



Department
for Environment
Food & Rural Affairs

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[REDACTED]
[REDACTED]

Our ref: RFI 6207
Date: 6 February 2014

Dear [REDACTED]

REQUEST FOR INFORMATION: Monitoring Humaneness in the Pilot Badger Culls

Thank you for your request for information about the monitoring of humaneness of the marksmen during the badger cull which we received on 6 January 2014. Your request has been considered under the Environmental Information Regulations (EIRs).

I would like to apologise for the delay in responding to you. This was due to an administrative oversight.

The information you requested and our response is detailed below. Following careful consideration, we have decided not to disclose some of this information.

Q1. How many marksmen were monitored by you for humaneness out of total number of licensed marksmen during the badger cull pilots in Somerset and Gloucestershire?

The aim of the monitoring was to gather data to enable an assessment of the humaneness of the technique of controlled shooting and not to monitor the actions of specific marksmen. At least 60 shooting events were observed for the purposes of gathering evidence to support an assessment of humaneness of controlled shooting with rifles. Observations were spread over the whole of the culling period from week one to week six. However, not all shooting events were observed.

Q2. Please confirm if you monitored any marksmen for humaneness during the extension periods in both sites, and state how many.

No marksmen were monitored for the purposes of gathering data for the humaneness assessment during the extension period. However, Natural England continued to carry out monitoring of compliance with Best Practice Guidance and licence conditions during the extensions.

Q3. Explain your justification for monitoring these numbers.

The Independent Expert Panel (IEP) decided on the number of observations for each method of control (60) as being sufficiently statistically robust for their analysis. The official and IEP reports are scheduled to be published in early 2014.

Q4. If you did not monitor during the extension periods, please explain your justification for not doing so.

The Independent Expert Panel decided that six weeks data would be sufficient for their needs to establish the safety, effectiveness and humaneness of the pilots and controlled shooting. The benefits in continuing to collect data were limited in that it would add little in terms of the statistical robustness of the analysis.

Q5. Supply details on your humaneness monitoring criteria, and how this was satisfied by every marksman you monitored.

A humaneness protocol covering observations to be made in the field and at post-mortem was developed prior to the pilots. This protocol will be included as an annex to the official report which is scheduled to be published early in 2014. As the report is still being reviewed by the Independent Panel, it is being withheld under regulation 12(4)(d).

Q6. Please confirm if, and the reasons why, any marksman failed your monitoring for humaneness.

As advised at question 1, individual marksmen were not assessed against humaneness monitoring criteria. The aim of the monitoring was to collect data to allow humaneness of the control method across the randomly selected number of marksmen to be assessed at the end of the pilots.

Q7. Confirm any actions taken in the case of marksmen who failed the humaneness monitoring.

Please see the response to questions 6.

The Regulation and Public Interest Test

Regulation 12(4)(d): relates to material which is still in the course of completion or unfinished data and applies to the both the official and IEP reports which are still being completed. Releasing the official report before the IEP is satisfied with its content and presentation and before the IEP have finalised their report could result in confusion which is counter to the basis of freedom of information.

Regulation 12(4)(d) requires the public authority in question to carry out a public interest test. There is a great deal of interest and strength of feeling around the badger control

policy which includes access to the official report and the information it contains. However, Defra has concluded that the public interest in withholding the information sought outweighs the public interest in its disclosure. Releasing the official report now before it has been fully reviewed would only mislead and confuse the public. It is logical to wait, and it is in the public interest to wait, until the report has been formally reviewed and critiqued by the IEP rather than release a report which may have to be updated at a later time. The IEP report will be published alongside the official report as both documents should be read together.

Defra has publicly committed¹ on numerous occasions to announcing that the report on the culls will be published as soon as possible.

Defra recognises the strength of feeling around the badger control policy. However, in light of the argument above, Defra has concluded that, at this stage, when the information is still subject to review, the public interest in withholding the information sought outweighs the public interest in its disclosure. Therefore, we have concluded that in all the circumstances of the case, the information should be withheld.

In keeping with the spirit and effect of the EIRs and in keeping with the government's Transparency Agenda, all information is assumed to be releasable to the public unless exempt. Therefore, the information released to you will now be published on www.gov.uk together with any related information that will provide a key to its wider context. Please note that this will not include your personal data.

I have attached an annex giving contact details should you be unhappy with the service you have received.

If you have any queries about this letter, please contact me.

Yours sincerely,

Defra TB Programme

Email: ccu.correspondence@defra.gsi.gov.uk

¹ <http://transparency.number10.gov.uk/business-plan/10/35>

Annex

Complaints

If you are unhappy with the service you have received in relation to your request you may make a complaint or appeal against our decision under section 17(7) of the FOIA or under regulation 18 of the EIRs, as applicable, within 40 working days of the date of this letter. Please write to Mike Kaye, Head of Information Standards, Area 4D, Nobel House, 17 Smith Square, London, SW1P 3JR (email: requestforinfo@defra.gsi.gov.uk) and he will arrange for an internal review of your case. Details of Defra's complaints procedure are on our [website](#).

If you are not content with the outcome of the internal review, section 50 of the FOIA and regulation 18 of the EIRs gives you the right to apply directly to the Information Commissioner for a decision. Please note that generally the Information Commissioner cannot make a decision unless you have first exhausted Defra's own complaints procedure. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF