

Summary of responses to the consultation on proposals to reform the GB animal welfare inspection regime

October 2011



Llywodraeth Cymru
Welsh Government



The Scottish
Government



defra

Department for Environment
Food and Rural Affairs

© Crown copyright 2011

You may re-use this information (not including logos) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence, visit www.nationalarchives.gov.uk/doc/open-government-licence/ or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or e-mail: psi@nationalarchives.gsi.gov.uk

This document/publication is also available on our website at:
<http://www.defra.gov.uk/consult/2011/06/15/animal-welfare/>

Any enquiries regarding this document/publication should be sent to us at:
animalwelfareconsultations@defra.gsi.gov.uk

PB 13655

Contents

Background.....	2
Analysis of responses	3
Number and detail of those that responded.....	3
Summary of responses.....	5
Question 1: What is your opinion on requiring the inspection procedures of participating farm assurance schemes to be UKAS-accredited?	5
What about smaller schemes for which it might not be economically viable to seek UKAS accreditation?	5
Question 2: Do you know of any other farm assurance or organic certification schemes not listed in Annex E which have welfare standards in their scheme and so may be relevant for inclusion in the risk model?	6
Question 3: Do you think that scheme membership/certification should be included in the risk model on a whole farm basis? This would mean that farms with assured/certified livestock will have a reduced chance of inspection for all livestock held, regardless of whether or not all livestock are assured/certified.	7
Further analysis by Warwick University	8
Question 4: What are your opinions on the five potential risk criteria listed for further consideration? Do you have any other suggestions for potential risk criteria?.....	9
A: level of compliance recorded on previous livestock-related cross compliance inspections	9
B: Number of illegal animal movements.....	10
C: Animal/Herd health scheme membership.....	11
D: Post-mortem inspection data collected at the slaughterhouse	12
E: Membership of retailer schemes	13
Question 5: Are there any other points you would like to make in relation to the risk model?	14
Question 6: Can you suggest further efficiencies in welfare inspections, where appropriate referring to the benefits and/or drawbacks of your suggestions?	15
Question 7: What is your opinion on using farm assurance and organic certification scheme inspection data for official returns to the Commission?	16
Question 8: Do you have other suggestions or ideas for encouraging better sharing of information?	18
The way forward	18

Background

- Currently animal welfare on farms is monitored and enforced officially by Government delivery bodies (the Animal Health Veterinary Laboratories Agency (AHVLA) and local authorities), predominantly on a risk basis. They prioritise visits to farms on a risk basis, primarily using intelligence received and following up on previous non-compliance and, less frequently, on an elective basis to new enterprises or farms being inspected for other reasons. AHVLA also use a risk model to allocate inspections to claimants under cross compliance regulations.
- In 2009 Defra and the Welsh Government jointly commissioned research to assess whether membership of a farm assurance scheme or certification under an organic scheme affected compliance with animal welfare legislation. The project undertaken by researchers at Warwick University considered data from the main farm assurance and organic certification schemes in England, Wales and Scotland, and found a reduced risk of non-compliance for livestock on farms that were assured/certified compared to farms where that livestock sector was not assured/certified. The final report of the Warwick University research project is available at:

<http://randd.defra.gov.uk/Default.aspx?Menu=Menu&Module=More&Location=None&Completed=0&ProjectID=16613>

- A non-formal consultation was undertaken from 15 June until 27 July in order to seek views on the addition of new criteria to the risk model used by the AHVLA for allocating animal welfare inspections to claimants under cross compliance regulations. Since the risk model operates on a GB basis the consultation paper was written from a GB perspective with the support of the AHVLA, the Welsh Government (WG), the Scottish Government (SG) and the respective paying agencies. The Government response section of this summary of responses document also represents the views of Defra, WG and SG.
- The consultation document presented evidence (the Warwick University research) for a reduced risk for those farmers already inspected by a farm assurance scheme or a certified organic scheme. It was proposed that membership of a farm assurance scheme or a certified organic scheme, be included in the risk model for allocating inspections for 2012 and beyond. Views were also sought on the inclusion of other potential risk criteria in the risk model (2013 and beyond) where robust supportive evidence was found, and on ways in which further efficiencies in animal welfare inspections could be achieved.
- Consultation questions were posed as outlined in Table 1, although any additional comments outside of these were also welcomed.

Consultation questions

Q1	What is your opinion on requiring the inspection procedures of participating farm assurance schemes to be UKAS-accredited? What about smaller schemes for which it might not be economically viable to seek UKAS accreditation?
Q2	Do you know of any other farm assurance or organic certification schemes not listed in

	Annex E of the consultation which have welfare standards in their scheme and so may be relevant for inclusion in the risk model?
Q3	Do you think that scheme membership/certification should be included in the risk model on a whole farm basis? This would mean that farms with assured/certified livestock will have a reduced chance of inspection for all livestock held, regardless of whether or not all livestock are assured/certified.
Q4	What are your opinions on the five potential risk criteria listed for further consideration? Do you have any other suggestions for potential risk criteria?
Q5	Are there any other points you would like to make in relation to the risk model?
Q6	Can you suggest further efficiencies in welfare inspections, where appropriate referring to the benefits and/or drawbacks of your suggestions?
Q7	What is your opinion on using farm assurance and organic certification scheme inspection data for official returns to the Commission?
Q8	Do you have other suggestions or ideas for encouraging better sharing of information?

Table 1. List of questions posed in the consultation

Analysis of responses

Number and detail of those that responded

- The consultation was available on the Defra website. A range of stakeholders were emailed directly notifying them of the consultation. A total of 32 responses were received. A list of the 29 organisations who responded can be found at Table 2. In addition, 3 individuals responded to the consultation but for data protection reasons the names of these individuals have not been published.

List of respondents

Agriculture and Horticulture Development Board
Assured Food Standards
British Egg Industry Council
British Poultry Council
British Veterinary Association
Countryside Council For Wales
Denbighshire County Council
Environment Agency
FAWC
Farmers' Union of Wales
Meat Promotion Wales
National Animal Health and Welfare Panel
National Pig Association
National Sheep Association
National Sheep Association Cymru Wales
NFU
NFU Cymru
NFU Scotland
Norfolk County Council
Quality Meat Scotland
Royal College of Veterinary Surgeons
RSPCA
Surrey County Council
Staffordshire County Council
Trading Standards Institute
University of Warwick
UK Egg Producers Association
Welsh Lamb and Beef Producers Ltd
World Horse Welfare

Table 2. List of those that responded to the consultation on proposals to reform the GB animal welfare regime

Summary of responses

Question 1: What is your opinion on requiring the inspection procedures of participating farm assurance schemes to be UKAS-accredited?

- Nearly all respondents felt that the inspection procedures of participating farm assurance schemes should be UKAS-accredited and that it must be a pre-requisite for the basis for earned recognition. UKAS accreditation is already a requirement of EU organic regulations and a key recommendation of the EU best practice guidelines for voluntary certification schemes for agricultural products and foodstuffs. Other reasons given for supporting this approach included:
- Provides confidence in reliability, consistency, impartiality, competence and performance capability of inspection procedures.
- Provides a safeguard due to auditing of accredited schemes against European standard EN45011 and is the only independent measure of the necessary rigour and due diligence required for the earned recognition by statutory control bodies.
- It seems appropriate to use a system which already exists rather than establishing a new body to undertake this specific task.

What about smaller schemes for which it might not be economically viable to seek UKAS accreditation?

- There was recognition that obtaining UKAS accreditation could be relatively expensive. Seven respondents felt that there should be some flexibility in respect of small schemes.
Suggestions included:
- Defining inspection standards which schemes under a net size could demonstrate that they reliably met.
- Provision of some form of Government assistance in terms of initial accreditation, particularly if schemes also covered environmental requirements.
- Making the cost of being accredited by UKAS appropriate for the size of the scheme.
- Requiring schemes to demonstrate auditable, independent and transparent procedures and processes are in place and to show that the scheme has been assessed against recognised standards that demonstrate competence, impartiality and performance.
- Putting transitional arrangements in place to allow smaller schemes to work towards UKAS accreditation.
- It was pointed out by one respondent that there was only one small non-UKAS-accredited scheme with less than 30 members considered by Warwick University in their 2009 research. Analysis of inspections outcomes from 2003-2008 indicated that

compliance among this scheme's members was above average. Based on these data the respondent felt that there was no reason to exclude this non-UKAS-accredited small scheme from the lower risk category. However, the respondent also felt that it would be necessary to repeat this analysis in the future, if other small, non-UKAS-accredited schemes should arise.

- One respondent commented that their assurance scheme was not UKAS-accredited. This was because its limited membership of independent producer/retailer members meant that it would be financially prohibitive to seek such accreditation. However, they privately employed two inspectors of a certification company that was UKAS-accredited to carry out inspections of scheme members. They also pointed out that their scheme was examined within the 2009 Warwick University research and examination of results showed that their members were fully compliant with welfare regulations.

Government Response

All of the farm assurance and certified organic schemes considered in the Warwick University project will be eligible for inclusion in AHVLA's risk model for allocation of inspections to claimants under cross compliance regulations for 2012 and beyond since they have demonstrated that their members have a reduced risk of non-compliance in respect of welfare legislation. Any other schemes who wish to be considered for inclusion in the risk model will need to ensure that their inspection procedures are UKAS-accredited. Exceptions to this approach will be considered on a case by case basis.

Question 2: Do you know of any other farm assurance or organic certification schemes not listed in Annex E which have welfare standards in their scheme and so may be relevant for inclusion in the risk model?

- One respondent pointed out that the Red Tractor Assurance scheme had replaced some of the previous assurance scheme brands of Assured Food Standards. Another commented that often assurance schemes such as Assured Combinable Crops offer other assurance schemes to producers which are included alongside the main assurance certification for the farm. Where this may occur, these schemes are identified and link into the requirements of any other welfare accreditation body. Where some farms operate multiple assurance schemes for different aspects of their business, it is vital that the schemes offer consistency in areas of overlap.
- The point was made that other assurance/certification schemes who reach the required accreditation shouldn't be precluded from future inclusion.

Suggestions of other farm assurance or organic certification schemes for inclusion were:

- LEAF (Linking Environment and Farming). Integrated farm management principles which include animal welfare considerations.
- Quality Welsh Food Certification Ltd.
- Duck Assurance Scheme (DAS) who are in the process of applying for UKAS accreditation.

- Tesco (believed to be the only retailer standards with UKAS accreditation)

Government Response

Linking Environment and Farming (LEAF) and Quality Welsh Food Certification Ltd (QWFC) are not assurance schemes. QWFC is a certification company and an organic control body. QWFC covers Farm Assured Welsh Livestock (FAWL) and the Welsh Organic scheme, both of whom have been approached regarding the risk model. We will contact the Duck Assurance Scheme. We are not taking forward at this stage consideration of membership of a retailer scheme as a criterion for AHVLA's risk model in 2012 (see response to question 4)

Question 3: Do you think that scheme membership/certification should be included in the risk model on a whole farm basis? This would mean that farms with assured/certified livestock will have a reduced chance of inspection for all livestock held, regardless of whether or not all livestock are assured/certified.

- 19 respondents agreed that scheme membership/certification should be included in the risk model on a whole farm basis. Arguments to support this approach included:
- This was a proportionate, practical and sensible approach.
- The general management in terms of welfare is highly unlikely to be any different across the certified versus not certified animals.
- A number of farmers choose not to be involved with farm assurance schemes because the supply chains they work with do not require it.
- Selection of farms if their scores for other risk criteria in the model outweigh their negative risk score for farm assurance membership or as part of a random inspection programme or in response to complaints etc. provides adequate mitigation of concerns arising from the application of specific accredited schemes on a whole farm basis.
- There is no evidence to the contrary.
- Similar precedent set for Food Standards Agency inspection for animal feed and primary producers.
- Much of the assurance assessment concentrates upon a farm's management systems and it would be unusual to have a totally different management approach simply because of the species involved.

Respondents who were supportive of the whole farm basis approach offered some caveats to the approach:

- This should be considered as part of developing a fair and effective system for "earned recognition" in response to the recommendations of the report by the independent Farming Regulation Task Force. Important that unintended consequences don't arise as result of partial accreditation of a farm, such as reward for highly inconsistent performance across farm operations.

Department for Environment, Food and Rural Affairs

- It should not be assumed that anyone not in a farm assurance scheme automatically presents a higher risk than someone who is.
- In experience, farms which are scheme members or certified are not necessarily more compliant than those which aren't.

6 respondents felt that such an approach should not be taken. Reasons given included:

- Question the rationale for farms to have both assured and non-assured stock on the same holding. Only assured livestock should qualify as reduced risk and therefore lower likelihood of inspection, otherwise farmers would get the benefit without the investment.
- If "earned recognition" were to be applied to all legislative compliance there is currently no guarantee that farm assurance inspections would cover every aspect of legislative control.
- Would like to see further consideration of the potential change in risk of welfare non-compliance posed by farms which leave or are suspended from a scheme. There is a question as to whether a greater risk is posed by farms that were previously assured/certified and now aren't than that posed by farms which were never assured.
- In order to accurately reflect the risk a business may pose in relation to the welfare of animals it is essential to identify the individual who has responsibility for the livestock. Where there are multiple grazing rights on a farm premises, a whole farm approach would not be acceptable in this situation. In other circumstances, subject to validity of information from a variety of data sources, it is accepted that this may be considered to reduce the chance of an inspection.

Further analysis by Warwick University

- Research carried out in 2009 at Warwick University found a reduced risk of non-compliance with animal welfare legislation for livestock on farms that were assured with a farm assurance scheme or certified under an organic scheme compared to farms where that livestock enterprise was not assured/certified.
- In June 2011 the same researchers undertook a further analysis of the data to determine whether, on farms with livestock that were assured/certified, livestock enterprises that were not assured/certified (e.g. sheep on a farm where only cattle were assured) might also have a reduced risk of non-compliance with animal welfare legislation.
- The analysis showed that this was indeed the case: non-assured livestock on a farm where other livestock are assured have a lower risk of non-compliance than is the case where all livestock on a farm are non-assured.

Government Response

We will include farm assurance scheme membership or organic certification in the risk model on a whole farm basis for inspections allocated for 2012 given the views of respondents and the additional analysis undertaken by Warwick University. This means that farms keeping any type of assured/certified livestock will have a reduced chance of being selected for a risk-based inspection for any livestock (both assured/certified and non-assured/non-certified) held on the farm. This reduced risk effect will be monitored in future reviews of the risk model, and as required by cross compliance regulations.

Question 4: What are your opinions on the five potential risk criteria listed for further consideration? Do you have any other suggestions for potential risk criteria?

- There was general welcome of engagement by the Government on this area and acknowledgement that further analysis of the proposed criteria would need to be undertaken to provide evidence of a link with animal welfare. One respondent commented that there would be significant challenges in collecting the data and suggested the possibility of discussions with other countries who might be exploring potential criteria.
- Another felt that there should be an acknowledgement in any risk calculation that a failure to meet legal obligations was not always caused by conscious or calculated behaviour. It could be due to lack of understanding of complex and confusing domestic and EU regulations. They suggested that it would be better to look instead at actions that had been taken to prevent such effects from re-occurring. The more complicated or complex the legal situation, the more likely compliance failures which were not caused by conscious action.
- However, some respondents felt that it may be inappropriate to carry out further work in this area. One felt that many of the criteria were superfluous to requirements, costly and had a spurious link to farm welfare. They cautioned the use of any criteria which had not been properly and thoroughly scientifically and statistically analysed and evaluated. Another commented that the five criteria did not apply equally across all livestock sectors. Inclusion would need to guard against any inadvertent bias in favour of those farms to which more of the legal compliance requirements applied. Another respondent made the point that the potential five areas would require a huge amount of work in collecting the information and ensuring it was kept in a centralised system that delivery agents could easily access.

A: level of compliance recorded on previous livestock-related cross compliance inspections

Supportive comments on the potential for considering this risk criterion included:

Department for Environment, Food and Rural Affairs

- Where Statutory Management Requirements (SMRs) are identified as having a link with animal welfare it would seem sensible to use information relating to a farm's compliance. This fits with the principle of a reduction in number of inspections on farms.
- The criteria used by independent assessors for livestock-related cross compliance should mean that farms are less likely to be inspected again as they are either directly or indirectly related to the welfare of animals on the farm and the attitude to good animal management. This is in line with the recommendations of the Task Force on Farming Regulation for England and the Red Tape Review actions in Wales
- This should be limited to farmers who claim payments only. Cross compliance inspections only relate to compliance with regards to SMRs where farmers receive payments. Checks are only carried out on farmers who claim payments relating to Government schemes. Penalties for non-compliances are usually financial cuts in subsidy payments.
- Could only be considered following analysis of all available data to establish whether there is a clear link between compliance with welfare legislation and seven compliance categories listed. If such links are found and statistically robust, then could be added to risk criteria.
- Useful to establish if there is a link between animal welfare and the degree of conformity recorded under previous livestock related cross compliance regulations. Compliance under GAEC 9 (overgrazing and unsuitable supplementary feeding) is particularly relevant.
- Should apply to all farm inspections not just cross compliance ones.
- Welcome inclusion of overgrazing and unsuitable supplementary feeding category. Recommend inclusion of compliance with waste legislation. For example, use of unsuitable waste materials as animal bedding can have a direct impact on health and welfare.

Comments received against this possible criterion included:

- Covers a very narrow part of a farm inspection and usually does not include welfare, animal by products or disease control legislation in respect to movements. Local authorities currently receive this information and can use this to make locally based risk assessment.
- Danger of too much weight attaching to the hypothesis that because a farmer is good in one area, it follows that he is likely to be just as good welfare-wise.

B: Number of illegal animal movements

- In support, one respondent thought that this was very worthwhile intelligence whilst another said that this information was currently used by local authorities to assist in locally based risk assessment.
- However, overall there was very little support for further consideration of this potential risk criterion and the link between illegal animal movements and on farm animal welfare was queried. The reasons included:

Department for Environment, Food and Rural Affairs

- Requirements for reporting movements were quite complex and often burdensome. Simple mistakes in paper work should not equate to level of welfare. On large farms with large numbers of movements, mistakes did happen and this should not be used to imply that welfare standards were likely to be poor. Further detail regarding levels of errors that might be used to impact on the risk assessment would need to be seen before accepted.
- The more complicated or complex the legal situation the more likely compliance failures will not be due to conscious action.
- Proper analysis of data would be needed to establish a link between compliance with livestock movement requirements and compliance with other livestock health and welfare provisions.
- Danger of attaching too much credence to the argument that good movement reporters were necessarily all-round good farmers. Conversely, the older generation might be brilliant stock-men but not so good at the paperwork. Question whether this relates to all aspects of movements from standstill compliance to recording and reporting.
- This information was reliant upon accuracy of the information reported to enforcement bodies. Relevance of the information has limited scope for risk assessment with the largest number of illegal moves not being reported and unidentifiable from external sources.
- There was confusion within regulators as to how to interpret some of the more complex aspects of animal movement and identification regulations. It might be a more opportune time to consider adding this proposal to the risk model once rules had been simplified.

C: Animal/Herd health scheme membership

- There was general support from respondents to further consideration of this potential criterion as it was felt that there might be a plausible link with compliance with animal welfare legislation. It was pointed out that farm assurance schemes already require the type of pro-active health plans that were referred to in the consultation document so it was possible that there would be little additional benefit from setting up a separate system to identify members who were in a health scheme too.
- Other comments included:
- Health schemes are not welfare schemes and often disease/condition specific. Should only be applicable to species/enterprise and not whole farm.
- Farms which have plans of this nature were generally more compliant with animal welfare legislation as they were usually visited by veterinarians on a regular basis and establish a contract with the local practice. This criterion does establish a high standard of welfare on-farm.
- It is more likely that a farm's animals will benefit and enjoy good health and welfare if a plan has been drawn up by a private veterinarian and there is continued regular monitoring and implementation.

Comments against this potential criterion included:

Department for Environment, Food and Rural Affairs

- Use of membership of an animal/herd health scheme to reduce risk rating of farms was questionable. Some health schemes were very specific to one or two diseases and membership may not necessarily relate to overall welfare. Whole herd/flock health planning was more important and a better measure would be whether or not a unit has a herd health plan in place. This would be a more inclusive measure which would encourage keepers to draw up a health plan and have greater impact on animal welfare.
- Animal/herd health schemes can vary widely in quality and efficacy, so blanket use of membership is perhaps inadvisable. There is no overarching body setting standards or auditing health schemes so claims made about their usefulness should be carefully examined.
- Would need further clarification. Farm health planning is unlikely to be a sensitive measure considering that all farm assurance schemes require some element of planning. Further work is needed to define and collate farm level compliance with "better" health planning. One criterion for this could be "pro-active" monitoring of health and welfare outcomes by the farm management.
- May be useful but the same conditions that qualify for certification in livestock schemes may also apply in the case of many poultry farms but without the formal scheme framework. Membership of the Poultry Health Scheme is probably not a distinguishing factor in determining welfare risk in the poultry sector.
- Would need to be a way of accessing this information.

D: Post-mortem inspection data collected at the slaughterhouse

- Eleven respondents supported further analysis of this criterion. It was felt that post-mortem (PM) data should be used more effectively than at present. Other comments included:
- This was a useful method of establishing good welfare due to general inspection and carcass scoring.
- To establish true picture, a group of animals from the same farm should be inspected and data criteria established. This would give an indication of on-farm conditions relating to welfare. If the two were connected, the fact that PM data was already collected to some degree in several species, could make this a relatively simple addition to the risk criteria.
- Appropriate indicators would need to be chosen and the data collected in a consistent and competent way within all slaughterhouses.
- Clearly proving useful risk information for the poultry sector already and upgraded meat inspection information system should enable easy access to the type of data that would be useful for cattle, sheep and pigs.

Comments cautioning against further work on this criterion included:

- Slaughterhouse information was rarely available, especially to the cattle and sheep sectors.

Department for Environment, Food and Rural Affairs

- Question the systems in place to allow greater use of PM data. Use of data back to farmers should be for information to allow improvement. PM conditions are not necessarily visible when the animal is alive
- Prime animals sent to slaughter but sometimes slaughter has not been elective e.g. TB reactors.
- Not convinced that standard information collected at slaughter is always reliable. Standard information collected is not consistent across slaughterhouses and not comparable.
- Query effectiveness of using PM data for analysing sheep and cattle welfare. How would data be converted into a reliable indicator of welfare? Ante-mortem cannot identify presence of diseases which may be found at post-mortem and identified as welfare problems.

E: Membership of retailer schemes

- One respondent felt that the consultation document had misunderstood the status quo. They pointed out that assurance schemes were industry led rather than producer led and were intended to meet the needs of all the stakeholders in the chain. The express purpose of the national farm assurance schemes was to avoid the need for retailer schemes which were inefficient for retailers and for producers alike. Most retailers would have standards but would often be content that these were delivered by the farm assurance schemes and would make no additional inspections. Only in the event that a retailer had a scheme i.e. separate inspection arrangements, would it be applicable to this proposal. In their experience this was much less common.

Seven respondents did not support taking forward this criterion for further analysis. Specific reasons included:

- Retailer schemes vary widely in both standards and auditing process and sanctions imposed on non-compliance. The requirements of such schemes were not always transparent, were likely to fluctuate rapidly and not likely to be UKAS-accredited. Careful analysis of each scheme would be necessary.
- All retailers support Assured Food Standards as part of their sourcing policy. This should be sufficient to indicate that a business was operating at a lower risk and was the most efficient way to continue to drive improvements in animal welfare.
- In practice the main benefit of such schemes may be the additional premium received.
- Very few retailers had their own schemes.

Comments from respondents in support of this possible criterion included:

- Some large companies request compliance with further welfare standards than farm assured schemes when farmers establish a contract to supply them. Possible that the subset of enterprises that are both in farm assurance schemes and retailer schemes have higher compliance with welfare legislation than those only in farm assurance schemes.

Department for Environment, Food and Rural Affairs

- Research by FAWC points to a correlation between membership of a food retailer scheme and good on-farm welfare.

Other potential risk criteria that were identified from responses:

- Farms under TB restrictions. Such restrictions put pressure on other aspects of the farm and management structures.
- Welfare outcome assessments undertaken by a scheme, e.g. laying hen farms assessed for feather loss. It could be concluded that farms with very limited feather loss were usually operating at very high management standards.

Government Response

On the basis of the responses received, three potential risk criteria will be taken forward for further evaluation. The availability and reliability of data sources will be checked for each of the following potential risk criteria and statistical analyses will be carried out to confirm whether a significant relationship with animal welfare compliance exists:

- level of compliance recorded on previous livestock-related cross compliance inspections;
- animal/herd health scheme membership; and
- post-mortem inspection data collected at the slaughterhouse.

Question 5: Are there any other points you would like to make in relation to the risk model?

- Twenty one respondents raised other points in relation to the risk model. These included:
- The need for the risk model to be simple and straightforward. It should help inform risk, not dictate it.
- Flexibility and transparency were vital along with constant review of risk criterion to ensure relevancy. Farmers must be able to understand what influences inspection decisions to help put in place measures to lower risk status.
- Using historic measures of non-conformance etc. may fail to recognise what a farmer might be doing now to correct past problems. Mitigating actions can be more important measures of a farmer's intent than records of previous actions.
- Some concern that inspections under risk model will become viewed more as an audit and that reduced contact with inspectors may result in loss of additional animal welfare benefits facilitated by good relationship between farmer and inspector (e.g. informal advice, prevention).
- The risk model used for targeting animal welfare inspections should be in the public domain.
- Any new criteria should be sufficiently scrutinised before being added to the model. They must be robust, available in sufficient quantity, reliably reflect the farm health and welfare status, have the greatest impact and be definitely linked to the relevant keeper. There

Department for Environment, Food and Rural Affairs

must be no additional unnecessary burdens to farmers. Need to check in future years on-going validity of criterion in risk model.

- Essential that regardless of the number and/or efficacy of the criteria used to categorise farms in the risk model there must continue to be at least some random visits to farms in all risk categories. Whilst past records can be useful predictors of future behaviour, things can change over time and it is important that no one is totally exempt from the possibility of an inspection from a Government agency.
- Reduction in risk is not necessarily causal. Sufficient random visits need to be done to analyse the data again in future and investigate whether the association between scheme membership and reduced risk of welfare infringement continues
- Criterion should only be used for assessing pro-active enforcement not re-active enforcement such as complaints. An element of local knowledge or history of the producer needs to be factored into any risk criterion adopted.
- Need to consider animal health alongside animal welfare in any risk model.
- Need to ensure integrity of data from external sources. Where non-compliance is found during inspection, this should be communicated to local enforcers for consideration.
- Risk model should be considered as part of over-arching system for Earned Recognition so that reductions in assigned risk from an animal welfare point of view are consistent as far as possible for different elements of Earned Recognition.

Government Response

We agree that robust evidence confirming an association between a given risk criterion and increased or reduced compliance will be required before including any new criterion in the risk model. The relationship between different risk criteria will also be considered and only those with the greatest impact will be included, because risk models are generally more powerful and transparent when only a limited number of significant factors are included. The risk model as a whole will be reviewed on a regular basis. The majority of AHVLA welfare inspections are risk based and informed by intelligence. However, a minimum of 1% of all claimants of the Single Farm Payment (SFP) and/or specific agri-environment schemes must be inspected annually. 20-25% of these inspections must be random to monitor compliance and the remainder are risk-based. For animal welfare this is currently set at 20% random and 80% risk-based. There are no plans to change this. We will explore the possibility of publishing greater detail of the risk model for allocating inspections to claimants under cross compliance legislation.

Question 6: Can you suggest further efficiencies in welfare inspections, where appropriate referring to the benefits and/or drawbacks of your suggestions?

- Fifteen respondents provided suggestions. These included:
- Use of accredited self regulation which would allow farmers to opt out of the present raft of official inspections. A new audit body could offer pre-inspection visits. Membership of that audit body could lift farmers out of the formal inspection by the competent authority.

Department for Environment, Food and Rural Affairs

- Combining Government and farm assurance inspections. Consideration also given to the inspection being carried out by the farm assurance assessor and reported back to AHVLA. The main benefit would be a reduction in the time and red tape required of the farm. A drawback would potentially be any additional training required so that assurance assessors could deliver the inspections and any investment required in data exchange.
- An inspection should cover all issues for which that regulator is responsible in order to avoid consistent duplication of inspection criteria by differing inspection bodies. Inter-scheme co-ordination and communication should occur to ensure that any subsequent inspection includes only those criteria not previously covered by the previous regulator.
- The establishment of a single farm inspectorate body by amalgamation of the different regulators into one unit. If not established, communication between the regulators needs to improve in order to target areas of non-compliance within the industry and to arrange “super inspections” of farms.
- The need for those who do complete inspections to be sufficiently trained and aware of the agreed interpretation of welfare law.
- Use of "sample inspections". Full inspections should only occur where non-compliance has been identified. Some existing inspections are too broad in their remit. Need a proper and thorough evaluation of existing inspections.
- UK administrations need to work closely with those in other Member States to reduce the administrative burden content of EU inspection requirements for farmers and authorities.
- Better data sharing between regulators, including planned visits, intelligence/information received and sharing of data following interventions
- A dialogue between schemes and Defra to allow common infringements to be identified which could then be highlighted to schemes members.

Government Response

Comments and suggestions will be considered in England as part of the follow up to the report by the independent Farming Regulation Task Force, and in Wales as part of the “working smarter programme”, where the Welsh Government is building on the red tape review on reducing bureaucracy and providing better regulation in the farming industry in Wales. They will also be discussed with stakeholders in Scotland.

Question 7: What is your opinion on using farm assurance and organic certification scheme inspection data for official returns to the Commission?

- Nineteen respondents were broadly supportive of looking further into the possibility of using farm assurance and organic certification scheme inspection data for official returns to the Commission. Their comments included:

Department for Environment, Food and Rural Affairs

- Would require much improved working together between Defra, farm assurance schemes and UKAS to ensure the competency, technical guidance and legal interpretation of farm assurance schemes were equivalent to AHVLA inspections.
- Further development of this idea should involve industry organisations so that a rounded picture is created and all potential difficulties are recognised as well as benefits.
- Data sharing and protection issues as well as the cost implications of assurance bodies providing such information, would need to be addressed.
- Must ensure that this does result in changes to scheme criteria or voluntary schemes effectively becoming official inspections paid for by individuals. Membership cost of schemes should not increase during any transition phase or subsequent alignment with AHVLA inspections.
- Need to seek agreement of the Commission to proposed changes as more targeted inspections might skew reports showing higher levels of non-compliances that might result in the need to conduct more inspections.
- Essential to clarify whether other Member States have already delegated responsibilities in this way and understand the advantages and disadvantages experienced.

Four respondents felt that this was a not a good idea. Their reasons included:

- It did not follow that membership of a farm assurance scheme would ensure compliance with legislation. It may not reflect the true picture of compliance on a farm.
- Difficult to see benefits for either AHVLA or the industry and how this will reduce Government inspections on farms. Potential drawbacks are significant in terms of both cost and changes to existing scheme operations.
- Risk that earned recognition could end up being counterproductive. More inspections on higher risk farms may result in more failures and a reduction in compliance. GB could then have to conduct more inspections to meet EU commitments. Defra must manage risk and discuss with EU to ensure our farmers are not penalised.
- If data from official returns are to be shared with Commission, such is the fear of inspection and penalties, there will be a major disincentive to join assurance schemes. If data is shared with the Commission it might be seen that membership of an assurance scheme could effectively increase chances of penalties.

Government Response

We will look further into the possibility of using farm assurance and organic certification scheme inspection data for official returns to the Commission. This will include approaching the Commission and considering with other stakeholders a number of the issues highlighted in the consultation exercise, including possible data protection issues, matching of assurance scheme data to current Government inspections, and any potential cost implications.

Question 8: Do you have other suggestions or ideas for encouraging better sharing of information?

- Eighteen respondents had other suggestions or ideas. These included:
- The need to establish an informal group to proactively review processes and other opportunities for working together.
- Anticipate that implementation of recommendations from Task Force report will drive and facilitate better data sharing.
- Methods for information sharing need to facilitate the ease of sharing (e.g. web based tools).
- Better communication between all stakeholders carrying out inspections. Data protection legislation issues prohibit many organisations from sharing information.
- The establishment of a central database where all stakeholders are able to input and share information. Regulators able to view the inspection results for the criteria within their remit. Regulators actively use and contribute to the information, data and intelligence available on animal welfare issues.
- Openness in terms of standards set by farm assurance schemes, the nature of the inspection regime and the nature of the decision-making process relating to imposition of sanctions for non-compliant scheme members is essential. Anonymised scheme level data relating to standards relevant to animal welfare legislation/cross compliance issues could be made available to all relevant bodies, as well as anonymised data on relevant PM inspection data.

Government Response

Comments and suggestions will be considered in England as part of the follow up to the report by the independent Farming Regulation Task Force, and in Wales as part of the “working smarter programme”, where the Welsh Government is building on the red tape review on reducing bureaucracy and providing better regulation in the farming industry in Wales. They will also be discussed with stakeholders in Scotland.

The way forward

- Specific Government responses are provided for each consultation question above. In summary, following the consultation, the Governments in GB will include all of the farm assurance and certified organic schemes considered in the Warwick University project in AHVLA’s risk model for allocating inspections to claimants under cross compliance regulations for 2012 and beyond. Data have demonstrated that members of these schemes have a reduced risk of non-compliance in respect of welfare legislation.

Department for Environment, Food and Rural Affairs

- Any other schemes who wish to be considered for inclusion in the risk model in the future will need to ensure that their inspection procedures are UKAS-accredited. Exceptions to this approach will be considered on a case by case basis.
- Farm assurance scheme membership or organic certification will be included in the risk model on a whole farm basis for inspections allocated for 2012, given the views of respondents and the results of the additional analysis undertaken by Warwick University.
- The reduced risk effect will be monitored in future reviews of the risk model, and as required by cross compliance regulations.
- On the basis of the responses received, further evaluation of three potential risk criteria will be taken forward: level of compliance recorded on previous livestock-related cross compliance inspections; animal/herd health scheme membership; and post-mortem inspection data collected at the slaughterhouse.
- Comments and suggestions received in relation to making efficiencies in welfare inspections and encouraging better sharing of information will be considered further.
- Whilst the current focus is on applying a principle of earned recognition to cross compliance inspections for animal welfare only, it is expected that these principles will be applied more widely in future, and within the context of recommendations by the independent Farming Regulation Task Force, across the DEFRA family and its Government agencies.