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Sara Nathan, OBE
Chairman
Animal Procedures Committee
Home Office

My ref: 20090713JDRsn
13 July 2009

Dear Sara,

ANIMAL PROCEDURES COMMITTEE
ADVICE ON THE CLASSIFICATION AND REPORTING
OF ANIMAL SUFFERING AND SEVERITY

I have been asked to respond to the letter and report sent to Lord West on 3 July, and to convey his thanks to the sub-committee for the work that it has done and the advice that has now been offered.

The speed of my response is not a sign that the consideration given to the report has been superficial - rather it indicates the need to react and respond quickly to make the best use of the Committee advice in the context of the current European negotiations and Home Office Better Regulation Programme.

The high level objectives and requirements set out at paragraph 5 of your report, which relate to transparency and accountability, are consistent with other policy objectives and work in progress. It is agreed that information is required both prospectively for assessment, and retrospectively both to validate the decision making process and the display outcomes in practice - and the advice offered by the Committee is relevant to those points.

The main criticism of elements included in the current system relates to the purpose and utility of the project severity bands, and some components of your advice are based on opportunities to use other elements of the regulatory system to provide increased transparency and more informative outcomes. The main technical issue I would take a different view on is the use you assume is made by the Inspectorate of severity bands for the purposes of cost-benefit assessment - we have always maintained and practised that it is the full narrative and detailed technical content of the application and the clinical training of inspectors, not the severity band label, that is required for that purpose.

I note the reservations expressed about offering specific advice on subdividing protocol severity limits at this time: but it is to be expected that forthcoming outputs from our formal consultation on the proposal to revise the Directive, and a very recent Commission workshop on severity classification systems, will allow the Committee to revisit this issue in the near future if necessary.

Although some potential revisions to the current system based on your recommendations are likely to be developed and evaluated both within the Better Regulation Programme (which includes information requirements and forms design and content) and the revision of Directive 86/609/EEC (which is

likely to include prospective and retrospective classification, and related presentational and reporting requirements) there are three main considerations which are likely to delay formal full-scale changes until work on the revised Directive is more advanced.

The first of these is that dropping an established element of the current system, regardless of its perceived limited value, will be regarded by some as 'creative accounting' and an attempt to conceal what is being done, rather than being part and parcel of a desire and series of changes to provide better information.

The second is that the project licence abstracts, the development of which is probably a key component of any revised system, can under the present legislation only be requested on a voluntary basis (paragraph 17 of your report states in error that they "are now required").

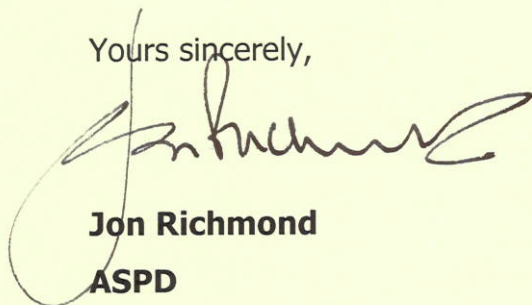
And the third is in Better Regulation terms the price to be paid for improved retrospective reporting will probably be a general retreat from the current statistical reporting requirements based on work started during the reporting year - something that is again dependent on revising the current European reporting requirements.

Although the definitive UK negotiating position with respect to the revision of the directive has yet to be finalised, the advice offered by the Committee seems generally consistent with views expressed by other key stakeholders and Member States.

The Committee's advice has already informed input by the UK representative to technical discussions on future severity classification systems at a workshop hosted recently by the European Commission; and will be forwarded to others involved with discussions within the Council of Ministers on the proposal in order to inform and influence their position, and to the Steering Committee overseeing the relevant UK Better Regulation initiative (setting the scene for piloting some of the ideas in advance of making substantive changes to the national processes).

I will update the Committee regularly on the feedback received and the progress being made, and would invite the Committee to offer further advice to Ministers as required as the European and Better Regulation processes progress.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'Jon Richmond', with a large, sweeping flourish at the end.

Jon Richmond

ASPD

Head of Division