



Department
for Environment
Food & Rural Affairs

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Government response on the reform of farm animal welfare codes

December 2015



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Introduction

On 27 June 2013, the then government published a consultation on the reform of farm animal welfare codes in England.

The consultation's specific aim was to check that the principle of moving from statutory farm animal welfare codes to industry-led drafted, non-statutory guidance, meets both the Government's commitment to improved standards of animal welfare and the practical needs of farmers. The purpose of the consultation was therefore to seek the views of all those interested in farm animal welfare, whether they were involved in keeping animals for farming purposes or had an interest as citizens or consumers.

An interim Government response to this consultation was published in April 2014. It explained that due to the lack of a consensus view on reforming the farm animal welfare codes, additional time was required in order to make more detailed deliberations before making a final decision on the proposed approach. The interim response can be found here:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/299897/farm-animal-interim-response.pdf

This document summarises the consultation responses received in reply to the seven questions posed in the consultation document and sets out the Government response.

Overview of responses

A total of 46 responses were received. Of these, two clarified that their organisations would not be providing comments on the consultation and two supported other respondents' comments which were included. Comments from 44 respondents were analysed from a range of sectors, with the largest number (14) representing the livestock sector.

Respondent group	Number of responses	Representative percentage
Enforcement bodies	4	9%
Charity	8	18%
Research and Education	5	11%
Livestock sector	14	32%
Veterinary profession	8	18%
Member of the public	3	7%
Expert Committee	2	5%

Summary of responses to consultation questions

Question 1: Are there alternative ways of ensuring the animal keepers understand what is required of them other than moving to industry-led drafted non-statutory guidance?

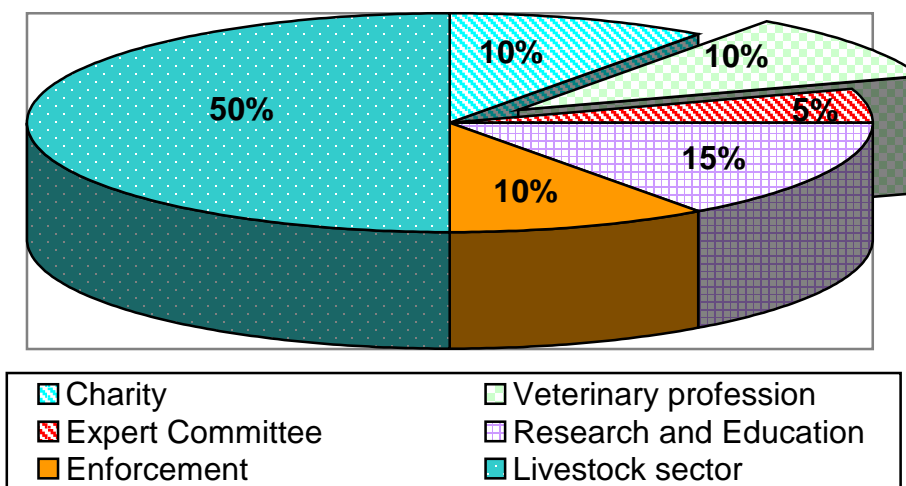
All 44 respondents provided comments to a greater or lesser degree. In addition to 30 respondents which clearly stated that they either supported non-statutory guidance or preferred maintaining existing statutory powers (as noted in **Figures 1 and 2**), a number chose to provide additional comments or suggestions for alternatives.

20 respondents (45%) said they were generally supportive of the non-statutory approach. A number of additional points were raised which included a suggestion for guidance to be produced for small-scale chicken producers; for the guide to be fit for purpose and endorsed by Government; for compliance to be ensured for those outside farm assurance schemes; for clarification on what was meant by 'joint ownership' and references to the advisory role of inspectors.

Figure 1

Q1.

Groups which supported industry led drafted non-statutory guidance:

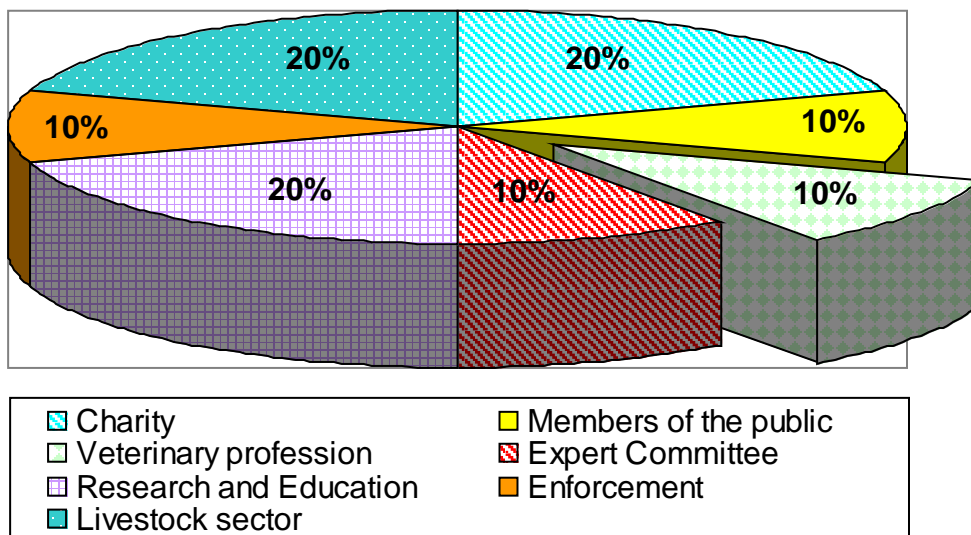


10 respondents (23%) preferred the existing statutory powers – where codes were led by Government in partnership with industry. Comments noted referred to the need for more licensing and greater enforcement.

Figure 2

Q1.

Groups which supported maintaining Government led drafted statutory codes:



4 respondents (9%) either did not specifically answer the question or did not provide a clear response. Comments noted included the suggestion that knowledge transfer was of greater importance, concerns about moving to non-statutory guidance and whether Government would clarify the legal position by amending legislation. One respondent agreed that there were alternatives, but did not put forward any examples.

Additionally 14 respondents suggested there were alternatives. Comments noted the need for better training and education, with the advice being delivered through various media; other bodies leading or being involved in the drafting process, or for a fully independent body in consultation with all interested parties, with a specific requirement for all animal keepers to have access to online guidance following a registration process.

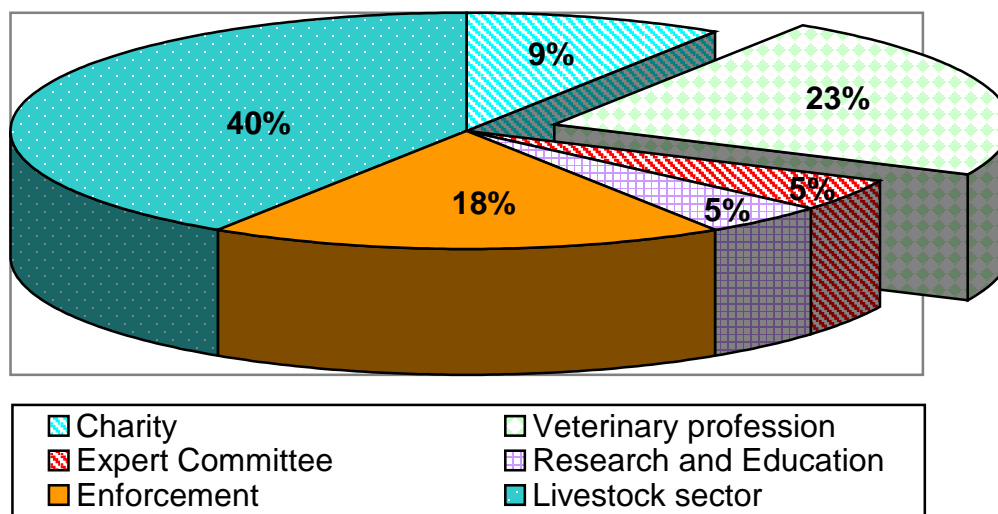
Question 2: Is it appropriate for industry to lead the drafting, consultation and subsequent amendments or is a stronger role for Government needed?

22 respondents (50%) agreed that overall it was acceptable for industry to take the lead. However, many included additional comments or put forward a number of factors ('caveats') for further consideration. These included the need for additional small producer guides and the need for Government to oversee, particularly in relation to the production of minor species guides. The need for the guides to be 'fit for purpose' and for scientific credibility to be reflected, thus involving a validation process was also noted. Clarification was sought on what was meant by 'industry' and 'joint ownership' and the legal parameters with regards to the status of non-statutory and the existing statutory codes. Future involvement by the industry Sector Councils was suggested. Cost and time for the industry to lead on the process was also raised as a potential issue.

Figure 3

Q2.

Groups which were in support of industry taking the lead:

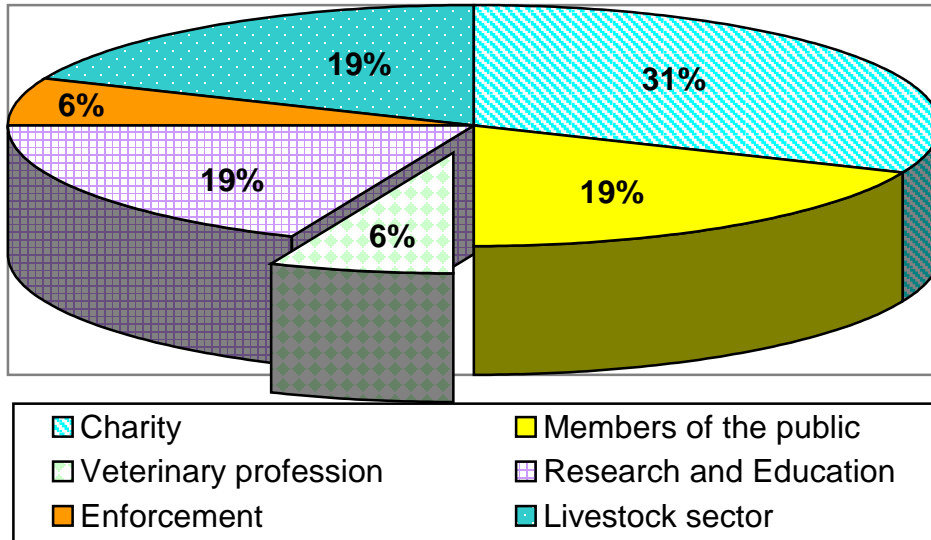


16 respondents (36%) concluded that overall they were against the proposal and were in support of a stronger role for Government. Once again a number of comments and caveats were suggested. These included the need for Government to keep overall responsibility and governance of the 'codes,' as they had a regulatory element, the need for more stakeholder engagement, or for an independent element to be introduced as part of the consultation process. Clarification of the legal status of non-statutory guides was also mentioned. One respondent suggested that the proposal could be acceptable, but only if the roles of both FAWC and Government were strengthened.

Figure 4

Q2.

Groups which disagreed and thought a stronger role for Government was needed:



A further 6 respondents (14%) provided general comments offering mixed views as to the suitability of both Government and industry to lead, with the majority suggesting a partnership approach would be the best way forward. Additional comments included the need for an unbiased approach, a robust review process, Sector Council involvement and the concern that industry would not regularly review the guides following their initial completion. However, scope for increased flexibility which could lead to improvements in animal welfare if industry led the drafting process was also noted.

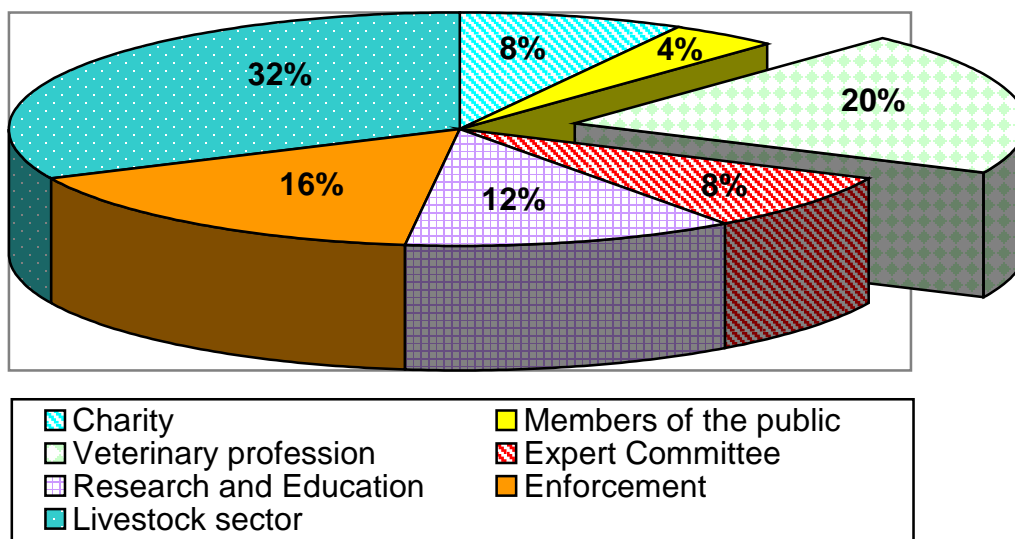
Question 3: Is asking FAWC to review the content of industry-led drafted guidance documents sufficient to quality assure guidance in the short, medium and long term? If not, how can this be better achieved?

25 respondents (57%) agreed (subject to certain 'caveats') that FAWC was best placed to quality assure the guidance documents. These caveats included suggestions that regular reviews would need to take place and that long term assessment should be shared between industry and Government. To ensure wider views were reflected it was suggested that input was also needed by a wider group of stakeholders, including NGO's and veterinary and enforcement bodies. A national independent body was also suggested as a potential solution or the use of EU reference centres. There was also a suggestion for a 'road test' panel to be set up.

Figure 5

Q3.

Groups which were generally in favour of FAWC quality assuring the guidance but with some caveats:

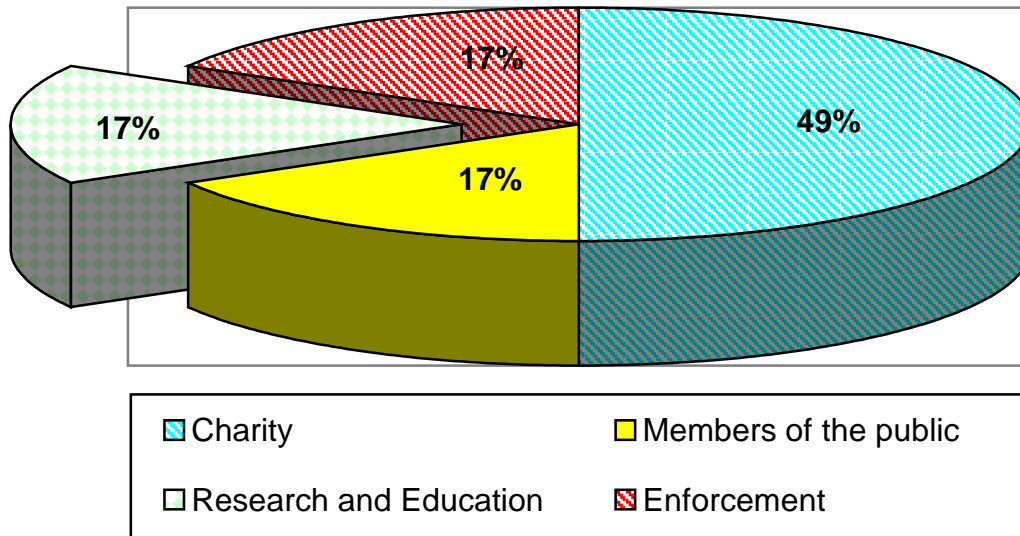


6 respondents (14%) did not believe FAWC was sufficient to quality assure the industry-led guidance. Comments noted concerns about the complete reliance on FAWC and their expertise and resources to undertake this work. **Figure 6** indicates the different groups which responded.

Figure 6

Q3.

Groups which were against FAWC quality assuring the guidance:



13 respondents (29%) either did not answer this question or did not provide a definitive answer. However, comments included the need for industry to ‘test drive’ the guidance documents prior to release, for the retention of existing updated codes and for better enforcement of existing legislation.

Question 4: Do you agree that the proposed reform of the codes will be neutral in cost and monetary benefits to the livestock industry? If not, what is your estimate of the expected costs and/or benefits?

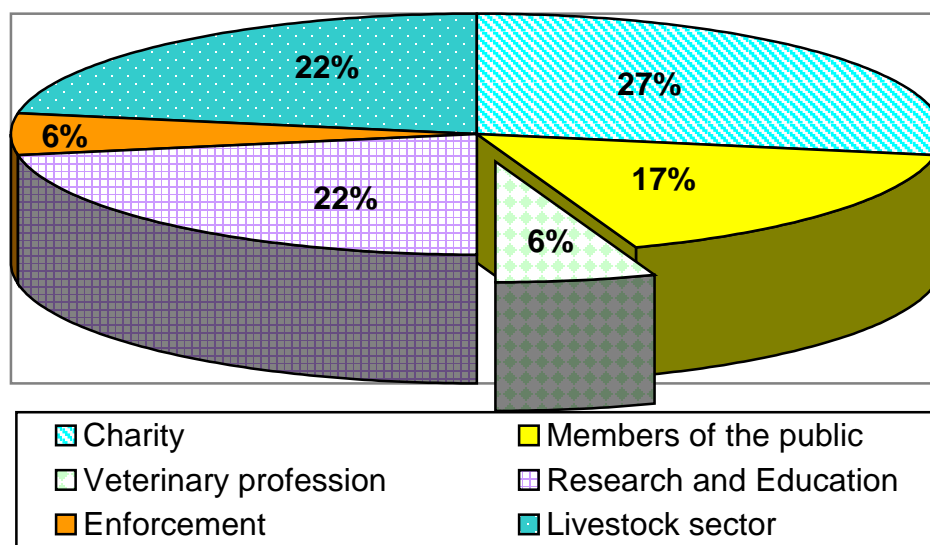
7 respondents (16%) agreed (subject to certain 'caveats') that there would be neutral costs and monetary benefits. Of these 7 respondents, 3 represented the veterinary profession and 4 the livestock sector. Caveats noted that this would be dependent on Government maintaining overall responsibility of the guide and whether the guides formed part of the industry's wider farm assurance scheme network.

18 respondents (41%) disagreed, but no estimates were submitted. A number of respondents thought that costs to industry would be incurred. There was also a suggestion for funding from levy boards to mitigate the costs to industry. Some respondents suggested that there would instead be a benefit to industry in terms of good compliance, increased productivity and increased resistance to disease and on a monetary level, particularly if a 'quality brand' was developed.

Figure 7

Q4.

Groups which did not think the cost benefits would be neutral for industry:



5 respondents (11%) provided mixed views in terms of cost and benefit neutrality. Comments included the need for a 'test drive' of the guidance to decide whether costs would be incurred, and clarity on the question itself. There were differing views depending on whether the question referred to costs to individual producers or to the wider industry playing a larger role in developing the guides.

14 respondents (32%) either did not directly answer this question or did not provide any comment.

Question 5: Do you agree that reform of the farm animal welfare codes is likely to improve compliance with existing legislation because it will be easier to understand and have increased industry buy-in? If not, provide details of your reasoning.

15 respondents (34%) either considered industry-led guidance would improve compliance as the guidance would be written by industry and thus would have greater buy-in or indicated they were in general support.

8 respondents (19%) stated that improvements in compliance could be feasible, but it would be dependent on a number of factors such as the format of the guidance, its content, how the guidance was disseminated and whether it was integrated into farm assurance guidance. A further **5** respondents (11%) did not provide views on whether the proposal would lead to an increase in compliance, but they did indicate that the proposal would lead to an increase in buy-in from the livestock sector or would make the guidance easier to understand.

9 respondents (20%) did not consider compliance would be improved and wanted to see Government retaining the responsibility of preparing guidance on legislation.

7 respondents (16%) either did not respond to this particular question or stated that they did not know.

Question 6: Is there any evidence for other impacts of the proposed change not considered in this consultation, including the potential differences in policy within the UK?

15 respondents (34%) from a wide range of groups all made reference to drafting consistency across the devolved administrations. **12** of these respondents suggested there was a risk that inconsistent approaches could be taken where there were differences in policy across the UK and that there may be confusion around borders if the guides were not adopted universally. The remaining **3** respondents suggested that any issues could be managed without difficulty as the industry were already accustomed to working with the different administrations and that there would be little difference as guidance was based on statutory codes.

2 additional respondents were concerned about there being a level playing field across the UK and EU and noted the need to avoid any competitive disadvantage.

8 respondents (19%) from a range of groups were concerned that there would be a reduction of enforcement measures with a move to industry-led guidance and noted the need for APHA by-in to new guides to ensure a consistent approach to enforcement. Other comments included concerns that animal welfare standards would reduce and that the courts would place more weight on a Government-led statutory code than a non-statutory industry-led guide.

2 respondents noted that there was a risk of contradiction across other guidance (including FAS and existing industry guidance) and other legislation relating to farming such as hygiene and environmental Regulations.

18 respondents (41%) from a wide range of groups either did not directly answer this question or did not provide any comment.

Question 7:How best could a post implementation review of the reform of farm animal welfare codes be carried out?

A large number of respondents provided multiple views in relation to this question which have been summarised below.

16 respondents (36%) from a wide range of groups thought there should be some form of consultation process or survey conducted with all relevant stakeholders. The views ranged widely from holding a meeting with relevant groups, conducting a farmer survey or undertaking a comprehensive UK wide public consultation. Of these, 2 respondents additionally suggested that enforcement agencies, or industry and farm assurance schemes should be consulted as to the success and uptake of the guides. 2 respondents also suggested that a pre-implementation review was needed to establish the current baseline in order to make a full assessment.

7 respondents (16%) provided comment on who they thought should lead the review. Of these, 2 of these respondents suggested that an independent organisation made up from various relevant stakeholders should consider all the evidence. 3 of these respondents suggested FAWC was best placed to take the lead and review the technical content, with Government overseeing the process. The remaining 2 respondents considered that Government should lead with the input from all relevant stakeholders.

13 respondents (29%) representing views across all groups, submitted varying opinions and options on the type of evidence which could feed into the review. Of the specific comments received, 12 of these respondents suggested that assessing the overall rates of non-compliance from a range of data could be the best way of monitoring the effectiveness of the guides. This could include APHA inspection reports and farm assurance scheme data.

14 respondents (32%) from a wide range of groups either did not directly answer this question or did not provide any comment.

Government response

The interim Government response in April 2014 explained that consideration of the way forward was taking longer than expected because there had been no complete consensus of views. As a consequence, Defra held an industry workshop in May 2014, to explain how partnership working could work in practice. Having been reassured that Defra support would continue, several livestock sectors are now keen to follow the meat chicken sector, which has piloted the guidance approach and begin preparing guidance for their producers. Livestock sectors see the benefits of providing practical guidance on how farmers can comply with the law in a way which they can relate to, taking responsibility for delivering good welfare practice in their industry and raising overall compliance with welfare standards.

There was concern that non-statutory guidance would have a reduced evidential weight and hinder prosecutions. Defra does not believe this is the case. As with statutory codes, a person would not commit an offence by not complying with the guidance document. Non-statutory guidance can still be used as part of the package of evidence given to the court to establish a person's liability. A move to non-statutory guidance is likely to have a minimal impact on the way in which the guidance can be used in court proceedings and will be outweighed by the benefits to farmers of having more up to date guidance on good practice available.

Some welfare charities sought assurances that moving to non-statutory guidance would not weaken animal welfare standards. No changes are being made to the legislation which sets the animal welfare standards. A number of measures will be built into the process to ensure animal welfare standards are maintained. Defra will be working very closely with industry in drafting each individual piece of guidance and no statutory code will be revoked unless Defra is content that current standards are being maintained. As with the meat chicken guidance, each guidance document will be subject to a consultation, giving all interested parties, including welfare organisations, the opportunity to play an active role in its preparation. The Farm Animal Welfare Committee (FAWC) will consider each guidance document and ensure that it includes the most up to date scientific and veterinary knowledge. This has been done for the pilot meat chicken guidance and FAWC is satisfied that animal welfare standards will not be lowered if the existing code is replaced with this guidance.

Next steps

Given the need to get on with updating the guidance available to farmers and the benefits of industry-led guidance, Ministers have agreed that the process should continue on a case by case basis, beginning with the meat chicken guidance. The British Poultry Council consulted on a meat chicken guidance in June 2013 and the intention is to now revoke the Code of Recommendations for the Welfare of Livestock: Meat chickens and breeding chickens and replace it with this guidance. Defra will then begin working with other livestock sectors in a staged timetable of reform to develop species specific guidance on how to comply with farm animal welfare legislation.

Defra will be conducting a post-implementation review to assess whether the proposed benefits have been realised and if any unforeseen costs have resulted from the reform of farm animal welfare codes. It will include an analysis of the extent to which the move from a statutory underpinning has had any impact on the weight courts accord the welfare guidance when prosecutions are being sought.

Annex A. List of respondents to the consultation

Agriculture and Horticulture Development Board (including BPEX, EBLEX and DairyCo divisions)

British Cattle Veterinary Association

British Egg Industry Council

British Pig Association

British Poultry Council

British Veterinary Association

Castle veterinary group

Compassion in World Farming

Country, Land, Business Association

Delaware Veterinary Group / Goat Vet Society

Farm Animal Welfare Committee

Federation of City Farms and Community Gardens (2 responses)

Game Farmers Association

Local Government Animal Health & Welfare officer

Member of the public (3 responses)

Member of the public, veterinary surgeon (2 responses)

National Animal Health and Welfare Panel (NAHWP)

National Farmers Union

National Farmers Union for Scotland

National Pig Association

Norfolk Cornerstones Group - Reference group drawn from the farming industry

OneKind

Primrose Herd pig farm

Queen Mary, University of London

Royal Society for the Prevention of Cruelty to Animals

Scotland's Rural College (SRUC, 2 responses)

Sheep Veterinary Society

Soil Association

Sustain

T G Broumpton and Son pig farm

Trading Standards (2 responses)

Trading Standards Institute

University of Bristol (2 responses)

World Aquatic Veterinary Medical Association

World Society for the Protection of Animals

Yorkshire Dairy Goats and St Helen's Farm Milk Supplier Group

Young Farmers/Livestock