

ANIMAL PROCEDURES COMMITTEE

December 2012

Reporting on Infringements.
What should be included in the public domain

Reporting on infringements – what should be included in the public domain?

The table below lists information that the Animal Procedures Committee (APC) believes to be necessary (i) for adequate accountability to the public with respect to the regulation of animal use, and (ii) for the new Animals in Science Committee (ASC) to have effective oversight of infringements (assuming that this function will be carried over from the APC).

Many of these are already reported on in the Animals in Science Regulation Unit (ASRU) Annual Reports from the Home Office (HO), as summarised in column 2 of the table below.

Necessary information in the public domain	Already addressed?
Specific information about each case	
Type of establishment	
Species and numbers	✓
What happened to the animals and how did this impact on their welfare (as in current categories)	✓
How the category was allocated for each case	
Why the infringement happened	partly
Whether it was self-reported	✓
What actions were taken by the HO, including penalties	✓
Why the HO actions were deemed appropriate	
What actions were taken by the establishment	partly
Whether the infringement warranted increased frequency of visiting/duration of visits as part of the risk-based inspection protocol	
Trends	
Whether there are any particular 'hot spots' (repeat offenders) or emerging trends	partly
How the HO monitors trends in infringements and what it is doing to address these	
General information	
What sanctions the HO has at its disposal	✓
How infringement records are factored into the risk-based visiting programme in general	✓

Areas where the APC believes further information or detail are required

Further explanations and comments on the areas that the Committee believes could be expanded upon in ASRU reports are set out below. We recognise that producing reports for the public requires resource and are not suggesting that the accounts of each infringement be made significantly longer. The additional detail we are suggesting can be briefly summed up and consists of information that we presume the HO will be seeking to collate in any case, in order to implement a risk-based approach to inspection.

- **Type of establishment**

Information on the types of establishment (e.g. academic, industry, Contract Research Organisation) at which infringements are occurring is of interest to the public, and also important in relation to openness and transparency.

- **How the category was allocated for each case**

The 2011 ASRU report explains that the gravity of an infringement will depend on its '*origins, scale and any consequential animal suffering*'. However, the current reporting format does not make it clear how this is applied on a case by case basis, which led to some APC members questioning some of the classifications in the 2011 report which appeared to be inappropriately low. The decision-making process was clarified to the Committee during discussions with the HO, but in our view the ASRU report also ought to provide brief supporting information for each reported infringement, to prevent misunderstandings on the part of the public.

- **Why the infringement happened**

More information on the 'origins' of each infringement would also be helpful, as there are clearly differences between human error, accidents, staff being inadequately trained or competent, ineffective Standard Operating Procedures (SOPs) and deliberate attempts to mislead or to circumvent regulation. Many of the infringements described in the 2011 ASRU report do give an indication as to why they occurred (e.g. not checking the project licence, which was probably a training issue) but not all do this (e.g. fish housed in water at an inappropriate temperature, which was presumably due to poor SOPs and training on the basis of the subsequent measures implemented at the establishment). However, an explicit statement as to the cause(s) of each infringement would be helpful; e.g. number 7 explains that it was due to a misunderstanding of the legislation.

- **Why the HO actions were deemed appropriate**

Briefly explaining why each infringement occurred, as above, would also help the public to understand how the HO decided on its actions in response, for example why some people are admonished and others also required to retrain for what appear to be similar transgressions. The APC understands that infringements are also taken into account if the infringer applies for a new project licence, and this information should be included in the ASRU report.

- **What actions were taken by the establishment**

There are inconsistencies in the reporting of actions by establishments in response to infringements. For example, in the 2011 report infringement number 5 mentions unspecified 'remedial steps' and numbers 2 and 7 mention retraining, but number 4 does not state what, if anything, the establishment instigated to reduce the likelihood of such an infringement happening again. It would be more reassuring for the public if they could be satisfied that establishments were taking infringements seriously and trying to correct the fundamental issues that had led them to happen.

- **Whether the infringement warranted increased frequency of visiting/duration of visits as part of the risk-based inspection protocol**

This is relevant information given the risk-based approach that the HO is taking to inspections. Presumably any infringement at all (or other non-compliance) will increase an establishment's risk profile, as explained later in the ASRU report. However, to emphasise this, a sentence to that effect could be added in to the introduction to the section on infringements in the ASRU report. There should be no need to repeat this for individual cases unless there is something exceptional to note.

- **Trends in infringements, how these are monitored and acted upon**

The APC believes that infringements can be better prevented if trends are identified and acted upon effectively. We note that historic information on the numbers of infringements in categories A to D is currently presented, which is useful. However, the public would be better reassured that the causes of infringements were being properly recognised and addressed if the ASRU reports were to include descriptions of how the HO was monitoring trends and tailoring its advisory and 'policing' roles accordingly.

Examples of the type of 'trends' of interest include: which particular types of establishment are more infringement-prone, and the proportions of transgressions that are due to different causes such as human error, inadequate training, ineffective SOPs or deliberate actions on the part of the infringer. This information could be summarised in a general section for the publicly available ASRU report, and the raw data could be presented to and discussed with the new ASC.

Note: The ASRU annual reports for 2009 to 2011 can be downloaded at:
<http://tinyurl.com/bm55mee>

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