness

4.2.2 Welfare incident recording

All welfare incidents observed must be recorded in Chronos.

Where animals are released from restraint whilst still conscious or before the required time has elapsed, appropriate enforcement action must be immediately taken.

This could include using an enforcement notice to slow down the slaughter process, which would allow sufficient time for the required monitoring of signs of unconsciousness / consciousness; restraint times to be observed and / or in cases where the CoC holder is failing to comply with these requirements, suspension or revocation of the CoC.

Numbers of animals released before unconsciousness should be recorded.

4.2.3 Enforcement

For guidance on enforcement of animal welfare regulations refer to:

- topic 6 on 'Enforcement' of this chapter
- chapter 7 on 'Enforcement'

Note: In the event that users require technical guidance on enforcement issues, they should follow the escalation through lines of communication as detailed in chapter 1 on 'Introduction', section 3.

5. Mandatory use of CCTV

- 5.1 Requirements
- 5.2 Enforcement
- 5.3 Appeals
- 5.4 Guidance

The Mandatory Use of Closed Circuit Television in Slaughterhouses (England) Regulations 2018 ('CCTV regulation') lays down rules on the installation, operation and retention of CCTV systems, images and information.

The CCTV Regulations are only applicable in England, there is no legal requirement for slaughterhouses in Wales to install CCTV. A voluntary CCTV viewing protocol exists for establishments in Wales and OV's should discuss arrangements for viewing where the BO has CCTV

5.1 Requirements

Regulation 3(1) of the CCTV legislation requires that the BO of a slaughterhouse must install a CCTV system that provides a complete and clear image of killing and related operations in all areas of the slaughterhouse where live animals are present.

CCTV cameras should cover unloading, lairage, handling, restraining, stunning, bleeding and killing areas. This should include animals that are alive but unconscious post stunning or bleeding.

Slaughter by a method that results in instantaneous death would not require CCTV after that point in the process.

Regulation 3(3) requires that the system be operational at all times when live animals are present.

This includes overnight and on non-working days if animals are delivered or held at the slaughterhouse outside of normal operating hours.

Where there is a field lairage associated with the slaughterhouse that has the same CPH number as the slaughterhouse this will require CCTV coverage.

Regulation 4(1) requires that the BO retains and stores any images and information obtained by the CCTV system for 90 days from the date the images or information are obtained.

The OV and FSA staff will be able to view live and historical CCTV images.

Regulation 5(1) gives an inspector power to view, copy or seize CCTV equipment as well as images or information obtained by a CCTV system. Access to CCTV equipment, images and information must be provided by the BO to any inspector appointed by the competent authority.

An inspector is any authorised officer for the purposes of executing and enforcing the Welfare of Animals at the Time of Killing (England) Regulations 2015 or the EU Regulations. Inspectors include OVs, AVMs, MHIs, FSA Field / Audit veterinarians and criminal investigators.

5.2 Enforcement

The CCTV Regulations give enforcement powers to FSA.

Failure to have CCTV that complies with the CCTV Regulations, failure to retain images for 90 days and failure to provide access or obstruction of an inspector will constitute offences under the CCTV Regulations.

You should encourage the BO to inform you of any issues or problems with any CCTV equipment and the likely timescale that problems will persist. All enforcement action should be proportionate and in line with the hierarchy of enforcement at Chapter 7 of the MOC.

An inspector may issue a written CCTV Enforcement Notice (WEL 11/38) requiring the BO and/or their staff to take specific actions, which may include timescales to rectify contraventions of the CCTV Regulations.

Once an inspector is satisfied that the contravention has been remedied, they must serve a CCTV Completion Notice (WEL 11/39).

If an inspector is not satisfied that the contravention has been remedied in the timescale required and so the CCTV Enforcement Notice has not been complied with, they may choose not to issue a CCTV Completion Notice but, in this case, must provide a CCTV Refusal to Issue a Completion Notice (WEL 11/40), this will detail:

- The reasons for the decision not to serve a Completion Notice.
- Provide details on how to appeal the appointed inspector's decision.

An inspector may vary or withdraw a CCTV Enforcement Notice in writing at any time, for example where rectification of an issue becomes more urgent or it is evident a solution will take more time, or where an alternative solution is presented. A breach of a CCTV Enforcement Notice will be referred for formal investigation.

5.3 Appeals

A person may appeal against a decision

- To serve a CCTV Enforcement Notice
- not to issue a CCTV Completion Notice

The appeal will be heard by the First-tier tribunal in the General Regulatory Chamber.

Details on how to appeal, will be provided as part of the CCTV Enforcement Notice or the CCTV Refusal to Issue a Completion Notice.

A CCTV Enforcement Notice will not be suspended pending the appeal, unless the First Tier Tribunal orders otherwise.

5.4 Guidance

Defra have produced guidance on the CCTV Regulations for BOs and these can be found on the gov.uk website at

<https://www.gov.uk/government/publications/cctv-in-slaughterhouses-rules-for-operators>

6. CoC

- 6.1 Training and registration of BO staff
- 6.2 CoC species and operations
- 6.3 Suspension or revocation
- 6.4 Appeals process

6.1 Training and registration of BO staff

6.1.1 BO responsibility

It is the BO's responsibility to ensure that staff are correctly trained, with the relevant CoC, to carry out tasks assigned to them.

6.1.2 1099/2009 requirements for BO staff: Certificates of Competence

Council Regulation (EC) No 1099/2009 requires that any person involved in the handling or slaughter of animals has a Certificate of Competence (CoC) for all operations they will carry out.

Reference: Council Regulation (EC) No 1099/2009, Chapter II, Article 7.

Animal handlers, lairage workers and poultry shacklers (plus those who kill an animal by means of a free bullet in the field for human consumption) require a CoC.

Employees or others that are carrying out ancillary duties not related to the slaughter process in the lairage, for example clipping / shearing cattle and sheep prior to slaughter or fork truck drivers in poultry premises that do not carry out any other handling of live animals will not need a CoC.

6.1.3 Who needs a CoC?

CoCs will be required by persons undertaking the following operations, for human consumption or otherwise:

- the handling and care of animals before they are restrained

- the restraint of animals for the purpose of stunning or killing
- the stunning (including methods resulting in instantaneous death) of animals
- the pithing and assessment of effective pithing of animals
- the assessment of effective stunning
- the shackling or hoisting of live animals
- the bleeding of live animals
- the slaughtering in accordance with Article 4(4) (slaughter in accordance with religious rites)

Reference: Council Regulation (EC) 1099/2009 Chapter II, Article 7.

A member of the BO staff at a slaughterhouse site at night who has had suitable training but no CoC may kill an animal in the lairage where it is injured, suffering or in pain, provided that the individual is suitably competent and the animal does not enter the food chain.

6.1.4 Slaughterers transferring to or commencing duties at an alternative slaughterhouse

Where a person transfers to or commences work at another slaughterhouse to carry out duties involving the slaughter or handling of animals, the OV must verify that the individual holds a valid CoC for the operations that they will be undertaking.

The OV should check new individual's CoCs on the FSA's slaughtermen registration database by contacting the WATOK team in Business Support.

If you have access to K2, the CoC details can be accessed at:

http://k2sfr.meathygiene.mhs/Runtime/Runtime/Form/SF.SL_Launch/

You will need the date of birth or CoC ID number to search.

These checks should be completed as soon as possible, and before the individual undertakes any duties involving the handling, restraint or stunning of animals. Obtain a copy and retain in the welfare file.

Note: A CoC issued in any EU state is valid throughout the EU. The Channel Islands and the Isle of Man are not EU member states.

6.1.5 Training for CoCs

Training for a CoC and the award of qualifications is carried out by external bodies. The body awarding qualification certificates in England and Wales is currently only Food and Drink Qualifications (FDQ):

[http://www.fdq.org.uk/our-qualifications/technical/welfare-of-animals-\(watok\)/](http://www.fdq.org.uk/our-qualifications/technical/welfare-of-animals-(watok)/)

Reference: Council Regulation (EC) 1099/2009, Chapter V, Article 21.

6.1.6 Types of CoC

Council Regulation (EC) No 1099/2009 states which tasks require a CoC. The following table details the various types of CoC / certification which will be issued.

Type	Purpose
Temporary CoC (TCoC)	<p>This will allow a person, while training, to carry out those tasks requiring a CoC, under the permanent supervision of a full CoC holder for the tasks and activities being undertaken. TCoCs should be issued by the OV provided the applicant has registered with a training body for a CoC. A copy of the application form can be found at:</p> <p>https://www.food.gov.uk/business-guidance/slaughter-licensing</p> <p>For on farm game establishments where an individual requires a TCoC, a request should be made to the FVL. They will arrange a visit to the premises and issue the TCoC if all checks are satisfactory.</p> <p>A temporary CoC can only be issued for 3 months and will not be renewable for the same species / operations. (In exceptional circumstances, a temporary CoC can be extended if evidence is supplied to show that the failure to complete training was beyond the control of the individual. The applicant should submit an appeal to the FSA.) Further guidance on application procedures is available on the FSA website.</p> <p>Conversion of a temporary CoC to a full CoC will involve the applicant obtaining a qualification certificate. On receipt of a copy of the qualification certificate and payment of a fee, a full CoC will be issued by FSA.</p>
Qualification certificate	<p>This is issued by the training award body when the candidate has been assessed as competent. A qualification certificate is required to obtain a full CoC.</p>

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Certificate of Competence	This will allow a person to carry out those tasks specified on the CoC without supervision.
WATOK Licence	Issued only in England and Wales. Not valid for slaughterhouse activities. This allows a person to carry out those tasks specified on the licence outside of a slaughterhouse only. It is assessed by APHA.

6.1.7 Obtaining a CoC

There are two methods of obtaining a CoC:

- holding a qualification certificate issued by an awarding body or a licence granted by the Rabbinical Commission
- holding a veterinary qualification, recognised by RCVS, along with suitable RCVS recorded CPD

Qualification certificates are granted by awarding bodies regulated by Ofqual in England and Wales (currently FDQ).

BOs asking for guidance on training and assessment of their staff should be directed to the awarding bodies in their country for a list of providers. In England and Wales, FDQ is currently the only awarding body. As a government department, the FSA cannot recommend individual suppliers.

Applicants using a qualification certificate to apply for a CoC should complete the relevant form in the guidance.

Further guidance on application procedures is available on the FSA website:

<https://www.food.gov.uk/business-guidance/slaughter-licensing>

6.1.8 Working following an assessment

A TCoC holder who has passed their assessment can be allowed to work unsupervised for the species and operations for which they have been successfully assessed.

The assessor must communicate the decision to the OV either verbally or in writing and a note should be made by the OV in the day book that the individual has been assessed and for which species and activities they were successful in.

The OV must verify that any person who has been successfully assessed has obtained a full CoC within 30 days of the assessment and ensure that a copy of the CoC is retained in the premises welfare file.

Where the individual is unable to provide a full CoC within 30 days, they must provide evidence of their application and the OV must verify with the WATOK team that the application has been received.

If the CoC or application cannot be verified after 30 days, the OV must instruct the individual to stop working with the species and activities they were assessed for until such time that the person can demonstrate that they have a full CoC.

6.2 Certificate of Competence: species and operations

6.2.1 CoC species and operations

The chart on the following pages shows species and operations from which the applicant will select the operations required for their CoC. A check will be made when the application is processed that the applicant has a qualification certificate for these operations.

6.2.2 White meat

Operation 15 cervical dislocation: it should be noted that manual dislocation is only permitted up to 3 kg live weight and between 3 and 5 kg mechanical cervical dislocation must be used. A person cannot do more than 70 birds per day using manual cervical dislocation.

This cannot be used as a routine method, but only for back up stunning.

6.2.3 Summary of species and activities

Red Meat	Cattle	Calves	Horses	Sheep & Goats	Pigs	Large Game
Reference	A	V	B	C	D	E
11. Penetrative captive bolt device						
12. Non-penetrative captive bolt device	N/A	up to 10 Kg	N/A	up to 10 Kg	N/A	up to 10 Kg
13. Firearm with free projectile						
14. Pithing	Not for human consumption	Not for human consumption		Not for human consumption		
16. Percussive blow to the head	N/A	N/A	N/A	Lambs and kids up to 5Kg	Piglets up to 5Kg	N/A
21. Head-only electrical stunning						
22. Head-to-Body electrical stunning						
31. Carbon dioxide at high concentration	N/A	N/A	N/A	N/A		N/A
32. Carbon dioxide in two phases	N/A	N/A	N/A	N/A	N/A	N/A
33. Carbon dioxide associated with inert gases	N/A	N/A	N/A	N/A		N/A
34. Inert gases	N/A	N/A	N/A	N/A		N/A

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41.the handling and care of animals before they are restrained;						
42.the restraint of animals for the purpose of stunning or killing;						
43.the shackling or hoisting of animals;						
51.the stunning of animals;						
52.the assessment of effective stunning;						
53.the bleeding of live animals; monitoring the absence of signs of life						
61.Slaughtering in accordance with Article 4 (4) of Regulation EC 1099/2009			N/A		N/A	N/A

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Poultry, Ratites and Lagomorph.	Chicken & Guinea Fowl	Quail	Turkey	Ratites	Ducks	Geese	Rabbits
Reference	K	L	M	N	Q	P	R
11. Penetrative captive bolt device							
12. Non-penetrative captive bolt device							
13. Firearm with free projectile							
15. Cervical dislocation	up to 5 Kg	up to 5 Kg	up to 5 Kg	N/A	up to 5 Kg	up to 5 Kg	N/A
16. Percussive blow to the head	up to 5 Kg	up to 5 Kg	up to 5 Kg	N/A	up to 5 Kg	up to 5 Kg	up to 5 Kg
21. Head-only electrical stunning							
22. Head-to-Body electrical stunning							
23. Electrical waterbath				N/A			N/A
31. Carbon dioxide at high concentration	Not in abattoir	Not in abattoir	Not in abattoir	N/A	N/A	N/A	N/A
32. Carbon dioxide in two phases				N/A			N/A
33. Carbon dioxide associated with inert gases				N/A			N/A
34. Inert gases				N/A			N/A
41. the handling and care of animals before they are restrained;							
42. the restraint of animals for the purpose of stunning or killing;							
43. the shackling or hoisting of animals;							
51. the stunning of animals;							
52. the assessment of effective stunning;							
53. the bleeding of live animals; monitoring the absence of signs of life							

61.Slaughtering in accordance with Article 4 (4) of Regulation EC 1099/2009				N/A			N/A
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6.3 Suspension or revocation

6.3.1 Reasons

The OV should consider CoC suspension or revocation if during welfare assessments, they are of the opinion that the holder:

- is no longer a fit and proper person
- is no longer competent to carry out the operations which the CoC authorises
- has failed to comply with any provision of the EU Regulation or WATOK
- has been convicted of an offence under any animal welfare legislation

If an individual is responsible for an incident that attracts a welfare exception score of 4, this must be considered. Only in cases where there is clear evidence that it is not the fault of the individual, or a result of the actions of the individual, would action not be appropriate.

6.3.2 Contraventions

Contraventions may occur where the OV deems that suspension or revocation is not required. However, the OV must always verbally advise the person and BO of the contravention, following up with written confirmation, and record the details in the daybook and / or pocketbook and on Chronos where appropriate. The OV may also consider written advice or issuing a WEN.

6.3.3 Terms

The term CoC includes a Temporary CoC.

6.3.4 Immediate action

Where an individual has caused pain, distress or suffering to an animal in their care then the OV should always consider immediate revocation or suspension of their CoC.

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In the case of a score of 4, revocation or suspension should always be considered. Only in cases where there is clear evidence that it is not the fault of the individual, or a result of the actions of the individual, would this not be appropriate.

Evidence of breaches should be gathered immediately to justify the decision.

The OV must issue the CoC holder with a letter as soon after the incident as possible (signed and dated) explaining why the CoC is revoked or suspended (the observed issues that led to the decision and the relevant breaches of the legislation), and from what date. In cases of suspension, it should also explain the length of time that the CoC will be suspended for and how the suspension can be lifted, and the right of appeal. Where the OV considers that competence could be improved and that a period of retraining is applicable, suspension with a requirement for training should be considered. It may be more appropriate to give verbal or written advice, as the CoC holder cannot undergo practical training if the CoC is suspended.

A template letter is at Annex 2a.

In addition, the guidance in the following section must be followed and the letter must include:

- date, time and location of incident
- details of CoC holder (name and CoC number)
- details of the incident and what legislative requirements were breached
- their opinion on the pain, suffering or distress caused by the CoC holder's actions
- how to make representations and the time within which to do so (which must not be less than 21 days from the date of the notice)
- where to address the written representations (dependant on location of working at time offence was committed)

Any formal letters sent to notify slaughtermen of the suspension / revocation of CoCs must be copied to SLA unit in FSA, who will provide feedback to Defra or Welsh Government as appropriate. The OV must also copy the suspension letter to the BO, the FVL, Head of Delivery, WATOK team and to the OHV.

The OV must ask the BO to remove the CoC holder from duties that require a CoC; meaning all activities with live animals. Where the BO does not comply, the OV must issue the BO with a WEN prohibiting the CoC holder from carrying out the activities specified on the CoC.

6.3.5 Certificate of competence suspension or revocation

Process flow for OV decision making following a 4 score welfare incident	
Step 1	Evaluating the incident
	The initial welfare incident will be reviewed by the OV and placed into one of three categories using the OVs professional judgement:
1	Error of judgement by the individual
2	Unjustifiable or deliberate act by the individual
3	Accidental incident
	In each case, the enforcement hierarchy should be used dependant on the severity of the incident. For 4 score welfare incidents, written (not verbal) advice must always be used.
	In the case of slaughter teams where one individual cannot be identified as responsible, using a WEN requiring retraining of the team should be considered. A WEN may also be used in these cases to slow down the line speed allowing each slaughterman more time to complete their duties.
1	Error of judgement by the individual
	<p>This may involve a usually competent person involved in a one off welfare incident. This must not be as a result of:</p> <ul style="list-style-type: none"> • failure to take action to avoid pain, distress or suffering • a deliberate or considered act <p>Where the OV considers that the actions of the CoC holder are not those usually seen and are as a result of an isolated failure, consideration can be given to using written advice. This written advice must be shared with the WATOK team who will log the written advice on the individual's CoC record. When considering written advice, the CoC database must be checked and if there is already written advice recorded on two occasions within the previous 12 months, further written advice is not an appropriate course of action.</p> <p>If the incident is a serious error of judgement, or occurs on more than one occasion, the OV must consider suspension of the CoC. Suspension of the CoC will usually last until the completion of a CPS review of the case and subsequent criminal proceedings. The suspension will be reviewed within the first 14 days following the suspension letter and the OV must ensure that the individual suspended is aware of this and is asked to provide any evidence they may have within 10 days to assist the review decision. The review will be carried out by the OV, FVL (FVC) and AVM and the outcome must be communicated to the suspended individual. There is a right of appeal to the First Tier Tribunal (FTT) up to 28 days after the date of suspension.</p>

	<p>The suspension letter also provides for the individual to demonstrate that they are competent to carry out the duties permitted by the CoC. The OV could consider this as an option in suitable cases with a short period of suspension to allow for the individual to demonstrate their knowledge.</p> <p>Note: When a CoC is suspended, the CoC holder cannot carry out any actions involving the handling of live animals.</p> <p>Any retraining will be theoretical and based upon awareness of the correct procedures, plant SOP and legislation. The OV should then return the CoC and carry out an assessment of the individual to confirm that they are fully aware of the legislative requirements.</p>
2	<p>Unjustifiable or deliberate act by the individual</p>
	<p>Where an individual is observed to be involved in systematic welfare abuse, or an unjustifiable or deliberate act that causes avoidable pain, distress or suffering, especially if that is a habitual practice, the OV must take immediate action to prevent that person working with live animals.</p> <p>These cases should always result in immediate revocation of the CoC where there has been a breach of welfare legislation. When issuing the revocation letter, there is no time limit on the revocation. The right for the individual to appeal remains and the case will be reviewed by FSA managers in the first 14 days following the revocation.</p>
3	<p>Accidental incident</p>
	<p>When the OV identifies an incident involving a live animal when a 4 score applies due to no fault of the individual, suspension or revocation of a CoC will not usually be appropriate.</p> <p>No action will be required to be taken against individuals. The SOP must be reviewed to ensure that any factors leading to the incident are covered. If not, a WEN must be used to require the BO to modify and / or to properly implement the SOP.</p> <p>A WEN must be served if the incident was caused by equipment failure. BO actions will need to be monitored by the OV. If the BO fails to take action, the case must be referred for investigation.</p> <p>In all circumstances where formal action is not considered appropriate, the OV must send a warning letter recording details of the incident and providing information as to good practice. The letter must inform the individual that a copy will be held on file and the incident may be taken into consideration should any further incident occur. A copy of the letter should be retained centrally; verbal advice must not be used.</p> <p>The OV must ensure that the decision, as above, is made and communicated to the BO as soon as possible. A justification of the decision should be recorded in Chronos.</p>

Step 2	Review of the evidence within 14 days								
	<p>When a CoC is suspended or revoked, the individual has the right of appeal to FTT within 28 days of the decision. FSA will review all cases in the first 14 days after the incident. The individual will be asked to provide the OV with any evidence they think will assist in the consideration of the case. The evidence must be provided within 10 days from the date of the suspension letter being served.</p> <p>In each case, the available information (for example, plant day book, pocket book entries, CCTV) supporting the decision will be reviewed within 14 working days by the OV and AVM. They will copy all documents to the FVL (FVC), who will jointly review the decision. On review of the case, the FVL (FVC) and AVM will consider the circumstances and information available, including any available CCTV footage.</p>								
	<table border="1"> <tr> <td style="text-align: center;">1</td> <td>If the evidence is considered to be strong, suspension or revocation of the CoC is the correct course of action and should be supported.</td> </tr> <tr> <td style="text-align: center;">2</td> <td>Where the reason for the decision is uncorroborated (no witnesses or CCTV), or the welfare incident was clearly not an unjustifiable act or failure by the individual, the review should consider recommending that written advice is given and / or a period of retraining is required.</td> </tr> <tr> <td style="text-align: center;">3</td> <td>When the CoC is suspended or revoked, the case must be referred for investigation as soon as the decision is confirmed by the FVL (FVC).</td> </tr> <tr> <td style="text-align: center;">4</td> <td>Where the FVL (FVC) has any concerns about the evidence or circumstances of the incident, advice should be sought from FSA Legal to ensure consistency of decision making.</td> </tr> </table>	1	If the evidence is considered to be strong, suspension or revocation of the CoC is the correct course of action and should be supported.	2	Where the reason for the decision is uncorroborated (no witnesses or CCTV), or the welfare incident was clearly not an unjustifiable act or failure by the individual, the review should consider recommending that written advice is given and / or a period of retraining is required.	3	When the CoC is suspended or revoked, the case must be referred for investigation as soon as the decision is confirmed by the FVL (FVC).	4	Where the FVL (FVC) has any concerns about the evidence or circumstances of the incident, advice should be sought from FSA Legal to ensure consistency of decision making.
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3	When the CoC is suspended or revoked, the case must be referred for investigation as soon as the decision is confirmed by the FVL (FVC).								
4	Where the FVL (FVC) has any concerns about the evidence or circumstances of the incident, advice should be sought from FSA Legal to ensure consistency of decision making.								
Step 3	Appeals to FTT								
	<p>If the CoC is suspended or revoked, the individual concerned has 28 days to appeal the decision to FTT. This also applies to the use of a WEN. If the decision is appealed, the case will pass to FSA Legal. Early referral of these cases is essential to ensure that FSA can meet the timescales for an appeal.</p>								

6.3.6 Return of a suspended or revoked CoC by holder

Where a CoC has been suspended or revoked, the holder is required to return the CoC to the FSA within 14 days of the letter of suspension or revocation. In the case of immediate suspension, the CoC should be returned to the OV who suspended the CoC. The CoC should be returned to the WATOK team either by the OV or the operative.

Where revocation / suspension of a CoC takes place and the case is referred for further investigation, the WATOK team / Business Support should liaise with FSA Legal Services to ensure that the Investigating Officer (IO) responsible for the investigation conducts the interview as quickly as possible.

Reference: WATOK (England) (Wales) Chapter 3, Article 19 (3).

6.3.7 Issuing a CoC refusal notice

When the person making an application for a temporary CoC has failed to answer all the relevant questions on the application form, or has declared a previous welfare offence, you should refuse to issue a temporary CoC. If it is not possible to resolve the refusal at the time, for example by the applicant providing the required information, the evidence for refusal should be forwarded to the FVL and the WATOK team / Business Support.

The evidence will be reviewed by an FVL who will request further evidence if they feel it necessary. You should notify the person that they have a right to appeal a refusal to grant a temporary CoC. The FVL will liaise with the WATOK team / Business Support and notify the OV and the applicant of their decision.

6.4 Appeal process

6.4.1 Applicant / holder rights

An applicant or CoC holder may appeal against the decision to:

- refuse to grant a temporary or full CoC
- suspend a CoC
- revoke a CoC

The appeal will be heard by the 'First Tier Tribunal'.

Guidance can be found at:

https://hmctsformfinder.justice.gov.uk/HMCTS/GetForm.do?original_id=2800

Appeals should be made to: GRC@hmcts.gsi.gov.uk

Alternatively, the Ministry of Justice form T98 may be lodged with the General Regulatory Chamber, HM Courts and Tribunals Service, PO Box 9300, Leicester, LE1 6ZX within 28 days of the decision.

Where an OV is aware that an individual intends to appeal a decision, they should notify the SLA and Contracts team in York.

6.4.2 Return of CoC after suspension or FTT decision

Where a CoC is to be returned or replaced after a decision has been made to overturn a suspension or revocation, the WATOK team / Business Support should use the template letter at Annex 2b.

7. Enforcement

- 7.1 Introduction
- 7.2 Non-compliances

7.1 Introduction

7.1.1 Purpose

These enforcement arrangements apply to all slaughterhouses and farmed game establishments approved in England and Wales and under veterinary control.

Enforcement action is taken in accordance with the FSA enforcement policy.

This section must be read in conjunction with chapter 7 on 'Enforcement' of the MOC.

7.1.2 Terminology

Note that for the purposes of enforcing welfare legislation the operator responsible is referred to as Business Operator (BO) and this term should be used in formal notices.

7.1.3 Provisions of 1099/2009

Article 22, 1, states: For the purpose of Article 54 of Regulation (EC) No 882/2004, the competent authority may in particular:

- require business operators (BO) to amend their standard operating procedures and, in particular, slow down or stop production
- require business operators to increase the frequency of the checks referred to in Article 5 and amend the monitoring procedures referred to in Article 16
- suspend or withdraw certificates of competence issued under this regulation from a person who no longer shows sufficient competence, knowledge or awareness of their tasks to carry out the operations for which the certificate was issued

7.1.4 Use of welfare notices

In order to enforce the provisions of Council Regulation (EC) No 1099/2009, an Authorised Officer (AO) has powers under Regulation 38 to serve a formal WEN (WEL 11/34). The same notice can be used in three ways:

1. To require steps to be taken to remedy contraventions of the regulations (for example updating the SOP or where equipment did not have a regular maintenance record)
2. To require the rate of operations to be reduced until steps have been taken to remedy contraventions of the regulations (for example, slowing down the line where animals are not adequately stunned as a result of high line speed or to slow down the slaughter operation where a premises undertaking religious slaughter without pre stunning does not comply with the requirements in WATOK Schedule 3 for animals not to be moved until unconscious)
3. To stop an activity, process or operation or the use of facilities or equipment until steps have been taken to remedy contraventions of the regulations (for example, stopping the use of equipment that is causing pain distress or suffering e.g. if equipment is not giving an effective stun)

Once the BO or the person on whom the notice is served has complied with the WEN, the AO must serve a Welfare Completion Notice (WEL 11/35) to confirm that they are satisfied the BO / person has taken the steps specified to correct the contravention.

You may refuse to serve a Welfare Completion Notice if you are not satisfied that the terms of the WEN have been met. In such cases, you must complete and serve a Refusal to Serve a Welfare Completion Notice (WEL 11/36), setting out the reasons for the refusal.

It is an offence to fail to comply with a WEN under Regulation 30 (2) of WATOK. Where a notice has been breached, the OV must gather evidence of the contravention that led to the service of the formal notice, together with evidence to demonstrate the breach of the notice and refer both matters for investigation.

The BO can appeal an enforcement notice through the First Tier Tribunal details can be found earlier in this chapter.

The BO or person upon whom a notice has been served can appeal against the inspector's decision to serve the WEN or issue a Welfare Completion Notice through the First Tier Tribunal.

A WEN will usually remain in force, other than in exceptional circumstances, until First Tier Tribunal considers the case.

Details can be found earlier in this chapter.

Note: Where enforcement action is being taken against an individual responsible for any pain, distress or suffering to an animal, the OV should consider whether it is also appropriate to suspend or revoke the persons CoC in line with the provisions of Article 19 of the domestic regulations.

Note: Where a CoC is suspended, notify the WATOK team / CSU York Transactions Team at: WATOK@food.gov.uk.

7.1.5 Prosecutable non-compliance

In terms of welfare enforcement, a prosecutable non-compliance (NC) is one where there is evidence of a clear contravention of the regulations and / or the incident involves any avoidable pain, distress or suffering.

The OV should gather evidence to assist an investigation if there is a suspicion that an offence has taken place (WATOK Part 5 lists offences).

7.1.6 Extension of a WEN when requested by the BO

Whilst there is no legal basis for the inspector to extend a notice, Regulation 38 (9) of WATOK allows inspectors to withdraw or vary any enforcement notice.

If a BO wishes to request an extension to a WEN, they must do so in writing prior to the expiry of the notice and must:

- confirm that welfare will not be compromised by the extension
- explain how they are going to manage the welfare risk in the interim period
- identify genuine reasons why they are seeking an extension
- provided details of the length of the extension they are seeking and copies of agreements for the work if it is to be carried out by external contractors

If the inspector is happy with the BO's past record of compliance, and agrees with the proposed extension period and reasons, they should agree with the BO the length of time required to comply and confirm this agreement in writing.

The inspector must review the works carried out by the BO after the agreed extension date has expired and:

- withdraw the WEN if compliance has been achieved through the service of a Welfare Completion Notice, or
- serve a Refusal to Issue a Welfare Completion Notice, with reasons for the refusal if they are not content with the actions; the inspector must refer the breach of a WEN for formal investigation

7.2 Non-compliances

7.2.1 NC assessment

The OV must use their professional judgment to assess if what has been observed is a 'prosecutable' NC, before referring the matter for investigation. The assessment should include the following:

- details of the regulation(s) that have been contravened
- the severity of the incident (for example, were any animals subject to any avoidable pain, distress or suffering during their killing and related operations?)
- evidence of avoidable pain, distress or suffering caused to the animal(s) (for example, whole bodies of dead animals, post-mortem examination results, detained carcase, heads or other body parts, animal behaviour such as panting, evidence of thirst / hunger, video evidence)
- whether the incident was accidental or caused by negligence
- details of all relevant suspects, names, positions and any training they have received
- the species and operations listed on the CoC
- details of specific directors (for limited companies) where contraventions have occurred and it can be additionally demonstrated that they have occurred through the direct consent, connivance or neglect or those directors
- whether there have been previous incidents of a similar nature
- whether the abuse was deliberate (for example, kicking or inappropriate use of goads)
- Whether any previous verbal or written warnings have been issued
- whether a Welfare Notice has been used and not complied with

- the nature of the response from the AWO or BO when the OV advised them of the incident
- whether the operative / BO took effective corrective action
- details of all available witnesses
- whether there is evidence to confirm the witness statements (for example, clinical signs, contemporaneous notes, drawings, maps, photographs, temperature readings, calculations and measurements showing stocking densities)

7.2.2 Body parts for evidence that are SRM

Bovine heads / whole bodies and body parts of various species may be SRM by definition; however, it should be remembered that such bodies or body part must not be disposed of as ABP where they are required as evidence.

This material must be identified, seized, secured and stored safely until after all appropriate enforcement action has been taken by the FSA or where it has been passed to another enforcement authority as essential evidence for their case.

Once the case is concluded, the material will then be disposed of as the appropriate class of ABP.

7.2.3 Enforcement notice and / or suspension / revocation of CoC

If a prosecutable NC is observed then appropriate enforcement action must be taken.

A WEN should be issued where an individual or operation is causing actual pain, distress or suffering. Where an individual is responsible for a prosecutable NC, then Suspension or Revocation of the CoC should be considered and taken forward along with any routine enforcement action. Notify the WATOK team / CSU York Transactions Team at: WATOK@food.gov.uk.

Providing a verbal warning only, without further escalation, is not proportionate action to take in cases of potential or suspected cruelty to animals.

7.2.4 Recording evidence

All action taken on NCs must be transferred to the Enforcement Programme.

Where a WEN is issued requiring immediate action the RAN column should be populated with the date of service. Where a WEN is issued requiring an improvement to be made, the HIN column should be used.

All welfare incidents where there is non-compliance with legislation must be recorded in Chronos. Where the breach causes no risk of pain, distress or suffering and is corrected immediately, a 2 score should be used. If the contravention is not a 2 score, but there is still no evidence of pain, distress or suffering, a 3 score should be used and if there is evidence of pain, distress or suffering a 4 score should always be used.

Incidents not leading to a referral for investigation:

If the incident was assessed as 'non-prosecutable' and no further action is required on this occasion, the appropriate 'Action required' box of Chronos must be selected. An advisory letter must be applied as a minimum intervention for 4 score incidents and a brief summary of the reason for non-referral should be included when entering details of the non-compliance, for example, 'unavoidable accidental incident' or 'no witness'.

7.2.5 Reporting NC for WATO

NCs observed for welfare during transport should be documented and referred to the LA immediately, and subsequently confirmed in writing, using the notification form at Annex 4 (see referrals process in paragraph 3.3.1) and should be recorded on the Chronos. All cases must have a unique identification number allocated to them to aid traceability of cases. Keep a copy in the plant welfare file.

7.2.6 Reporting of on farm welfare NCs

Identified welfare issues which appear to have originated on the holding of provenance, should be documented and referred in writing to APHA as well as being reported to the LA. Keep a copy of the report in the plant welfare file.

7.2.7 Use of CCTV footage

The use of cameras and video equipment is essential to evidence an animal's ability to move, support their weight on all limbs or their general condition.

If the BO has CCTV installed and a welfare issue has been identified, request access to the footage and ask for a copy to be provided as soon as possible, both verbally and in writing.

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The CCTV footage should be requested from BOs if a breach of the welfare regulations is suspected. Failure to provide footage of a contravention should be referred for investigation under the obstruction provisions.

8. Annexes

Annex 1	Examples of Certificate of Competence; photo ID card
Annex 2a	Suspension and revocation letter template
Annex 2b	Return of CoC after suspension letter template
Annex 3	Foot pad dermatitis condition card
Annex 4	LA notification form: welfare breaches
Annex 5	OV checklist for animal welfare incident on farm or during transport
Annex 6	Procedures for heavily pregnant animals
Annex 7	Referral process
Annex 8	Animal Welfare Verification Protocol pro-forma
Annex 9	Aide Memoire – welfare checks in red meat
Annex 10	Aide Memoire – welfare checks in poultry
Annex 11	Signs of properly stunned or dead poultry
Annex 12	Signs of a properly stunned animal by stunning method
Annex 13	Q and A on the Mandatory Use of Closed Circuit Television in Slaughterhouses (England) Regulations 2018