Chapter 2.3
Animal Welfare

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1. Introduction

1.1 Purpose

1.2 Legislation

1.1 Purpose

1.1.1 Key principle

Council Regulation (EC) No 1099/2009, Article 3(1) states ‘Animals shall be spared any avoidable pain, distress or suffering during their killing and related operations’.

This requirement is the key principle underpinning the guidance which follows in this chapter.

1.1.2 FSS role

The OV should verify compliance with relevant EU and domestic legislation on animal welfare prior to and during slaughter and killing, taking proportionate enforcement action.

Every time animal welfare is compromised and an animal is suffering, enforcement action should be taken or the incident should be referred to the relevant enforcement authority. A risk based and proportionate approach to enforcement should not be perceived as supporting bad practices or compromising animal welfare.

Council Regulation (EC) No 1099/2009 only refers to Business Operator (BO) not FBO. Throughout this chapter this reference is used where appropriate to ensure the correct use of terminology as used in the regulation.

The hygiene and welfare regulations require the BO to have procedures in place to guarantee that the welfare of each animal is not compromised on farm, during transport and on arrival at the slaughterhouse and the OV is required to verify compliance with this requirement.

1.1.3 Data collection

FSS collects data to inform the Scottish Government of trends in animal welfare throughout Scotland.
1.1.4 Welfare surveillance

FSS plays an important role in assisting the Animal and Plant Health Agency (APHA) and LA Trading Standards departments with the risk assessment of welfare on farms and in transport. The OV must identify welfare issues in live/dead animals and carcases at post-mortem, which appear to have originated on the farm of provenance or during transport, gather evidence and report the details to the relevant LA and APHA as soon as possible.

Delay in reporting incidents may affect the ability to gather further evidence. The LA Inspector should be given the opportunity to visit the abattoir and collect evidence gathered by the OV.

In every case the owner of the animal will be given the opportunity to examine the evidence. The owner of the animal will be contacted by the LA or APHA investigating officer. The OV should not interview the owner of the animal as some interviews might need to be carried out under caution by LA/APHA officer.

The BO should be informed and asked to contact the owner of the animal (where they are not the owner) informing the owner that evidence is being gathered for a potential offence under the animal welfare legislation. Only the LA/APHA investigation officer will be giving the owner the opportunity to examine the evidence once it has been securely passed on from FSS to LA/APHA. A robust chain of evidence must be maintained. A record of the evidence transfer should be made in the day book or contemporaneous notebook if the day book is not readily available.

Do not delay action to safeguard the welfare of animals. If there is immediate pain or suffering that cannot be resolved, (for example a broken leg) then the animal must be killed or slaughtered as soon as possible. Photographs and/or video evidence should be taken. Detain the carcase for further examination and retain any relevant body parts as evidence for any potential enforcement action.

Fitness for human consumption should not be a consideration in the decision to kill an animal on welfare grounds.

Other FSS staff, particularly MHIs, must take an active role in welfare monitoring and when aware of welfare issues must record them in the day book or personal note book and report them to the OV for action to be taken. If there is animal suffering observed the MHI must take immediate action to prevent further suffering.
1.2 Legislation

1.2.1 Welfare legislation

Key pieces of legislation relating to welfare include:

- Council Regulation (EC) No 1099/2009 on the protection of animals at the time of killing
- The Welfare of Animals at the Time of Killing (Scotland) Regulations 2012 SSI 321
- Welfare of Animals (Transport) (Scotland) Regulations 2006
- Welfare of Animals (Slaughter or Killing) Regulations 1995 (as amended) (WASK)


1.2.2 Council Regulation (EC) No 1099/2009

The regulation provides key animal welfare standards which must be achieved. It places a responsibility on the BO to ensure animals are provided with physical comfort and protection; are protected from injury; are handled and housed appropriately; do not show signs of avoidable pain or fear or exhibit abnormal behaviour; do not suffer prolonged withdrawal of food or water; are prevented from avoidable interaction with other animals which may harm their welfare.

Key requirements of the Regulation are:

- Standard Operating Procedures (SOP)
- Guides to Good Practice (GGP)
- Animal Welfare Officer (AWO)
- Certificate of Competence (CoC)
- keeping of records for 1 year

The regulation is directly applicable across all Member States and is implemented through domestic legislation.
1.2.3 Domestic legislation

Domestic implementing legislation provides powers to appoint inspectors, enforcement powers, specifies penalties, time limits for taking formal action, and maintains national rules.

**Reference:** The Welfare of Animals at the Time of Killing (Scotland) Regulations 2012 SSI 321

**Note:** The Scotland legislation cross references WASK to permit the continued use of the powers and provisions in Schedule 12 relating to Religious Slaughter and requirements of WASK that are not included in 1099/2009 or are derogated until December 2019.

1.2.4 Guides to good practice

Council Regulation (EC) No 1099/2009 Chapter II, Article 13 requires Member States to encourage the development of guides to good practice. These guides have been developed by industry, and will be validated by the Competent Authority (Defra).


Further guidance and Scientific Opinion documents can be found on the European Food Safety Authority (EFSA) website:


1.2.5 (EC) 1/2005 and Welfare of Animals (Transport) (Scotland) Regulations 2006 SS606

Council Regulation (EC) No 1/2005 on the protection of animals during transport sets out the statutory provisions that apply to the welfare of animals transported for an economic activity. The regulation is directly applicable across all Member States but national implementing legislation is required to provide for enforcement, powers, penalties, time limits, derogations, and additional national measures.

This is done through The Welfare of Animals (Transport) (Scotland) Regulations 2006 (WATR).
WATR provides key welfare standards that must be achieved during transport.

FSS does not enforce WATR or Regulation 1/2005. If the OV or MHI identifies a suspected non-compliance with welfare during transport they shall:

- ensure appropriate action is taken immediately to safeguard the welfare of the animal
- advise the haulier and the BO of the non-compliance
- collect evidence and report to the local trading standards office
- record details of the haulier, including driver name, vehicle registration number and trailer number; this should be shared with the LA (see Annex 5 for a checklist on evidence gathering)

1.2.6 Legislative responsibilities


1.2.7 Regulation (EC) No 853/2004

FBOs transporting live animals to slaughterhouses must ensure that during collection and transport, animals are handled carefully without causing unnecessary distress.


‘The official veterinarian is to verify compliance with relevant Community and national rules on animal welfare, such as rules concerning the protection of animals at the time of slaughter and during transport’.

Regulation (EC) No 882/2004 makes provisions for welfare. Title I, Article 2, Para’s 1, 7, 8 and 10 provide for official controls, inspection, monitoring and non-compliance.


This directive lays down minimum rules for the protection of conventionally reared meat chickens (broilers) on holdings with 500 or more birds (known as the ‘Broiler Directive’).

Under this directive, the maximum on-farm stocking density (SD) for conventionally reared meat chickens is 33 kg/m$^2$. 
SD in excess of 33 kg/m² and up to 39 kg/m² is allowed, providing that the keeper complies with and records on the FCI the extra requirements as detailed in the implementing legislation as listed below:

- cumulative daily mortality rate
- breed / line information

Foot pad dermatitis (FPD) is one of the “on-farm” welfare indicators monitored under the Broiler Directive. This is only to be scored on an exception basis where there is a welfare concern that the FPD is severe. In this case 100 birds are to be scored as per the FPD condition card in Annex 3 and the data recorded.

If FCI is received with SD over 39 kg/m², please refer this to APHA immediately and notify FSS Operations Operations@fss.scot.

**Note:** refer to Chapter 2.4 on ‘Post-mortem, health and identification marking’, section 7 and Chapter 2.1 on FCI and CCIR

Scottish Government is the Competent Authority under the terms of this directive. FSS collects the information required under Annex III of Regulation (EC) No 43/2007 (required elements of poultry Food Chain Information) and reports back to the Competent Authority where there are indications of poor animal welfare conditions.
2. Business Operator Role

2.1 Standard operating procedure

2.2 Animal Welfare Officer

2.3 Restraining and stunning

2.4 Delay in slaughter in white meat slaughterhouses and the provision of food and water

2.1 Standard operating procedure

2.1.1 Introduction

Council Regulation (EC) No 1099/2009 on the protection of animals at the time of killing requires all slaughterhouses to have a ‘standard operating procedure (SOP)’. This means written instructions aimed at achieving uniformity in the performance of specific functions or standards. There should be SOPs for all the different operations, for example, lairage, restraint, stunning, bleeding and assessment, emergency procedures and maintenance of the stunning equipment.

The SOP should detail the process such that it explains fully the role of each individual in the activity it covers and all of their duties and responsibilities. It should also detail who is responsible for ensuring that the process is carried out correctly and taking any action necessary to ensure that the process is fully compliant with welfare legislation.


2.1.2 SOP requirements

Council Regulation (EC) No 1099/2009, Chapter II, Article 6 states:

- BOs shall plan in advance the killing of animals and related operations and shall carry them out in accordance with standard operating procedures.
- BOs shall draw up and implement such standard operating procedures to ensure that killing and related operations are carried out in accordance with Article 3(1).

Note: Article 3(1) states ‘Animals shall be spared any avoidable pain, distress or suffering during their killing and related operations’.
Regarding stunning, the SOP shall:

a) take into account the manufacturers' recommendations

b) define for each stunning method used, on the basis of available scientific evidence, the key parameters set out in Chapter I of Annex I ensuring their effectiveness to stun the animals

c) specify the measures to be taken when the checks indicate that an animal is not properly stunned or, in the case of animals slaughtered in accordance with Article 4(4) (religious slaughter), that the animal still presents signs of life.

- The BO shall make the SOPs available to the OV upon request.

- When non-compliances are found during normal operations for which there is a SOP, the SOP should be checked by the OV and the BO is required to make amendments to prevent further similar non-compliances occurring.

**Note:** if the review and amendment of the SOP is needed it should be enforced together with actual animal welfare non-compliance.


### 2.1.3 SOP checks.

All SOPs should be checked by the OV to verify they are valid and fit for the operations intended. The frequency of checks should be at least monthly and any other time when there is a change in the SOP or the process. Reality checks should be performed daily to verify that BO is complying with the legislation and the SOPs; this should include the BO's welfare monitoring sheets.

The validity of SOPs should also be checked during audits.

### 2.2 Animal Welfare Officer

#### 2.2.1 Legislative requirements

Council Regulation (EC) No 1099/2009 requires the BO to designate an Animal Welfare Officer (AWO) if the establishment slaughters more than 1,000 livestock units or 150,000 poultry or rabbits per annum (definition of livestock unit below). The BO can appoint more than one AWO. For example the BO could appoint an AWO for the lairage operations and another for the restraint and stunning/ bleeding operations. The responsibilities of the AWO are
detailed in the legislation and should be specified in the SOP as they apply to the slaughterhouse operation.

**Note:** AWO exemption: The requirement for an AWO does not apply to slaughterhouses processing fewer than 1,000 livestock units of mammals or 150,000 birds or rabbits per year.


### 2.2.2 Advisory booklet for BOs

The EU Commission has produced an advisory booklet available at:


This provides an outline of the envisaged role and examples of the checks that an AWO could carry out with a suggested record keeping format.

### 2.2.3 Role of the AWO

The AWO must:

- report directly to the BO on matters relating to the welfare of the animals; they shall be in a position to require that slaughterhouse personnel carry out any remedial action necessary to ensure compliance with the rules laid down in Council Regulation (EC) No 1099/2009
- comply with the responsibilities set out in the standard operating procedures of the slaughterhouse; these responsibilities shall be effectively brought to the attention of the personnel concerned
- hold a Certificate of Competence (CoC) issued for all the operations taking place in the slaughterhouses for which they are responsible

**Note:** Refer to section 5 on ‘CoC’ further details.

- keep a record of the action taken to improve animal welfare in the slaughterhouse in which they carry out their tasks
- keep the above record for at least one year and make it available to the competent authority upon request

### 2.2.4 Definition of a livestock unit

‘Livestock unit’ (LU) means a standard measurement unit that allows the aggregation of the various categories of livestock in order to enable them to be compared.
The conversion rates for 1 LU are summarised below:

- 1 adult bovine animal or horse
- 2 bovine animals under 8 months
- 5 pigs with a live weight of over 100 kg
- 6.66 other pigs
- 10 sheep and goats
- 20 lambs, kids and piglets less than 15 kg live weight

2.2.5 Restraining and stunning

Council Regulation (EC) No 1099/2009 on the protection of animals at the time of killing Article 9 requires that the AWO (BO) ensures all equipment used for restraining or stunning animals is maintained and checked in accordance with the manufacturers’ instructions by persons specifically trained for that purpose.

The AWO (BO) must keep a record of maintenance on restraining and stunning equipment and retain these records for at least one year.

The OV should regularly ensure that these are kept up to date. In the event of any equipment failure, the OV should examine the maintenance records. If they are missing or not up to date, the OV should take appropriate enforcement action.

Appropriate back up stunning equipment must be immediately available, on the spot at all times the slaughterhouse is operating. This may differ from the first method used.

For non-stun religious slaughter of poultry only this is not a requirement.

Animals must not be placed in restraining equipment, including head restraints, until the person in charge of stunning or bleeding is ready to stun or bleed them as quickly as possible.

2.3 Restraining and stunning

2.3.1 Checks on stunning

Article 5 of Council Regulation (EC) No 1099/2009 on the protection of animals at the time of killing requires the BO to ensure that persons responsible for stunning, or other nominated staff e.g. AWO, carry out regular checks to ensure that the animals do not present any signs of consciousness or sensibility in the period between the end of the stunning process and death.
These checks must be carried out on a representative sample of animals and the frequency established by taking into account the outcome of previous checks and any factors which may affect the efficiency of the stunning process. A record must be kept of the checks carried out.

The SOP should determine the frequency of checks and any factors used to reduce the checks. When the checks indicate that an animal is not properly stunned, the person in charge of stunning must immediately take appropriate measures as specified in the standard operating procedures.

EFSA has produced guidance on the signs of consciousness in bovine, sheep and goats, pigs and poultry:


2.4 Delay in slaughter in white meat slaughterhouses and the provision of food and water

2.4.1 BO responsibility: contingency plan for delayed slaughter

BOs should have contingency plans in place as part of their SOP, and as normal practice, arrange the delivery of poultry in such a way that waiting times are kept to a minimum.

EC 1/2005 and Welfare of Animals (Transport) (Scotland) Regulations 2006 SSI No. 606 require that poultry are provided with food and water after 12 hours from the start of their journey. Effectively this sets a maximum journey time of 12 hours.

Poultry whilst in their transport crates and on the transport vehicle are considered to still be in transport and 12 hours from the commencement of the journey must be provided with feed and water. This will apply even if the birds remain on transport vehicles at the slaughterhouse and includes birds left on trailers not unloaded.

Liaison will be required with the Local Authority if the 12 hour transport time is likely to be exceeded because the birds remain in transport and so come under the responsibility of the Local Authority.
If it will not be possible to unload the birds and put them in the lairage within 12 hours of their journey commencing provisions must be made by the BO or haulier to provide them with feed and water.

The guidance document accessible through the link below provides more information about poultry transport.


In the case of a major breakdown the welfare of birds is paramount and the BO should:

- Immediately notify farms and hauliers to ensure that no further birds are despatched to the slaughterhouse until the problem has been resolved
- Take all necessary action to rectify the breakdown
- Within reason, contact other slaughterhouses which would accept live birds for killing/slaughtering
- Put in place measures to ensure bird welfare is protected while the breakdown is rectified, for example, ventilation or shade and provision of water
- Consider whether to return birds to the farm of origin for water and feeding. Sending birds to farms other than that of origin is not good biosecurity practice and may increase disease risk. Birds must to be returned to the farm and unloaded within 12 hours of the commencement of the journey or feed and water will need to be provided.

When the modules / containers are unloaded from the vehicle EC1099/2009 will then apply and the provisions in Annex III for food and water will need to be considered if slaughter is delayed.

The provision of food and water may be by a method other than using water or food in a recognisable form. FSS are aware that there are products available that provide a fluid and nutrient source to poultry in a gel format. If clarification is required on the suitability of a product used please consult with your VM.

The BO should be able to demonstrate that the method used to provide feed and water is capable of achieving nutrient and fluid intake.

Birds should not be kept in the lairage at the end of the operations; BOs must ensure that they plan the delivery of birds taking into account their operational hours. In exceptional cases when birds are kept in the lairage between operating shifts, they will need to be supplied with water, (and feed after 12 hours) and adequate ventilation provided.
3. **FSS role**

3.1 Inspection duties

3.2 Verification of animal welfare

3.3 Referral to LA/ APHA

3.4 Entry of compliance level in animal welfare database

3.5 Suspected breach of animal welfare

3.6 Procedures for heavily pregnant animals

3.7 Welfare folder / file

### 3.1 Inspection duties

#### 3.1.1 OV checks

The OV should carry out checks:

- to monitor welfare of live animals
- to monitor slaughter operations
- to monitor slaughter by a religious method*
- on restraint facilities for religious slaughter*

*Note: See section 4 on ‘Religious slaughter’ in this chapter.

#### 3.1.2 FSS duties

**FSS has implemented a set of specific animal welfare measures.**

The implemented animal welfare measures include:

- Setting minimum targets for the quantity of animal welfare checks to be undertaken, including a minimum number of animals and targets for the verification of those checks by FSS staff. Checks will be increased where adverse findings occur. These instructions are set in A3 posters called Red meat / Poultry animal welfare verification and must be displayed in the FSS office (Annexes 11 and 12).
- Posters have been created reflecting the instructions (in point 1 above) to assist inspection teams in recognising effective signs of stunning and promote
our animal welfare verification activity. Species specific posters have been introduced in all red and white meat slaughterhouses. These species specific signs of stunning are found on A3 posters called ‘Signs of a properly stunned animal by stunning method’ (Cattle Sheep and Pigs) and ‘Signs of properly stunned or dead poultry’ (Annexes 13 and 14).

- The OV must ensure the posters are displayed in the FSS office and the team understands the signs of stunning.
- New species specific posters (EFSA toolboxes) with indicators for assessing consciousness are displayed in all plants. The posters are on A4 size are called ‘Species (Bovines, Pigs, Sheep/Goats or Poultry) indicators for assessing consciousness’ (Annexes 15 to 18).
- The OV must ensure the posters are displayed in the FSS office and the team understands the signs of consciousness.
- Amended animal welfare checks forms (WEL 3/1 and WEL 3/2) have been introduced to allow multiple recordings per day and by all FSS team members. The whole team should contribute to checks and recordings (see Chapter 9 on Forms).
- In-Plant individual animal welfare protocols must be established by the plant teams and all FSS Team Members are required to read and sign the protocol declaring that they are aware of the animal welfare verification.
- The OV must ensure that all the team members have signed the local protocol and that it is displayed clearly in the office.

The inspection and verification duties are to be undertaken at the given frequency.

<table>
<thead>
<tr>
<th>Duty</th>
<th>By</th>
<th>How often</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inspect and verify BO compliance with welfare legislation – see following paragraphs for details of daily welfare reports to be completed.</td>
<td>OV and MHI MHIs must report any welfare non-compliance to the OV.</td>
<td>During each killing period and at least several times daily. The FSS team should establish clear guidelines on welfare checks and frequency. This must be recorded on the Animal Welfare Supervision Protocols developed in every Plant (see Annex 8)</td>
</tr>
<tr>
<td>Confirmation of compliance with welfare legislation, or where non-compliances occur, appropriate</td>
<td>OV Data entry into FSS IT system</td>
<td>Daily</td>
</tr>
<tr>
<td>Task</td>
<td>Responsible Party</td>
<td>Action Time</td>
</tr>
<tr>
<td>---------------------------------------------------------------------</td>
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</tr>
<tr>
<td>Enforcement action taken and entry of details in the animal welfare database from FSS IT system.</td>
<td>can be delegated to an MHI.</td>
<td></td>
</tr>
<tr>
<td>The communication of inspection results to farmers and private veterinary surgeons.</td>
<td>OV Management of the database may be by an MHI.</td>
<td>Same day</td>
</tr>
<tr>
<td>Reporting of animal welfare non-compliances to APHA/LA.</td>
<td>OV</td>
<td>Same day</td>
</tr>
<tr>
<td>CoC checks. The FSS team must maintain a welfare file containing copies of the CoC for all staff handling live animals, verified with FSS Operations. This should be updated each time a new member of staff begins work in the premises together with any updates to the CoCs held.</td>
<td>OV For new staff and as required for all BO staff handling live animals following frequency of checks established in Animal Welfare Supervision Protocols developed for each plant.</td>
<td>Same day</td>
</tr>
<tr>
<td>Log non-compliance on ENF 11/5. Ref. chapter 7 on ‘Enforcement’.</td>
<td>OV</td>
<td>As required</td>
</tr>
<tr>
<td>Welfare surveillance</td>
<td>OV MHI assistance may be required.</td>
<td>As required</td>
</tr>
</tbody>
</table>

### 3.1.3 Welfare checks: OV responsibility

The OV has overall responsibility to ensure daily welfare checks are conducted in plant on representative sample of the animals. The delegation of specific monitoring duties to MHIs should be established at plant level by the OV. The OV and MHIs should work together to ensure the highest standards of welfare are maintained. The Animal Welfare Verification Protocol should be completed and maintained as a plant specific record of the duties carried out. This can be found at Annex 8. The protocol must be signed off by all the members of FSS team attending the plant and clearly displayed in the plant FSS office.
The OV will need to establish that each MHI is aware of the required welfare standards and has received the training on the Regulation (EC) 1099/2011.

A Welfare file should be maintained in each premise with copies of all relevant SOPs, using version control, CoCs for all staff working in the premises together with all other relevant welfare records and copies of the cases referred to LA/APHA. Where the BO provides immediate access to the SOP, a note should be made to that effect in the welfare file together with the relevant contact point. A check should be made with FSS at watok@fss.scot that all CoCs are valid on commencing employment. The OV should always verify with the BO that the SOP is the most recent version before taking enforcement action.

On each day of operation, the OV and MHIs should ensure that the BO and staff follow the procedures laid down in the SOPs.

The SOPs should be reviewed at least monthly or following any change to the slaughter process introduced by the BO.

All EU Country CoCs are valid throughout the EU.

3.1.4 Daily welfare assessment reports

The WEL 3/1 (Red Meat)/WEL 3/2 (White Meat) Welfare Assessment Reports must be completed as appropriate on a daily basis (a separated form per each day of slaughter) when slaughter is carried out on the premises. The forms are located in Chapter 9.

3.1.5 Completion of daily welfare assessment reports

The workload in plants and time restraints will often result in these assessments being populated as a collective effort from the FSS team over the course of the working day. The time of each check should be entered and initialled in the relevant boxes by the MHI/OV who conducted the check for the specific area.

The assessment form has two boxes allocated for this purpose. Welfare competent MHIs should be designated by the OV for specific assessments. In OV only plants, the OV should initial the box after completion of the checks.

In the event that the MHI is the only FSS team member remaining (due to OV flexibility), then the OV should check the assessment form when next attending the plant. The OV should verify that the daily welfare sheet has been completed and make a note of this in the daybook.

In plants where ‘cold inspection’ is carried out, the frequency of welfare checks should be established in consultation with the local veterinary management team.
3.1.6 Team responsibility

Where non-compliance with legislative requirements is identified by an MHI, they must first take all the necessary actions to ensure that the welfare of the animal(s) is protected and then inform the OV immediately.

In doing so, the evidence gathering for potential enforcement should not be jeopardised and prompt action must be taken to seek witnesses to corroborate events when available, particularly to satisfy the Scottish legal requirements for witnesses.

Where appropriate, an enforcement notice, suspension or in serious cases a revocation of the CoC should be used by the OV.

The use of the contemporaneous notebook, camera and video equipment by all FSS staff is essential during these checks. Cameras with video recording option are available in all slaughterhouses and OVs are issued with their own camera. OVs and MHIs should record details of any welfare incident observed in their contemporaneous notebook or in the day book as soon as possible after the incident. The MHI should make use of the in-plant camera to obtain further evidence of non-compliance if the OV is not present or unable to attend.

If the BO has CCTV installed and access to the footage is permitted, FSS staff should monitor the stunning and killing process at random during each working day. When this is taking place it should be recorded in the day book.

CCTV is a very useful source of evidence where a welfare breach is suspected. FSS has powers to seize CCTV footage from FBOs if a breach of the welfare regulations is suspected. A request should always be made in writing to the FBO for a copy of CCTV relating to any suspected breach. The OV should consult their VM regarding how to secure and forward media files received from the FBO.

The OV must close off the assessment report at the end of the day by signing the daily WEL 3/1 or WEL 3/2 forms.

A proactive approach to welfare monitoring should be exercised at all times and reality checks undertaken throughout the day by all FSS staff where the opportunity arises. These reality checks may sit outside recorded checks already undertaken and be reported and acted upon as with any other welfare issue and recorded in the daybook.

In multi-species plants, the comments box on the reverse of each form should be utilised to note additional species checked on a particular day.
3.2 Verification of animal welfare

3.2.1 Introduction to the animal welfare checks database

The Animal Welfare Checks database in FSS IT System is the verification programme for animal welfare in slaughterhouses. Data is shared with Scottish Government and other government departments on a regular basis.

It is used to confirm daily compliance with legislative requirements, or where non-compliances have occurred, to record the level and nature of such non-compliances and action taken.

3.2.2 Daily input

The Daily Welfare input screen opens with the “Create animal welfare check” record where the user can choose the plant number and species. Once this is saved the detailed record checklist opens and the user can either save the first section if no non-compliances have been observed or enter the non-compliance observed and allocating the relevant score. Exception reporting is used to report where the BO is not taking immediate and necessary corrective measures and intervention by the FSS team is required.

Where non-compliance is recorded, appropriate enforcement action must be taken and recorded. Consideration should always be given to the issuing of a welfare enforcement notice (and a written advice as a minimum) for scores of 4, other than in cases where the incident is an unavoidable accident or the evidence is lacking. Should the non-compliance relate to an incident in transport or on farm then referral to the LA/ APHA is required, see section below for guidance.

Where animal welfare complies with all aspects of the legislation and a 1 score applies the OV will need to verify compliance in the FSS IT System Animal Welfare Checks database by saving the sections with the default compliant score allocated confirming that there are no non-compliances to record.

3.2.3 Frequency of observation

Some aspects require observing several times each day – this will depend on the throughput and risk and will be described in the Animal Welfare Supervision Protocol for the plant

Example: Effectiveness of stunning, bleeding operations.

Other aspects can be checked on a less frequent basis.

Example: The provision of an SOP as required by Council Regulation (EC) No 1099/2009 (see point 2.1).
The SOPs should be reviewed at least monthly or following any change to the slaughter process introduced by the BO. A note on the WEL 3/1 or WEL 3/2 forms should be made. When the monthly SOP check is performed, this should be recorded in the daybook.

These will also be verified at audit but the OV should ensure that checks are carried out to verify that the BO has procedures in place to comply with all legislative requirements.

### 3.2.4 Non-compliance recording

Select a non-compliance score when entering daily non-compliance (NC) data in OWS animal welfare database, and provide explanatory details in the non-compliance, description and action boxes. Reference number (either from ENF 11-5 or the referral form for cases reported to Trading Standards/APHA) should be added. See point below for guidance on scoring.

**Note:** The unique reference number for the referrals of cases of animal welfare offences in transport/on farm should be allocated in the format: plant number - date - time offence was observed, e.g. for plant 9999 on 01/03/2015 at 08:43 would be 9999 – 01032015 – 0843

### 3.3 Referral to LA / APHA

#### 3.3.1 Referral process

Where a suspect animal has arrived at the slaughterhouse, the OV should determine if in their opinion injury, avoidable pain, undue or unnecessary suffering or distress has been caused to the animal(s) and ensure evidence is gathered (Council Regulation (EC) No 1099/2009 uses the word ‘avoidable’ but in other legislation the word ‘unnecessary’ is used).

All transport cases must be reported to LA with APHA One Health Team copied as cc in e-mails: CSCOneHealthWelfare@apha.gsi.gov.uk.

All on-farm generated cases must be reported to APHA CSCOneHealthWelfare@apha.gsi.gov.uk with the LA copied as cc in e-mails (See Annex 19 for LA contacts).

**Urgent cases**

Where a serious welfare breach is, or has been, occurring at the premises of origin / market / means of transport, or is identified in the lairage:
contact the LA (phone numbers for local offices in Annex 19) and/or APHA welfare team in Scotland - Scotland-Welfare@apha.gsi.gov.uk (Ayr - 03000 600703, Galashiels - 03000 600711, Inverness - 03000 600709, Inverurie - 03000 600708 and Perth - 03000 600704) as soon as possible to inform them of the incident and provide the welfare reference number.

follow up by 17:00 the next working day with Annex 4

- to LA for welfare in transport (WiT) incidents cc-ing CSCOneHealthWelfare@apha.gsi.gov.uk and
- for welfare on farm (WoF) incidents to CSCOneHealthWelfare@apha.gsi.gov.uk cc-ing the LA.

Non-urgent cases

Reports must be submitted to CSCOneHealthWelfare@apha.gsi.gov.uk by 17:00 the next working day.

- For WiT incidents send the Annex 4 to LA with CSC in cc,
- For WoF incidents send the Annex 4 to CSC with LA in cc.

In all cases, record details of the haulier, including driver name, vehicle registration number, and trailer number, as well as details of the premises of origin, journey start and finish times and any delays.

In all cases, referrals to the LA should be made to the local office in the area that the slaughterhouse is located.

DOA animals

All red meat DOA animals should be reported to the LA and APHA as a suspected of Welfare in Transport incident. The OV should liaise with the LA/APHA and determine if they will require a post-mortem examination. The OV should not carry out a post-mortem because this requires suitable facilities and expertise should the case result in a prosecution.

In white meat premises if after carrying out post mortem examinations the OV believes that welfare in transport or on farm has been compromised this should be reported to the LA with APHA CSC email in cc as a suspected Welfare in Transport incident. The OV should liaise with the LA / APHA and determine if they will require a further post-mortem examination. If this is required, the OV should arrange with the LA / APHA for some birds to be sent to a suitable facility and not carry out further post-mortems.

As a guide, broiler chickens over 1.5% DOA should be reported for investigation and for other large poultry should be referred where there are
over 2.5% DOA. Where there are regular occurrences at levels below these, they should be reported.

Where it is suspected that the stocking density in transport is too high, the details of the vehicle should be recorded together with the number of animals, approximate weights and type (for example, sheared sheep would require less space than those in full wool).

Poultry stocking densities can be calculated from the table below:

<table>
<thead>
<tr>
<th>Kgs</th>
<th>Min cm²/kg</th>
<th>Max cm²/kg</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt; 1.6 kg</td>
<td>180</td>
<td>200</td>
</tr>
<tr>
<td>1.6 – 3 kg</td>
<td>160</td>
<td>160</td>
</tr>
<tr>
<td>3 – 5 kg</td>
<td>115</td>
<td>115</td>
</tr>
<tr>
<td>&gt; 5 kg</td>
<td>105</td>
<td>105</td>
</tr>
</tbody>
</table>

If a welfare issue is suspected to have originated on-farm then it should also be reported to APHA CSC email with the LA in cc.

In urgent cases, initial contact with the LA (and APHA, where required) should be by telephone (leave an answer phone message if necessary), with details of the case and referral confirmed using the Annex 4 notification form. All calls and emails should be logged in the day book to support the evidential chain.

The BO will be asked to inform the owner of the animal/s that evidence is being collected for a potential offence under the animal welfare legislation. For any referral to the LA / APHA, it is best practice for the owner to be allowed by LA / APHA to invite their own veterinarian to attend any post-mortem (diagnostic) examination undertaken in the course of an investigation. The owner will only be questioned or interviewed under caution by LA / APHA investigating officer, not by the OV. The OV can only make factual enquiries to establish the circumstances to be reported to LA or APHA and not conduct the investigation. **Failure to do so could jeopardise any court action.**

Suspected non-compliances in transport or on farm must be reported using the notification form provided at Annex 4 which will help in recording feedback. This information must be recorded on the OWS Animal Welfare module and retained in the premises Animal Welfare file. The “Feedback process” flowchart below explains the feedback recording process.

All reports must be sent by email to LA/ APHA as appropriate with operations@fss.scot in cc and a unique identifying number allocated to each case as already described in section 3.2.4 above. This should be in the format: plant number - date - time offence was observed, e.g. for plant 9999 on 01/03/2015 at 08:43 would be 9999 – 01032015 – 0843. This number should
be used as the title for emails and other correspondence allowing traceability of all messages.
Referral Process

Suspect breach

Ensure welfare protected e.g. slaughter, isolation of animal

Inform LA (Trading Standards) by phone for urgent cases – ask for instructions regarding evidence collection

Inform LA & APHA by phone for urgent cases – ask for instructions regarding evidence collection

Does LA/ APHA require investigation?

Collect and document evidence as instructed in this chapter

Record details on daily welfare form, pocket book and day book if applicable

E-mail the report in Annex 4 to LA/ APHA and file copies of the report and email

Close case and note in the daybook and file any email correspondence

Unable to make contact with LA/ APHA?

Ask BO to inform the farmer
Feedback Process

For Forms coming to FSS Ops Inbox

Animal Welfare form (Annex 4 Ch.2.3) received from APHA & LA to FSS Team at operations@fss.scot

This form to be forwarded to the SDP managers and cc the FSS VM for the area.

Feedback to be recorded by Ops into the feedback section of the Welfare OWS module. The entry will be found by the reference number that incorporates the plant number, date and time.

Respective SDP AVM for the area to assess the information and pass on the feedback to the relevant OV involved.

Ops Inbox Administrator will save the form to the relevant eRDM folder.

For Form/Feedback coming to OVs directly

Animal Welfare form or any form of feedback (phone, email or face-to-face) from APHA & LA received directly by OV

Content of feedback to be copied to AVM

Ops Inbox Administrator to record the feedback received into the feedback section of the Welfare OWS module for the relevant incident

Ops Inbox Administrator will save the form/email to the relevant eRDM folder

Content of the feedback to be recorded by the OV into the feedback section of the Welfare OWS module for the relevant incident.

If the OV receiving the feedback is not the reporting OV, the feedback to be passed to the reporting OV.

If the feedback cannot be recorded in OWS (different OV, lockdown issues, etc.) the content of the feedback with relevant reference number to be sent to FSS at operations@fss.scot
3.3.2 Assessing lame animals

When examining a lame animal it is useful to record the degree of lameness using a scoring system. The descriptions below should be used to score the lameness and can then be referred to in statements and notes.

<table>
<thead>
<tr>
<th>Score 1</th>
<th>Visibly lame but can keep up with the group</th>
</tr>
</thead>
<tbody>
<tr>
<td>Score 2</td>
<td>Unable to keep up with the group</td>
</tr>
<tr>
<td>Score 3</td>
<td>Requires assistance to rise; non-weight bearing on one or more legs</td>
</tr>
<tr>
<td>Score 4</td>
<td>Requires assistance to rise; non-weight bearing on one or more legs; reluctant to walk; halted movement; unable to climb steep ramps</td>
</tr>
<tr>
<td>Score 5</td>
<td>Unable to rise or remain standing; extreme discomfort or vocalisation with assisted movement</td>
</tr>
</tbody>
</table>

Animals with lameness scores 3, 4 and 5 should be killed immediately where they lie. (Council Regulation (EC) No 1099/2009, Annex III, 1.11.). Slaughter does not have to be for human consumption and this should not determine the approach and timescale for dealing with the animal. Lame animals must not be loaded for transport to a slaughterhouse.

The case should be referred to the LA and APHA for further investigation if:

- the animals arrive lame
- in the opinion of the OV, injury, or undue suffering has been caused to the animal; this may have been by loading it when lame or having sustained an injury while in transport

The OV must complete the declaration that undue suffering occurred where they have suitable evidence showing the lame animal.

Where this is a case of chronic lameness, it should also be referred to APHA as there will be a potential on farm welfare case.

When collecting evidence, video footage of the lame animals is essential to convey the degree of lameness and suffering. Still photographs are of very little use in these cases. Cameras with video recording function are available in every slaughterhouse.

Procedures for heavily pregnant animals are contained in section 3.6 below.

3.3.3 Guidance for OVs to aid enforcement authorities

When a welfare incident is suspected, it is important that appropriate evidence is obtained at the earliest stage of the investigation. The following notes should be used as a guide together with the OV checklist at Annex 5 when gathering evidence.
1. **If an animal is injured or suffering, the OV must ensure that emergency killing or slaughter is carried out as a priority.** Slaughter does not have to be for human consumption and this should not determine the approach and timescale for dealing with the animal.

When a welfare incident requires physical evidence to be collected (e.g. limbs, body parts, whole carcases), the LA Animal Health Inspector (transport issues) or APHA officer (farm issues) must be informed about the evidence. The LA / APHA might decide to attend immediately or at a later date and obtain the necessary evidence gathered by the FSS team, or might instruct the OV that other evidence (such as photos, videos, corroborated statements, etc.) would be sufficient. It would be helpful if the live animal could be seen (without compromising welfare) by that inspector.

*In every case the OV must ensure that suitable evidence is gathered for the investigation.* The aim should be to take pictures/ video showing any lameness and or wounds while the animal is still alive. Clear notes at this stage will help in the preparation of a statement, should this be required.

2. Where the LA Animal Health Inspector cannot attend the slaughterhouse or the animal needs to be killed immediately to protect welfare, the OV must gather the evidence:

   a) Video and photographic evidence of the ‘live’ animal must clearly show the cause of any welfare or health issue and any identification markers on the animal.

   b) It is useful to record yourself on the video evidence stating date and time of location with details of the case.

   c) Photographs must be annotated with the date, time and by whom the pictures are taken.

   d) Details of the livestock vehicle (name of the driver, haulier, registration number and trailer number) should be recorded.

   e) Details of other livestock arriving from the same holding (numbers and conditions)

   f) Copies of original paperwork including passports and relevant documentation that indicates the identification of the animal, details of the owner and transporter and time of arrival.

3. The OV must provide the LA Animal Health Inspector with a clear, professional opinion of the case; verbally in the first instance and then in writing (see paragraph 5). This written statement may need to be provided as a Section 9 witness statement under the Animal Welfare Act at a later date. The OV in this event is a witness of fact (not an ‘expert’) asked by the court to analyse evidence and give an opinion on their observations in relation to their
professional role. If the OV’s opinion is that the animal has been caused ‘unnecessary or avoidable suffering’ this should be stated in the initial written report submitted to the LA (EC 1099/2009 uses the word ‘avoidable’ but in other legislation the word ‘unnecessary’ is used).

4. The evidence will be collected at the earliest opportunity. The date until which evidence will be retained should be completed on the referral form. This should allow reasonable time for the LA to collect evidence where suitable storage facilities are available. If large items need to be retained as evidence, contact your Operations Manager who will be able to locate premises with more suitable storage facilities.

5. There may be a request for a witness statement. This should be produced without delay and must be clear, detailed and unambiguous. The statement needs to tell the factual points of the events in a chronological order:
   a) Identify the person making the statement and their qualifications, experience and job profile.
   b) Clearly state what the issue/ concern is and when applicable state that the animal ‘has been caused unnecessary or avoidable pain, distress or suffering’, plus reasons why. Without this statement there is no offence. The wording used should reflect the legislative requirement.
   c) If veterinary terminology is used, this needs to be explained in layman’s terms.
   d) Include any video footage/ photographs taken and refer to this in the statement.
   e) Include any ante/ post-mortem report and exhibit this as an item in the statement.

6. LA / APHA conclusions of the investigation or any further action should be sent back to operations@fss.scot as stated on the notification form.

3.4 Entry of compliance level in OWS Animal Welfare Database

3.4.1 Purpose

Compliance data is collected daily at all slaughterhouses to provide reports on welfare issues in plants on a monthly basis that subsequently allows trends in animal welfare to be assessed by the Scottish Government.
3.4.2 OV responsibility

The OV should verify compliance with relevant EU and national rules on animal welfare prior to and during slaughter and killing, using a systematic approach, taking proportionate enforcement action where necessary.

Suspected welfare incidents occurring outside the slaughterhouse must be reported to the appropriate authority as detailed in point 3.3.1. For urgent cases, if contact cannot be made with the relevant LA or APHA a message should be left (where the facility is available) and an email sent if possible confirming brief details of the incident.

The OV must log all calls and contact in the day book or their personal note book with details of date time and reason for contact, even where no reply or response was received from the officer being contacted.

Where a lack of positive response is evident from the BO, after taking proportionate enforcement action, then the OV must report the circumstances to the Veterinary Management team.

3.4.3 Score definition

Non-compliance reporting requires a score to be given for each non-compliance in accordance with the information below.

<table>
<thead>
<tr>
<th>1) Welfare compliant</th>
<th>Compliant with welfare regulations; the BO is operating fully in compliance with the regulations and their own welfare controls and SOP’s.</th>
</tr>
</thead>
<tbody>
<tr>
<td>2) No immediate risk to welfare</td>
<td>Unlikely to compromise animal welfare or an isolated low risk situation that poses no immediate risk to animals.</td>
</tr>
<tr>
<td>3) Potential risk to welfare</td>
<td>Potential to compromise animal welfare but where there is no immediate risk to animals. This may lead to a situation that poses a risk to animals, causing pain distress or suffering.</td>
</tr>
<tr>
<td>4) Critical risk to welfare</td>
<td>Poses a serious and imminent risk to animal welfare or where avoidable pain distress or suffering has been caused.</td>
</tr>
<tr>
<td>Score</td>
<td>Definition</td>
</tr>
<tr>
<td>-------</td>
<td>------------</td>
</tr>
<tr>
<td>2</td>
<td>An isolated low risk situation observed with the requirements of legislation but with no immediate risk of injury, avoidable pain, distress or suffering. There was a technical infringement that does not impact on the welfare of animals.</td>
</tr>
<tr>
<td>3</td>
<td>Welfare practices were observed as failing to comply with the requirements of legislation, and a potential risk to animals. There was no evidence of animals suffering any avoidable pain, distress or suffering during their killing and related operations. This may lead to a situation that poses a risk to animals, causing pain distress or suffering, which will result in a 4 score. Welfare of animals during transportation was suspected to be compromised.</td>
</tr>
<tr>
<td>4</td>
<td>Welfare practices were observed as failing to comply with legislative requirements, and there was evidence of animals suffering avoidable pain, distress or suffering during their killing and related operations or a contravention poses a serious and imminent risk to animal welfare. Welfare of animals during transportation was seriously compromised with evidence of animals suffering unnecessary or avoidable pain, distress or suffering. DOA red meat animals will require a 4 score as the cause of death is not determined. These will be referred to the LA.</td>
</tr>
</tbody>
</table>
Where an incident or accident is considered to be unavoidable and no fault of the operator a 4 score should be applied but there will be no need for enforcement action. This should be clearly explained on the Animal Welfare Checks database also recording “genuine accident” when no enforcement action was needed because the event was the result of an accident that could not be prevented.

If any event recorded was captured by CCTV, this should be recorded in the description section of the Animal Welfare Checks database. The word “CCTV” should be included in the text.

3.4.4 ‘1’ scores

‘1’ scores are defined as fully compliant with the legal requirements. No entry is required on the database for a score of ‘1’ as this indicates compliance. The OV will need to confirm compliance in the FSS IT System Animal Welfare Checks database by saving the section.

3.4.5 ‘2’ ‘3’ or ‘4’ scores

Animal Welfare incidents are to be recorded in OWS containing factual details based on objective evidence and observations. The text used in the description must reflect the facts of the incident, reflecting professional opinions and not personal feelings. The description should mention the objective evidence observed when determining the score level. The text should reflect the relevant details for the incident without duplicating information recorded in other sections of the module.

If a ‘2’ ‘3’ or ‘4’ score is awarded, the description, action taken and reference boxes must be completed. Provide a brief description of the issue (e.g. ‘no water available for X time’). If more than one animal is involved in the incident please record the number of animals.

For incidents in transport or farm, the farm/market name, CPH number and transporter details must be recorded in the relevant sections. Any other relevant information such as animal identification, possible additional FCI information, vet practice or vet name signing the emergency slaughter documentation or additional FCI, will be recorded in the "description" section.

Other information recorded in the description (to note - this info must be based on facts and objective evidence): if the CoC has been suspended or revoked, justification details if the incident has not resulted in enforcement action (e.g. genuine accident, incident not witnessed).
3.5 Suspected animal welfare incidents

3.5.1 LA/APHA contact

The LA for the area **where the slaughterhouse is located** should be notified of any suspected breach of welfare, either in transport or on farm. They will then liaise with the LA responsible for the premises where the incident occurred when necessary. In urgent cases, for WoF incidents APHA in the area where the slaughterhouses is located must also be contacted and informed of the incident. They will then liaise with the APHA office responsible for the farm where the incident occurred when necessary.

You can find the relevant LA office by using Gov.UK LA postcode search tool:

https://www.gov.uk/find-local-council

You can find the relevant APHA regional office by using the APHA postcode search tool:

http://ahvla.defra.gov.uk/postcode/index.asp

Contact details for all LA and APHA offices in Scotland are also found in Annex 19.

Contact for APHA Field Service Offices in Scotland is APHA:

APHA.Scotland@apha.gsi.gov.uk

and any other contacts for APHA can be found at:


A summary of any communications with LA/ APHA should be entered in the FSS daybook.

3.6 Procedures for heavily pregnant animals

**Legislation and MOC References**

Council Regulation (EC) No 1/2005 on the protection of animals during transport and related operations Annex I, Chapter 1, Paragraph 2(c) states

*“Animals that are injured, or that present physiological weaknesses or pathological processes shall not be considered fit for transport and in particular if: they are pregnant females for whom 90 % or more of the expected
It is illegal to transport an animal that is unfit for travel. What is deemed as ‘unfit for travel’ includes heavily pregnant females where more than 90 per cent of the expected gestation period has passed, unless they are being transported for veterinary treatment or under veterinary care.

**FSS responsibility**

When it is suspected that a heavily pregnant animal has been transported, the OV must record this on the daily welfare form and Animal Welfare database in determining if the animal is in a state of late pregnancy, the OV should take into account the following:

**Ante-mortem examination – potential signs of heavily pregnant animal:**

- obvious udder development, this occurs earlier in younger animals
- obvious enlargement of the abdomen and in cattle this will be particularly noted on the right hand side
- enlargement and swelling of the vaginal area and vulval lips
- mucous discharge from the vagina in advanced pregnancy
- tail slightly raised and appear in discomfort if very close to birthing

Where these or other findings are noted at ante-mortem, the OV should notify the MHI and ensure they monitor the carcase during dressing and that their observations are recorded.

**Slaughter**

When uterine, placental or foetal tissues, including foetal blood, are not to be collected as part of the post-slaughter processing of pregnant animals, all foetuses should be left inside the unopened uterus until they are dead. This is especially important if the foetuses are apparently mature, i.e. close to birth at the end of a full-length pregnancy.

It is best practice that foetuses should not be removed from the uterus until at least 15-20 minutes after the maternal neck or chest cut. Foetal death or irreversible brain damage will usually have occurred by 15-20 minutes after slaughter of the dam. In some cases the foetus may show obvious signs of recovery and even commence breathing. In such cases the foetus should immediately be humanely killed.

When uterine, placental or foetal tissues are to be collected arrangements must be made to ensure that the foetus is humanely killed as soon as possible.

If the OV is not present at the time of dressing the foetus must be must be detained for an examination by OV following protocols established in the plant.
and a professional opinion reached. Photographs are essential in any cases where an element of doubt may exist should the decision be challenged or result in prosecution.

**Post-mortem examination - potential signs of heavily pregnant animal:**

- enlarged uterus
- foetus will be obviously close-to-term:
  - showing hair formation over the entire body, eyelashes, open eyes and teeth in cattle, sheep and goats; in cattle, there will usually be 'golden slippers' present on the feet

The foetus, after removal from the uterus, must be examined by the OV before a decision is made on the stage of pregnancy.

Any of these findings will need to result in consideration by the OV of whether the animal was in the last 10% of pregnancy. The stage of gestation can be calculated using the formula below.

**Estimating gestation**

Gestation in cattle lasts on average for 280 days but there are breed and individual variations.

The OV should take measurements of the Crown to Rump Length (CRL) in centimetres. The CRL is measured between the occipital bone and the first vertebra of the tail to be able to estimate the gestational period.

![Diagram of a pregnant animal](image)

The stage of gestation can be calculated using the following SRUC published formula:

**Days of gestation = 2.5 x (\*CRL+21)**

**\*CRL = top of head to buttocks length (in centimetres)**

This formula is applicable to all animal species.

| Typical duration of pregnancy in common species |
|-----------------|----------------|
| Species         | Duration       |
|                 |                |
Evidence gathering

Ensure that all evidence is recorded, signed and dated and secured appropriately

The plant team should agree a local procedure depending on the line layout, inspection point’s location and rotation pattern on how best evidence can be secured and collected.

The OV should ensure that the calf (evidence) can be cross referenced to the dam’s carcase and identity.

Photographs or video capture of the dam and the parts of the foetus identified as being indicative of late pregnancy must be obtained. Use a ruler or similar to show scale/size.

Freeze a fore and hind limb as evidence for further investigation. Freezing the mammary gland and blood samples from the dam and foetus will provide additional evidence and allow DNA checks. In all cases the owner of the animal will be contacted by the LA/APHA Investigation Officer and allowed to have an independent examination of the foetus and other collected evidence. The OV is to inform the FBO who will inform the farmer that evidence is gathered for a potential offence under the welfare legislation.

Biosecurity Implications

Additional PPE should be worn during the collection of samples and evidence gathering. Take into consideration potential hazards, Brucellosis Leptospira and Q fever.

Any person likely to have contact with a female that is or might be pregnant must consider the risks posed by handling foetal material and if necessary arrange for a colleague to gather evidence under supervision.
3.7 Welfare folder / file

The OV must have and keep an up to date welfare folder (referred also in this chapter as a welfare file). This must contain, as a minimum, the following information:

- The approval document showing the species that can be processed and the layout map.
- A list showing methods of killing that have been used, including back up and religious slaughter (hard copy and / or electronic copy).
- If partnership / sole trader: FBO name, address and contact details or incorporation details (as registered with Companies House or equivalent) including full company name, registered office address (including postcode) and company registration number (always hard copy).
- AWO names and contact details (for example, e-mails, phone numbers) as applicable (always hard copy).
- Either a version-controlled copy of the SOPs if they are not readily available (hard copy and / or electronic copy) or if they are readily available, a note with the relevant contact point (hard copy). Note: The OV must always verify with the BO that the SOP is the most recent version before taking enforcement action.
- Copies of the TCoCs and CoCs (always hard copy). Note: A check must be made with WATOK@fss.scot that CoCs are valid when new staff commence employment.
- Local LA and APHA contact numbers and e-mails (always hard copy).
- The FSS welfare checks protocol, showing how the work is organized and shared within the FSS team (always hard copy).
- FSS aide memoire for the daily welfare checks (always hard copy).
- Blank copies and records of the daily welfare checks (always hard copy).
- Blank copies of the relevant enforcement notices that might need to be served immediately / urgently (always hard copy).
- Letters and notices served (always hard copy).
- Updated local protocols and agreements (hard copy and / or electronic copy).
- Copies of relevant meetings and communications (hard copy and / or electronic copy).

Note: The folder must be organized in such a way that the information is easily identifiable and should document what information is stored electronically and how it can be accessed.
4. Religious Slaughter

4.1 Compliance with religious slaughter requirements: BO responsibility

4.2 Compliance with religious slaughter requirements: FSS responsibility

4.1 Compliance with religious slaughter requirements: BO responsibility

4.1.1 Legislation: slaughter


The Scotland legislation cross references WASK to permit the continued use of the powers and provisions in Schedule 12 relating to Religious Slaughter and requirements of WASK that are not included in 1099/2009 or are derogated until December 2019.

References: The Welfare of Animals (Slaughter or Killing) Regulations 1995, Schedule 12:

In this Schedule references to slaughter by a religious method are references to slaughter without the infliction of unnecessary suffering—(a) by the Jewish method for the food of Jews by a Jew who holds a licence in accordance with Schedule 1 (which relates to the licensing of slaughter men) and who is duly licensed in Scotland by the Chief Rabbi; or by the Muslim method for the food of Muslims by a Muslim who holds a licence in accordance with Schedule 1.

The slaughterer will need to hold a Certificate of Competence as per Article 7 of Council Regulation (EC) No. 1099/2009.

4.1.2 Legislation: method of slaughter

WASK 1995, Schedule 12, part II, paragraph 6

Any person who slaughters by a religious method any animal which has not been stunned before bleeding shall—(a) before each animal is slaughtered, inspect the knife to be used and ensure that it is not used unless it is undamaged and of sufficient size and sharpness to be capable of being used to slaughter the animal in the manner described in sub-paragraph (b) below;
and (b) ensure that each animal is slaughtered by the severance, by rapid, uninterrupted movements of a knife, of both its carotid arteries and both its jugular veins.

4.1.3 Legislative requirements

Where animals are killed without stunning by a religious method the persons responsible for slaughtering must carry out systematic checks to ensure that animals do not present any signs of consciousness or sensibility before being released from restraint and do not present any sign of life before undergoing dressing or scalding. The person carrying out these checks must have a CoC for the activities being checked and report to the AWO. A record should be kept of the checks carried out.


BOs engaged in religious slaughter without stunning must specify in the SOP measures to be taken when the checks indicate the animal still presents signs of life. **Reference:** Council Regulation (EC) No.1099/2009 Article 6 (2), (c). These signs of life are described on the EFSA documents referenced bellow as “outcomes of the animal being alive:


Poultry: EFSA Journal 2013; 11 (12): 3521 Page 54

BOs must also ensure that all animals that are killed by religious rites without prior stunning are individually restrained; in particular, ruminants should be individually mechanically restrained. **Reference:** Council Regulation (EC) No. 1099/2009 Article 15 (2).

Bovines can only be killed in an approved restraining pen. **Reference:** WASK 1995, Schedule 12, Part II, paragraph 3

The animals must not be placed in restraining equipment until the CoC holder is ready to make the incision immediately. **Reference:** Council Regulation (EC) No. 1099/2009 Article 9 (3); WASK 1995, Schedule 12, Part II, paragraph 5 a)

If the restraining equipment was not in operation before 1 January 2013, then it must also comply with the requirements in paragraph 3, Annex II of Regulation 1099/2009; that is, it must:

- optimise the application of the killing method
- prevent injury or contusions to the animal
• minimise struggle and vocalisation when an animal is restrained and
• minimise the time of restraint

**Note:** The use of V-shaped restrainers for sheep / goats is permitted since these are a type of mechanical restraint. Only one live animal can be restrained at a time. The belt must be stationary for the duration of the bleeding, until the animal is unconscious and for 20 seconds as a minimum when the animal is killed without prior stunning.

**Reference:** Council Regulation (EC) No. 1099/2009 Art 15, 2 and Article 9(3); WASK 1995, Schedule 12, Part II, paragraph 7.

Restraining equipment must be checked and maintained in accordance with the manufacturer’s instructions.

### 4.1.4 Adult bovine restraint

Note that adult bovines can only be restrained upright in a stunning box approved under Article 30 (h) of WATOK (Scotland) that links to Schedule 12, part II, paragraph 3 of WASK 1995.

Young bovines must be individually mechanically restrained for non-stun religious slaughter. The process/restraint used must not result in any avoidable pain distress or suffering and in particular consideration should be given to the contact of any body parts with parts of the equipment which would result in avoidable pain.

In Scotland, the approval of restraint facilities for adult bovine animals must be carried out by the Scottish Government.

The approval of restraint facilities for adult bovine animals subject to slaughter by a religious method can be delegated by Scottish Government to be carried out by the FSS prior to use of the pen.

If during routine checks on approved adult bovine restraint facilities the OV is of the opinion that the facility is not being used as originally approved or may cause adult bovine’s pain distress or suffering they should discuss this with their Veterinary Manager who may make a recommendation for an approval review. If a review is required the restraint box cannot be used until the review has been completed.

The SOP for the bovine restraint box slaughter method should be reviewed at least monthly and include the process that the BO uses to assess signs of unconsciousness and after what period of time a post cut stun is applied.

If a review is required or the restraint facility is causing pain distress or suffering during use then the OV should serve an enforcement notice.
preventing its use with immediate effect. See section 6 for enforcement details.

4.1.5 Species

WASK 1995 Schedule 12, Part I, 1 set out the species that are permitted to be slaughtered by a religious method. These are:

- sheep
- goat
- bovine animal
- bird

WASK 1995 Schedule 12, Part I (b) defines ‘bovine animal’ as an ox, bullock, cow heifer, steer or calf. Part I (c) defines ‘bird’ as turkey, domestic fowl, guinea fowl, duck, goose or quail.

These are the only species permitted to be slaughtered according to religious rites.

4.1.6 Method of slaughter

WATOK (Scotland) cross references WASK 1995 Schedule 12, Part II, 6 and requires that:

Any person who slaughters by a religious method any ruminant which has not been stunned before bleeding shall:

(a) before each animal is slaughtered, inspect the knife to be used and ensure that it is not used unless it is undamaged and of sufficient size and sharpness to be capable of being used to slaughter the animal in the manner described in sub-paragraph (b) below

(b) ensure that each ruminant is slaughtered by the severance, by rapid, uninterrupted movements of a knife, of both its carotid arteries and both its jugular veins

WASK 1995 Schedule 12, Part III, 9 and requires that: Any person who slaughters by a religious method any bird which has not been stunned before slaughter shall ensure that:

(a) each bird is slaughtered by the severance, by rapid, uninterrupted movements of a knife, of its carotid arteries

(b) the knife to be used for the slaughtering of the birds is undamaged and of sufficient size and sharpness to enable each bird to be slaughtered in the manner described in sub-paragraph (a) above
4.1.7 Handling of sheep, goats and bovine animals

Where sheep, goats or bovines are killed by religious rites without stunning the slaughter man and BO must ensure:

- that animals are not shackled, hoisted or moved in any way until the animal is unconscious and in any event not released from restraint before the expiry of:
  a) sheep and goats: a period of not less than 20 seconds
  b) bovines: a period of not less than 30 seconds
- there is appropriate back up stunning equipment close to the restraining pen/equipment for use on ruminants in case of emergency; this is to be used immediately where the animal is subject to avoidable pain, suffering or agitation or has injuries or contusions.

Note: The animal must be unconscious before it is moved; some animals may require longer than the above times before they become so. The BO must ensure that checks for consciousness/unconsciousness are made by the responsible CoC holder before animals are released from restraint. A record must be kept of the checks carried out.

The BO, and any person engaged in the killing of a bird in accordance with religious rites without prior stunning, must ensure that where the bird has not been stunned before bleeding, no further dressing procedure or any electrical stimulation is performed on the bird if it presents any sign of life and in any event not before the expiry of:

- turkey or goose: a period of not less than 2 minutes
- any other bird: a period not less than 90 seconds

No dressing or scalding can take place until the absence of signs of life has been verified.

4.2 Compliance with religious slaughter requirements: FSS responsibility

4.2.1 OV checks

The OV should carry out checks:

- to monitor slaughter by a non-stun religious method
- on restraint facilities for non-stun religious slaughter
to monitor the period of time that the animal remains restrained after neck cut has taken place and ensure this complies with both domestic and EU regulations requiring unconsciousness and minimum standstill times

- ensure that animals are checked by persons responsible for slaughtering and they carry out systematic checks to ensure that the animals do not present any signs of consciousness or sensibility before being released from restraint and do not present any sign of life before undergoing dressing or scalding

- monitor records of checks carried out by the BO on signs of unconsciousness

**Establish the theoretical maximum hourly throughput**

The OV or a suitably trained MHI should ensure that:

- in the case of a sheep or a goat, a period of not less than 20 seconds; and
- in the case of a bovine animal, a period of not less than 30 seconds,
- in the case of a turkey or goose, a period of not less than 2 minutes; and
- in the case of any other bird, a period of not less than 90 seconds, must elapse before the animal is subjected to any further dressing procedure, moved or released from restraint.

Firstly, the theoretical maximum throughput per hour (tmt/h) must be established. This figure must represent the maximum number of animals that can be lawfully processed at the establishment in one hour.

This should be established from the minimum bleeding times during which animals must not be moved or further handled. This figure must be entered in the daybook.

The OV should bring this figure (tmt/h) to the attention of the BO and indicate that if during random monitoring the actual throughput exceeds this, then enforcement action will be considered.

**Example on how to calculate the tmt/h:**

In a plant where the BO takes 10 seconds to handle and slaughter a sheep, the BO could, in theory slaughter 1 sheep every 30 seconds (10 seconds handling + 20 seconds bleeding). The tmt/h in this case would be 120 sheep per hour.

Note: The tmt/h will have to be re-calculated if there are changes in production and/or slaughtering practices.

**4.2.2 Non-compliance recording**

All non-compliances observed must be recorded through the daily animal welfare non-compliance entry screens in OWS Animal Welfare database.
Where animals are released from restraint whilst still conscious or before the required time has elapsed, appropriate enforcement action must be immediately taken.

This could include using an enforcement notice to slow down the slaughter process, which would allow sufficient time for the required monitoring of signs of unconsciousness/consciousness; restraint times to be observed and/or in cases where the CoC holder is failing to comply with these requirements, suspension and/or recommendation for revocation of the CoC.

Numbers of animals released before unconsciousness should be recorded.

4.2.3 Enforcement

For guidance on enforcement of animal welfare regulations refer to:

- topic 6 on ‘Enforcement’ of this chapter
- chapter 7 on ‘Enforcement’

Note: In the event that users require technical guidance on enforcement issues, they should follow the escalation through lines of communication as detailed in chapter 1 on ‘Introduction’, section 3.
5. Certificate of Competence

5.1 Training and registration of BO staff

5.2 CoC species and operations

5.3 Suspension or revocation

5.4 Appeals process

5.1 Training and registration of BO staff

5.1.1 BO responsibility

It is the BO’s responsibility to ensure that staff is correctly trained, with the relevant CoC, to carry out tasks assigned to them.

5.1.2 Council Regulation (EC) No 1099/2009 requirements for BO staff: Certificates of Competence

Council Regulation (EC) No 1099/2009 requires that any person involved in the handling or slaughter of animals has a Certificate of Competence (CoC) for all operations they will carry out.


Animal handlers, lairage workers and poultry shacklers (plus those who kill an animal by means of a free bullet in the field for human consumption) also require a CoC. They did not previously require a licence under WASK.

Employees or others that are carrying out ancillary duties not related to the slaughter process in the lairage, for example clipping/shearing cattle and sheep prior to slaughter or fork truck drivers in poultry premises that do not carry out any other handing of live animals will not need a CoC.

5.1.3 Who needs a CoC?

CoCs will be required by persons undertaking the following operations, for human consumption or otherwise:

- the handling and care of animals before they are restrained
- the restraint of animals for the purpose of stunning or killing
- the stunning (including methods resulting in instantaneous death) of animals
- the pithing and assessment of effective pithing of animals
• the assessment of effective stunning (this will usually be incorporated in other codes, as applicable, and detailed in the paper part of the CoC)
• the shackling or hoisting of live animals
• the bleeding of live animals
• the slaughtering in accordance with Article 4(4) (slaughter in accordance with religious rites)


A member of the FBO staff at a slaughterhouse site at night who has had suitable training but no CoC may kill an animal in the lairage where it is injured, suffering or in pain, provided that the individual is suitably competent and the animal does not enter the food chain.

5.1.4 Slaughterers transferring to or commencing duties at an alternative slaughterhouse

Where a person transfers to or commences work at another slaughterhouse to carry out duties involving the slaughter or handling of animals, the OV must verify that the individual holds a valid CoC for the operations that they will be undertaking.

The OV should check new individual's CoCs on the FSS’s slaughter men registration database by contacting FSS at watok@fss.scot.

These checks should be completed as soon as possible, and before the individual undertakes any duties involving the handling, restraint or stunning of animals. Obtain a copy and retain in the welfare file.

Note: A CoC issued in any EU state is valid throughout the EU. The Channel Islands and the Isle of Man are not EU member states.

5.1.5 Training for CoCs

CoC assessments and the award of qualifications are carried out by external bodies. In Scotland, FSS is an approved Scottish Qualifications Authority (SQA) and Food and Drink Qualifications (FDQ) assessment centre and undertakes assessments when requested. Training is delivered in-house by the FBO or by accredited external training providers. The assessors are qualified OVs and carry out assessments during or out with the plant’s normal operational hours and in line with the assessment strategy issued by Improve.

For more details on the FSS guidance on CoCs, see Annex 6

## 5.1.6 Types of CoC

Council Regulation (EC) No 1099/2009 states which tasks require a CoC. The following table details the various types of CoC/certification which will be issued.

<table>
<thead>
<tr>
<th>Type</th>
<th>Purpose</th>
</tr>
</thead>
<tbody>
<tr>
<td>Temporary CoC</td>
<td>This will allow a person, while training, to carry out those tasks requiring a CoC, under the permanent supervision of a full CoC holder for the tasks and activities being undertaken. Temporary CoCs should be issued by the OV provided the applicant has registered with a training body for a CoC or has chosen FSS for the final assessment and the TCoC will act as proof of registration. For on farm game establishments where an individual requires a TCoC, a request should be made to <a href="mailto:watok@fss.scot">watok@fss.scot</a>. A visit will be arranged to the premises and a TCoC will be issued if all checks are satisfactory. A temporary CoC can only be issued for 3 months and will not be renewable for the same species/operations. (In exceptional circumstances, a temporary CoC can be extended if evidence is supplied to show that the failure to complete training was beyond the control of the individual. The applicant should submit an appeal to FSS at <a href="mailto:watok@fss.scot">watok@fss.scot</a>.) Further guidance on application procedures is available on the FSS website: <a href="https://www.foodstandards.gov.scot/publications-and-research/publications/certificate-of-competence-guidance-forms-scotlandConversion">https://www.foodstandards.gov.scot/publications-and-research/publications/certificate-of-competence-guidance-forms-scotlandConversion</a> of a temporary CoC to a full CoC will involve the applicant obtaining a qualification certificate. On receipt of a copy of the qualification certificate and payment of a fee, a full CoC will be issued by FSS.</td>
</tr>
<tr>
<td>Qualification certificate</td>
<td>This is issued by the awarding body (SQA or FDQ in the case of FSS) when the candidate has been assessed as competent. A qualification certificate is required to obtain a full CoC.</td>
</tr>
<tr>
<td>Certificate of Competence</td>
<td>This will allow a person to carry out those tasks specified on the CoC without supervision. Conversion of a TCoC to a full CoC will involve the OV verifying the qualification certificate. Guidance is available for this purpose on the FSS website in the link above.</td>
</tr>
</tbody>
</table>
5.1.7 Obtaining a CoC

There are three methods of obtaining a CoC:

- holding a qualification certificate issued by an awarding body or a licence granted by the Rabbinical Commission
- by converting a WASK licence to a CoC (Scottish Government still allow it)
- holding a veterinary qualification, recognised by RCVS, along with suitable RCVS recorded CPD – however, this way of obtaining a CoC is not to be used for commercial purposes, but only when performing the duty as a veterinarian.

BOs asking for guidance on training and assessment of their staff should be directed to the awarding bodies in their country for a list of providers. As a government department, FSS cannot recommend individual suppliers.

Further guidance on application procedures is available on the FSS website:


5.2 Certificate of Competence: species and operations

5.2.1 CoC species and operations

The chart on the following pages shows species and operations from which the applicant will select the operations required for their CoC. A check will be made when the application is processed that the applicant has a qualification certificate for these operations.

| WASK Licence | This allows a person to carry out the tasks specified on the licences until the licence is converted to a CoC. Conversion is undertaken by FSS. Although the majority of WASK licences have been converted to CoCs in Scotland, Scottish Government continues to recognise the qualification and still allow for the exchange to take place. However, this should be prioritised by the WASK holders, as the legislation quoted on these has been replaced. |
| WATOK Licence | Issued only in England and Wales. Not valid for slaughterhouse activities. This allows a person to carry out those tasks specified on the licence outside of a slaughterhouse only. It is assessed by APHA. |
5.2.2 White meat

Operation 15 - cervical dislocation: it should be noted that manual dislocation is only permitted up to 3 kg live weight and between 3 and 5 kg mechanical cervical dislocation must be used. A person cannot process more than 70 birds per day using manual cervical dislocation.

This cannot be used as a routine method, but only for back up stunning.

5.2.3 Summary of species and activities

<table>
<thead>
<tr>
<th>Red Meat</th>
<th>Cattle</th>
<th>Calves</th>
<th>Horses</th>
<th>Sheep &amp; Goats</th>
<th>Pigs</th>
<th>Large Game</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reference</td>
<td>A</td>
<td>V</td>
<td>B</td>
<td>C</td>
<td>D</td>
<td>E</td>
</tr>
<tr>
<td>11. Penetrative captive bolt device (including assessment of effective stunning)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>12. Non-penetrative captive bolt device (including assessment of effective stunning)</td>
<td>N/A</td>
<td>up to 10 Kg</td>
<td>N/A</td>
<td>up to 10 Kg</td>
<td>N/A</td>
<td>up to 10 Kg</td>
</tr>
<tr>
<td>13. Firearm with free projectile (including assessment of effective stunning)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>14. Pithing (including assessment of effective stunning)</td>
<td>Not for human consumption</td>
<td>Not for human consumption</td>
<td>Not for human consumption</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>16. Percussive blow to the head (including assessment of effective stunning)</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>Lambs and kids up to 5Kg</td>
<td>Piglets up to 5Kg</td>
<td>N/A</td>
</tr>
<tr>
<td>21. Head-only electrical stunning (including assessment of effective stunning)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>22. Head-to-Body electrical stunning (including assessment of effective stunning)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>31. Carbon dioxide at high concentration (including assessment of effective stunning)</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td></td>
<td>N/A</td>
</tr>
</tbody>
</table>
### Manual for Official Controls | Amendment 13

| 32. Carbon dioxide in two phases (including assessment of effective stunning) | N/A | N/A | N/A | N/A | N/A | N/A |
| 33. Carbon dioxide associated with inert gases (including assessment of effective stunning) | N/A | N/A | N/A | N/A | N/A | N/A |
| 34. Inert gases (including assessment of effective stunning) | N/A | N/A | N/A | N/A | N/A | N/A |
| 41. The handling and care of animals before they are restrained; | | | | | | |
| 42. The restraint of animals for the purpose of stunning or killing; | | | | | | |
| 43. The shackling or hoisting of animals; | | | | | | |
| 52. the assessment of effective stunning (standalone code – on completion of the specific unit) | | | | | | |
| 53. The bleeding of live animals; monitoring the absence of signs of life | | | | | | |
| 61. Slaughtering in accordance with Article 4 (4) of Regulation EC 1099/2009 | N/A | N/A | N/A |

### Poultry, Ratites and Lagomorphs

<table>
<thead>
<tr>
<th>Poultry, Ratites and Lagomorphs</th>
<th>Chicken &amp; Guinea Fowl</th>
<th>Quail</th>
<th>Turkey</th>
<th>Ratites</th>
<th>Ducks</th>
<th>Geese</th>
<th>bits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reference</td>
<td>K</td>
<td>L</td>
<td>M</td>
<td>N</td>
<td>Q</td>
<td>P</td>
<td>R</td>
</tr>
<tr>
<td>11. Penetrative captive bolt device (including assessment of effective stunning)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>12. Non-penetrative captive bolt device (including assessment of effective stunning)</td>
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<td></td>
<td></td>
</tr>
</tbody>
</table>
### Chapter 2.3 – Animal Welfare

<table>
<thead>
<tr>
<th>Step</th>
<th>Description</th>
<th>up to 5 Kg</th>
<th>up to 5 Kg</th>
<th>up to 5 Kg</th>
<th>up to 5 Kg</th>
<th>up to 5 Kg</th>
<th>up to 5 Kg</th>
</tr>
</thead>
<tbody>
<tr>
<td>13.</td>
<td>Firearm with free projectile (including assessment of effective stunning)</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>15.</td>
<td>Cervical dislocation (including assessment of effective stunning)</td>
<td>up to 5 Kg</td>
<td>up to 5 Kg</td>
<td></td>
<td>up to 5 Kg</td>
<td>up to 5 Kg</td>
<td></td>
</tr>
<tr>
<td>16.</td>
<td>Percussive blow to the head (including assessment of effective stunning)</td>
<td>up to 5 Kg</td>
<td>up to 5 Kg</td>
<td></td>
<td>up to 5 Kg</td>
<td>up to 5 Kg</td>
<td></td>
</tr>
<tr>
<td>21.</td>
<td>Head-only electrical stunning (including assessment of effective stunning)</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>22.</td>
<td>Head-to-Body electrical stunning (including assessment of effective stunning)</td>
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</tr>
<tr>
<td>23.</td>
<td>Electrical water bath (including assessment of effective stunning)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>N/A</td>
</tr>
<tr>
<td>31.</td>
<td>Carbon dioxide at high concentration (including assessment of effective stunning)</td>
<td>Not in abattoir</td>
<td>Not in abattoir</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>32.</td>
<td>Carbon dioxide in two phases (including assessment of effective stunning)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>33.</td>
<td>Carbon dioxide associated with inert gases (including assessment of effective stunning)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>34.</td>
<td>Inert gases (including assessment of effective stunning)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>41.</td>
<td>The handling and care of animals before they are restrained;</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>42.</td>
<td>The restraint of animals for the purpose of stunning or killing;</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
5.3 Suspension or revocation

5.3.1 Reasons

The OV should consider CoC suspension and/or recommendation for revocation if during welfare assessments, they are of the opinion that the holder:

- is no longer a fit and proper person
- is no longer competent to carry out the operations which the CoC authorises
- has failed to comply with any provision of the EU Regulation or WATOK
- has been convicted of an offence under any animal welfare legislation

If an individual is responsible for an incident that attracts a welfare exception score of 4 (critical NC), suspension should be considered.

When an animal welfare incident occurs that warrants the suspension of a CoC, the CoC holder will be immediately stopped from performing the activities described in the CoC. A note in the day book will be added and the suspension letter will be issued immediately on the day the non-compliance occurred.

5.3.2 Contraventions

Contraventions may occur where the OV deems that suspension or revocation is not required. However, the OV must always verbally advise the person and BO of the contravention, following up with written confirmation, and record the details in the daybook and/ or pocketbook and on FSS IT System Animal Welfare Checks Database where appropriate. The OV may also consider written advice or issuing a Welfare Enforcement Notice.
5.3.3 Terms

The term CoC includes a Temporary CoC.

5.3.4 Immediate suspension

Where an individual has caused pain, distress or suffering to an animal in their care then the OV should always consider immediate suspension of their CoC.

In the case of a score of 4 (critical NC), suspension should always be considered. Only in cases where there is clear evidence that it is not the fault of the individual, or a result of the actions of the individual, would suspension not be appropriate.

Evidence of breaches should be gathered immediately to justify the suspension.

In the case of suspension the OV must inform the BO and the CoC holder verbally about suspension with immediate effect and record it in the Day Book and then issue the CoC holder with a letter (signed and dated) explaining why the CoC is suspended (the observed issues that led to the suspension and the relevant breaches of the legislation), and from what date, the length of time that the CoC will be suspended for and how the suspension can be lifted, and the right of appeal.

Where the OV considers that competence could be improved and that a period of retraining is applicable, it may be more appropriate to give written advice or serve a welfare enforcement notice, as the CoC holder cannot undergo practical training if the CoC is suspended.

If the CoC has already been suspended and following the investigations the OV considers retraining would address the issues, then the most appropriate method specified below should be implemented. However, the OV has to make it clear to the FBO and operative that there is a 3 month limit for this retraining need to be addressed.

- if only theoretical retraining is required by the OV, the recommendation for reinstating the CoC should be sent to FSS once this retraining has been satisfactorily completed.
- If practical retraining is necessary, the OV recommendation to the FSS welfare panel should be clear in this regard. The full CoC will be revoked and a TCoC will be issued, to allow for this supervised retraining to take place.

Following the practical retraining, the plant OV should re-assess the operative for the activities in question. They can follow the same format and assessment packs as a formal assessment in order to collect the evidence; however, this is not mandatory. Once the satisfactory assessment has been carried out and
evidence submitted to FSS, a CoC application should be submitted as per the normal protocol and FSS will issue a new CoC (with a new reference number).

Alternatively, if this retraining is not adequately delivered and concerns related to the operative’s competency still exist, the new CoC will not be issued.

A template letter is at Annex 2. Note: Annex 2 serves as a template for CoC suspension or revocation.

It is recommended that the initial suspension should last as long as the time it takes to collect evidence for the referral for revocation and/or investigation. The wording of the letter in this case should include the following statement:

‘The suspension will last for the duration of the investigation that is currently taking place and which may result in further action’.

In addition the guidance in the following section must be followed and the letter must include:

- date, time and location of incident
- details of CoC holder (name and CoC number)
- details of the incident and what legislative requirements were breached
- the reason for the suspension (stating which parts of the legislation have been breached the OV’s opinion on the pain, suffering or distress caused by the CoC holder’s actions
- the period of the suspension or the required measures the CoC holder needs to meet for the suspension to be lifted
- their right of appeal by making written representations
- how to make representations and the time within which to do so (which must not be less than 28 days from the date of the notice)
- where to address the written representations (dependant on location of working at time offence was committed)

Any formal letters sent to notify slaughter men of the suspension/ revocation of CoCs must be copied to FSS Operations, who will provide feedback to Defra or the Scottish or Welsh Government as appropriate. This will ensure that if an appeal is received, they are aware of the action taken by FSS. The OV must also copy the suspension letter to the BO, the VM and watok@fss.scot

The OV must ask the BO to remove the CoC holder from duties that require a CoC; meaning all activities with live animals. Where the BO does not comply, the OV must issue the BO with a Welfare Enforcement Notice prohibiting the CoC holder from carrying out the activities specified on the CoC.
5.3.5 Revocation

A letter template is enclosed at Annex 2.

The OV should consider a recommendation for CoC revocation if they are of the opinion that the holder of the CoC:

- is no longer a fit and proper person
- is no longer competent to carry out the activities which the CoC or licence authorises
- has failed to comply with either the Council Regulation (EC) No 1099/2009 or WATOK
- has been convicted of an offence under any animal welfare legislation

Where an OV considers a breach of welfare legislation has caused avoidable pain, distress and suffering and is of suitable seriousness that the CoC should be revoked, a recommendation for CoC revocation should be made. They should contact the VM to inform them of the decision to recommend the revocation of the CoC. This will especially be the case where the OV consider a referral for investigation to be necessary.

The OV should gather all the evidence supporting their statement and the recommendation for revocation and submit it to the Veterinary Manager (VM):

- physical evidence (where possible) and/or video/photographic evidence
- CCTV footage (where possible)
- witness statements if available
- copy of personal notebook and/or daybook entries

The case will be reviewed by a decision panel involving the VM, HOD and a member of the Policy team. After examining all the evidence, the panel will communicate the decision to the OV. If the panel agrees with the OV’s recommendation for revocation of the CoC, the revocation letter will be sent by the OV to the CoC holder also informing the BO.

The formal revocation letter (Annex 2) should detail:

- date, time and location of incident
- details of CoC holder (name and CoC number)
- the reason for the revocation (stating which parts of the legislation have been breached)
- details of the incident and what legislative requirements were breached
• the OV’s opinion on the pain, suffering or distress caused by the CoC holder’s actions

• their right of appeal by making written representations

• how to make representations and the time within which to do so (which must not be less than 28 days from the date of the notice);

where to address the written representations (dependant on location of working at time offence was committed), if the decision taken by the panel is different to the one recommended by the OV to revoke the CoC, an explanation for this must be shared with the Scottish Government.

All letters sent to the CoC holder must by registered post and be copied to watok@fss.scot, the VM, and the Scottish Government.

The BO must be informed of the revocation and asked to remove the CoC holder from operations requiring a CoC.

5.3.6 Return of a suspended or revoked CoC

Where a CoC has been suspended or revoked, the holder is required to return the CoC to FSS within 14 days of the letter of suspension or revocation. In the case of immediate suspension, the CoC can be returned to the OV who suspended the CoC. The CoC should be returned to FSS either by the OV or the holder.

Where the case is referred for further investigation, revocation will usually be appropriate. The VM should liaise with FSS Legal Services to ensure that the Investigating Officer (IO) responsible for the investigation conducts the interview as quickly as possible.

Reference: WATOK (Scotland) Article 13 (4).

5.3.7 Reinstating a suspended CoC

Following a CoC suspension, the OV might consider appropriate after further examining the available evidence that the CoC can be returned to the holder. The OV must collect all the relevant evidence and inform the VM of his/her recommendation to reinstate the CoC.

The decision panel (involving the VM, HOD and a member of the Policy team) will examine the available evidence and will inform the OV of its decision. If the panel will agree with the CoC reinstatement, the OV will write to the CoC holder returning the CoC.

If the decision panel will consider inappropriate the CoC reinstatement, the OV will need to provide further evidence supporting reinstatement. If the evidence will still be considered insufficient, and the panel considers that the
CoC holder does not meet the requirements for holding a CoC, the CoC will be revoked.

5.3.8 Issuing a TCoC refusal notice

When the person making an application for a temporary CoC has failed to answer all the relevant questions on the application form, or has declared a previous welfare offence, the OV should liaise with their VM by emailing watok@fss.scot.

The evidence will be reviewed by a decision panel who will request further evidence if they feel it necessary. You should notify the person that they have a right to appeal a refusal to grant a temporary CoC. The VM will notify the OV of the panel's decision and the OV will be responsible to inform the applicant of this decision.
Manual for Official Controls | Amendment 1

START

Welfare non-compliance identified

Take action immediately to protect the welfare of the animal(s) and to stop the offence being repeated.

Ask plant management to remove the slaughterer from duties involving live animals

Decide if it is appropriate to...

AND

Suspend a CoC (template at Annex 2)

AND

Refer for investigation

AND

Recommend revocation of a CoC (template at Annex 2)

AND

OR

Gather evidence

Gather evidence

Chapter 2.3 – Animal Welfare
Food Standards Scotland
5.4 Appeal process

START

Contravention of WASK/WATOK regulations identified

Inform applicant/ licence (CoC) holder & FBO verbally & in writing

Record action taken on Enforcement Programme

The OV uses professional judgement to recommend the refusal or revocation of the registered (full) licence/CoC to the decision panel.

Decision panel considers the recommendation

Recommendation accepted

NO

VM writes to the OV explaining the reasons.

OV writes to the applicant/ registered (full) licence/CoC holder, reinstating the CoC.

YES

VM writes to the OV explaining the reasons.

OV writes to the applicant/ registered (full) licence/CoC holder giving the reasons for the

END
5.4.1 Applicant / holder rights

An applicant or CoC holder may appeal against the decision to:

- refuse to grant a temporary or full CoC
- suspend a CoC
- revoke a CoC

The appeal will be heard by a Sheriff. Appeals should also be sent to:

Scottish Government
Rural and Environment Directorate
Animal Health and Welfare Division
P Spur
Saughton House
Broomhouse Drive
Edinburgh EH11 3XD

Where an OV is aware that an individual intends to appeal a decision they should notify FSS at watok@fss.scot.

There is an appeals process within each set of domestic implementing regulations for persons that have been refused the issue of a CoC or who have had their CoC suspended or revoked. All refusals to issue a CoC, and suspensions and revocations of CoCs, will be reviewed by the decision panel. The panel will make the final decision on whether to proceed with the refusal/ suspension/ revocation.

In every case, the individual must be made aware of the appeals process. The relevant legislative appeals process will then permit the individual to appeal to the government department responsible and follow their appeals process.

An individual that has failed to complete their training within the three month period of TCoC validity will, if minded to appeal, have to provide evidence to show the mitigating circumstances that led to their failure to complete the training assessment.

Applications for extension of a TCoC will be considered by a panel comprising of senior officials in the Scotland welfare team and FSS.
6. **Enforcement**

6.1 **Introduction**

6.1.1 **Purpose**

These enforcement arrangements apply to all slaughterhouses and farmed game establishments approved in Scotland under veterinary control.

Enforcement action is taken in accordance with the FSS enforcement policy.

This section must be read in conjunction with chapter 7 on ‘Enforcement’ of the MOC.

6.1.2 **Terminology**

Note that for the purposes of enforcing welfare legislation the operator responsible is referred to as Business Operator (BO) and this term should be used in formal notices.

6.1.3 **Provisions of Regulation (EC) No. 1099/2009**

Article 22, 1, states: For the purpose of Article 54 of Regulation (EC) No 882/2004, the competent authority may in particular:

- require business operators (BO) to amend their standard operating procedures and, in particular, slow down or stop production
- require business operators to increase the frequency of the checks referred to in Article 5 and amend the monitoring procedures referred to in Article 16
- suspend or withdraw certificates of competence issued under this regulation from a person who no longer shows sufficient competence, knowledge or awareness of their tasks to carry out the operations for which the certificate was issued

In addition, article 22, 2 states: ‘When a competent authority suspends or withdraws a certificate of competence, it shall inform the granting competent authority of its decision.’
6.1.4 Use of welfare notices

In order to enforce the provisions of Council Regulation (EC) No 1099/2009, an Authorised Officer (AO) has powers under Regulation 21 of The Welfare of Animals at the Time of Killing (Scotland) Regulations 2012, to serve a formal Welfare Enforcement Notice (WEL 11/34).

Use the ENF 11/5 reference number, if there is a related non-compliance. If more notices are served for the same issue, from the second one, start adding a sequential number to the normal reference, for example:

XXXX/17/015 – for the first notice

XXXX/17/015-02 – for the second one.

The same notice can be used in three ways:

- To require steps to be taken to remedy contraventions of the regulations (for example updating the SOP or where equipment did not have a regular maintenance record)

- To require the rate of operations to be reduced until steps have been taken to remedy contraventions of the regulations (for example, slowing down the line where animals are not adequately stunned as a result of high line speed or to slow down the slaughter operation where a premises undertaking religious slaughter without pre stunning does not comply with the requirements in WASK 1995 Schedule 12 and (EC) 1099/2009 Annex III for animals not to be moved until unconscious)

- To stop an activity, process or operation or the use of facilities or equipment until steps have been taken to remedy contraventions of the regulations (for example, stopping the use of equipment that is causing pain distress or suffering if equipment is not giving an effective stun)

Requests by BOs for an extension to a WEN –

Whilst there is no legal basis for the Authorised person to extend a notice, Regulation 21(6) of WATOK (S) allows the Authorised person to withdraw or vary any enforcement notice in writing. If a BO wishes to request an extension to a WEN, the BO must do so in writing, prior to the expiry of the notice and must:

- Make a written request, identifying genuine reasons why they are seeking the extension,

- Explain how they are going to manage the welfare risk in the interim period,

- Provide details of the length of the extension they are seeking.
If the Authorised person is satisfied with the BO past record of compliance and agrees with the extension period and reasons for the extension, they should agree with the BO the length of time required to comply and confirm this agreement in writing.

The Authorised person must review the works carried out by the BO after the agreed extension date specified in the letter has expired.

Once the BO or the person on whom the notice is served has complied with the Welfare Enforcement Notice, the AO must serve a Welfare Completion Notice (WEL 11/35) (see Chapter 9 Forms) to confirm that they are satisfied the BO/ person has taken the steps specified to correct the contravention.

The reference number for the WCN can be exactly the same as the initial WEN, as any mention of these will also include the name of the notice (either WEN or WCN), so no confusion can be created.

The AO may refuse to serve a Welfare Completion Notice if they are not satisfied that the terms of the Welfare Enforcement Notice have been met.

It is an offence to fail to comply with a Welfare Enforcement Notice under The Welfare of Animals at the Time of Killing (Scotland) Regulations 2012, Regulation 22, Paragraph 2 Where a notice has been breached, the OV must gather evidence of the contravention that led to the service of the formal notice, together with evidence to demonstrate the breach of the notice and refer both matters for investigation.

The BO can appeal an enforcement notice through the Sheriff. Details can be found at:

https://www.scotcourts.gov.uk.

The BO or person upon whom a notice has been served can appeal against the inspector’s decision to serve the Welfare Enforcement Notice or issue a Welfare Completion Notice through the Sheriff.

A welfare enforcement notice will usually remain in force, other than in exceptional circumstances, until the Sheriff considers the case.

Note: Where enforcement action is being taken against an individual responsible for any pain, distress or suffering to an animal, the OV should consider whether it is also appropriate to suspend or revoke the persons CoC in line with the provisions of Regulation 13 of WATOK (Scotland) Regulations

Note: Where a CoC is suspended, notify watok@fss.scot.
6.1.5 Prosecutable non-compliance

In terms of welfare enforcement, a prosecutable non-compliance (NC) is one where there is evidence of a clear contravention of the regulations and/or the incident involves any avoidable pain, distress or suffering.

The OV should gather evidence to assist an investigation if there is a suspicion that an offence has taken place (WATOK Part 6 lists offences).

6.2 Non-compliances

6.2.1 NC assessment

The OV must use their professional judgment to assess if what has been observed is a ‘prosecutable’ NC, before referring the matter for investigation. The assessment should include the following:

- details of the regulation(s) that have been contravened
- the severity of the incident (e.g. were any animals subject to any avoidable pain, distress or suffering during their killing and related operations?)
- evidence of avoidable pain, distress or suffering caused to the animal(s) (for example, whole bodies of dead animals, post-mortem examination results, detained carcase, heads or other body parts, animal behaviour such as panting, evidence of thirst/hunger, video evidence)
- whether the incident was accidental or caused by negligence
- details of all relevant suspects, names, positions and any training they have received
- the species and operations listed on the CoC
- details of specific directors (for Limited Companies) where contraventions have occurred and it can be additionally demonstrated that they have occurred through the direct consent, connivance or neglect of those directors
- whether there have been previous incidents of a similar nature
- whether the abuse was deliberate (for example, kicking or inappropriate use of goads)
- Whether any previous verbal or written warnings have been issued
- whether a Welfare Notice has been used and not complied with
- the nature of the response from the AWO or BO when the OV advised them of the incident
- whether the operative/BO took effective corrective action
- details of all available witnesses
- whether there is evidence to confirm the witness statements (for example, clinical signs, contemporaneous notes, drawings, maps, photographs, temperature readings, calculations and measurements showing stocking densities)

### 6.2.2 Body parts for evidence that are SRM

Bovine heads/whole bodies and body parts of various species may be SRM by definition; however, it should be remembered that such bodies or body part must not be disposed of as ABP where they are required as evidence.

This material must be identified, seized, secured and stored safely until after all appropriate enforcement action has been taken by the FSS or where it has been passed to another enforcement authority as essential evidence for their case.

When secure storage facilities are not available on site, contact your Operations Manager to arrange secure collection and storage of evidence.

Once the case is concluded, the material will then be disposed of as the appropriate class of ABP.

### 6.2.3 Enforcement notice and/or suspension/revocation of CoC

If a prosecutable NC is observed then appropriate enforcement action must be taken.

A Welfare Enforcement Notice should be issued where an individual or operation is causing actual pain, distress or suffering. Where an individual is responsible for a prosecutable NC, then Suspension or Revocation of the CoC should be considered and taken forward along with any routine enforcement action. Notify watok@fss.scot.

**Providing a verbal warning only, without further escalation, is not proportionate action to take in cases of potential or suspected cruelty to animals.**

### 6.2.4 Recording evidence

All action taken on NCs must be transferred to the Enforcement Programme (ENF 11/5).

Where a Welfare Enforcement Notice is issued requiring immediate action the RAN column should be populated with the date of service. Where a Welfare Enforcement Notice is issued requiring an improvement to be made, the HIN column should be used.
All welfare incidents where there is non-compliance with legislation must be recorded in OWS Animal Welfare Checks database. Where the breach causes no risk of pain, distress or suffering and is corrected immediately, a 2 score should be used. If the contravention is not a 2 score, but there is still no evidence of pain, distress or suffering, a 3 score should be used and if there is evidence of pain, distress or suffering a 4 score should always be used (See section 3.4.3 on score definition).

If the incident was assessed as ‘non-prosecutable’ and no further action is required on this occasion, the appropriate ‘Action’ box of OWS must be selected. An advisory letter must be applied as a minimum intervention and a brief summary of the reason for non-referral should be included when entering details of the non-compliance, for example, ‘unavoidable accidental incident’ or ‘no witness’. This information must be added to the “Description Check” of the Animal Welfare Checks application of OWS.

6.2.5 Reporting of welfare in transport NCs (WiT)

NCs observed for welfare during transport should be documented and referred to the LA immediately, and subsequently confirmed in writing, using the notification form at Annex 4 (see referrals process on section 3.3) and should be recorded on the Animal Welfare Checks database. All cases must have a unique identification number allocated to them to aid traceability of cases. Keep a copy in the plant welfare file.

All transport cases must be reported to LA with APHA One Health Team copied as cc in e-mails: CSCOneHealthWelfare@apha.gsi.gov.uk. (See Annex 19 for LA contacts)

6.2.6 Reporting of welfare on farm NCs (WoF)

Identified welfare issues which appear to have originated on the holding of provenance, should be documented and referred in writing to APHA as well as being reported to the LA. Keep a copy of the report in the plant welfare file.

If an offence involves any avoidable pain, distress or suffering caused or permitted by a registered slaughterer, the OV should suspend the CoC. After discussion with the VM, a recommendation for revocation may also be considered appropriate.

All on-farm generated cases must be reported to APHA One Health Team: CSCOneHealthWelfare@apha.gsi.gov.uk with LA in cc. (See Annex 19 for LA contacts)
6.2.7 Use of CCTV footage

The use of cameras and video equipment is essential to evidence an animal's ability to move, support their weight on all limbs or their general condition.

If the BO has CCTV installed and a welfare issue has been identified, request access to the footage and ask for a copy to be provided as soon as possible, both verbally and in writing. Ensure the best evidence is obtained and store securely media files obtained from the FBO.

The CCTV footage should be requested from FBOs if a breach of the welfare regulations is suspected. Failure to provide footage of a contravention should be referred for investigation under the obstruction provisions.

6.2.8 Seizure of evidence

Under Regulations 20(2) of WATOK (S) 2012, the authorized person must provide to the person appearing to be responsible for any items a written receipt for any item seized as evidence, identifying the item/s. The authorized person should use for this purpose the Welfare Seizure and Detention Receipt (ENF 11/36).

Once the items are no longer needed, the authorized person must return them (apart from those to be used as evidence in court proceedings).

6.2.9 Retaining of photographic evidence

Video and photographic evidence are playing an important part in supporting any enforcement action and / or any reports being submitted to LA / APHA.

If the photos would be used as evidence in a case referred for investigation, those photos should be kept following instructions in Chapter 7 - Enforcement.

However, if the incident was reported to other enforcement agencies (e.g. LA or APHA) or if the incident was dealt with by an enforcement action without referring for investigation, the photos should disposed of as they should no longer be needed (once the period of appeal expires in case of notices). Any possible future incidents related to the initial incident should have evidence on its own and a record would be kept via the enforcement programme any relevant interventions and actions. Any subsequent incident, if needs to be referred for investigation, would be referred using the evidence relevant to that particular incident.

Therefore, any photos related to incidents reported to other agencies (once the photos have been handed over) and related to enforcement actions that did not result in a referral for investigation should be disposed of.
7. Annexes

Annex 1 Examples of Certificate of Competence; photo ID card
Annex 2 Suspension and revocation letter template
Annex 3 Foot pad dermatitis condition card
Annex 4 LA/APHA notification form: welfare incidents
Annex 5 OV checklist for non-compliance of animal welfare on farm or during transport
Annex 6 FSS guidance on Certificates of Competence
Annex 7 Withdrawn
Annex 8 Animal Welfare Verification Protocol pro-forma
Annex 9 Aide Memoire – welfare checks in red meat
Annex 10 Aide Memoire – welfare checks in poultry
Annex 11 Red meat animal welfare verification
Annex 12 Poultry animal welfare verification
Annex 13 Signs of stunning Cattle Sheep and Pigs
Annex 14 Signs of stunning Poultry
Annex 15 Bovines welfare indicator
Annex 16 Pigs welfare indicators
Annex 17 Sheep and goats welfare indicators
Annex 18 Poultry welfare indicators
Annex 19 Local Authorities and APHA contacts