POLICY NOTE

THE WELFARE OF ANIMALS AT THE TIME OF KILLING (SCOTLAND) AMENDMENT REGULATIONS 2015

SSI No. 161

1. These Regulations are made by the Scottish Ministers in exercise of the powers conferred by section 2(2) of the European Communities Act 1972. They are subject to negative procedure.

POLICY OBJECTIVE

2. These Regulations make provision for the amendment of The Welfare of Animals at the Time of Killing (Scotland) Regulations 2012 (WATOK(S)), which implement Council Regulation (EC) No 1099/2009 on the protection of animals at the time of killing. There are two policy objectives.

3. Firstly, the present regulations expand the definition of a 'qualification certificate', which relates to the training of workers requiring a Certificate of Competence under WATOK(S). This expansion will include a certificate granted by an organisation recognised and regulated by the Office of Qualifications and Examinations Regulation (OFQUAL) in addition to those recognised by the Scottish Qualifications Authority (SQA).

4. Secondly, regulation 1099/2009 allows Member States to retain national rules to where this offers a higher standard of protection than those required by the Regulation. The present regulations dis-apply a national rule that pre-existed Regulation 1099/2009 regarding the placement of a captive bolt instrument for the specific purpose of the stunning of water buffalo.

POLICY BACKGROUND

Training Requirements

5. Article 21 of Regulation 1099/2009 requires that:
   - Competent authorities ensure that training courses are available for personnel involved in killing and related operations
   - Certificates of Competence are only awarded after the passing of an independent final examination.
   - The subjects of that examination must be relevant for the categories of animals concerned and correspond to the operations for which a CoC is required, and to the specific subjects set out in Annex IV to the Regulation.
   - Competent authorities approve training programmes made available for personnel involved in killing and related operations and the content and modalities of the examination.

6. It also allows competent authorities to delegate:
   - the organisation of training courses to a separate body with the necessary expertise, staff and equipment;

- the final examination and issue of certificate of competence to a separate body that has the necessary expertise, staff and equipment, and is independent and free from any conflict of interest.

Training responsibilities

7. Under WATOK(S), the Food Standards Agency (FSA) is the competent authority as regards Certificates of Competence and the enforcement of 1099/2009 in Scotland.

8. Defra and Devolved Administrations in the UK delegated the formulation of a common training and assessment framework, to be implemented across the UK and that fulfils the requirements under 1099/2009, to Improve, the Sector Skills Council for the Food and Drink sector in the UK.

9. Improve have a remit to develop national occupational standards, qualifications and apprenticeship frameworks. From January 2011, they worked with a Steering Group made up of industry, Defra and Devolved Administration representatives to arrive at a finalised framework that meets the requirements placed on competent authorities by Regulation 1099/2009.

10. In Scotland, this framework was approved in December 2012 and is regulated by the Scottish Qualification Authority (SQA) as a Level 2 Certificate in Protecting the Welfare of Animals at Time of Killing. SQA Awards is currently the only Awarding Body in Scotland approved by SQA to provide the Level 2 Certificate.

11. Elsewhere in the UK the qualification was approved and is regulated by the Office of Qualifications and Examinations Regulation (OFQUAL), and we understand that there are a number of approved Awarding Bodies.

Potential costs of training to industry

12. Discussion with the Scottish industry about the arrangements for rolling out this training in Scotland raised significant concerns about:
    - the potential cost impacts on small/ remote premises in Scotland of accessing commercial training and assessment provision given likely travel expenses;
    - the potential costs to small/remote plants of Awarding Body fees.

13. The Scottish Government has hosted a number of meetings and facilitated discussion between industry, SQA, Improve, and potential training and assessment providers. These have resulted in a combined roll-out plan, with the FSA, as accredited and regulated by the Awarding Body SQA Awards, providing both a central co-ordinating role and the majority of assessments in approved slaughterhouses in Scotland. Assessments outside approved slaughter houses will be undertaken by other organisations sub-contracted by FSA. This co-operative approach between various organisations and the involvement of FSA is unique to Scotland and has acted to dramatically cut the potential costs of rolling out this training to small/remote businesses.

14. Regarding fees, each Awarding Body sets its own fee structure. SQA charge candidates £7.50 per module taken. There are well over 100 modules available under the Level 2 Certificate, targeted at specific species and activities that workers may be required to

undertake. Workers at most large plants are likely to be dealing with one or two species and a limited range of activities, and will therefore need to take only a few modules. The fee structure of SQA Awards suits such candidates well. However, workers at small/remote plants are likely to require a significant number of modules, as they are likely to deal with multiple species and multiple parts of the handling/slaughter or killing process. Module-based fees therefore have the potential to quickly mount up for such candidates.

15. The amendment in regulation 2(2) in these Regulations acts to include within the definition of "qualification certificates" those certificates awarded by Awarding Bodies recognised and regulated by the Office of Qualifications and Examinations Regulation (OFQUAL), in addition to those regulated by SQA. This introduces the possibility of workers in Scotland obtaining their qualification certificate from an Awarding Body elsewhere in the UK whose fee structure better suits their requirements.

16. We are aware, in particular, that the Royal Society for Public Health (RSPH), an Awarding Body accredited by OFQUAL for the purposes of the Level 2 Certificate in England, has a fee structure with multiple modules available for a flat fee. This type of fee structure is likely to be far more cost effective for small/remote plants with workers requiring large numbers of modules. From April 2015, the roles and responsibilities of FSA will be transferred to a new Scotland only Food Standards Scotland agency (FSS). It has been agreed with FSA that when this transition has been made, FSS will seek to gain accreditation from RSPH for the Level 2 Certificate in Protecting the Welfare of Animals at Time of Killing. This is likely to proceed smoothly, since they are already accredited with RSPH for other qualifications.

17. Ultimately, it is intended that workers in Scotland will be able to obtain their qualification certificate from either SQA Awards or RSPH, depending which is the most cost effective option, through the FSS acting as the central co-ordinator and assessment provider within Scotland. The amendment in Regulation 2(2) is required for these intensions to be realised.

Poll Stunning

18. One of the pre-existing national rules on animal welfare at slaughter or killing that was maintained by WATOK(S) in its implementation of Regulation 1099/2009, is the prohibition of any bovine animal being shot in the back of the head, known as poll stunning (Schedule 5, Part II, paragraph 5(2) of the Welfare of Animals (Slaughter or killing Regulations 1995). This is because there is a less profound depth of concussion when cattle are shot in the poll position, and a successful poll position shot is generally harder to achieve than a successful frontal shot.

19. However, water buffalo have thick horn at the front of the head that experience has shown prevents reliable penetration of the captive bolt. Between December 2006 – April 2008 the Scottish Government funded a research project on the 'Humane Slaughter of Water Buffalo' by ADAS Scotland, the Humane Slaughter Association and the Royal Veterinary College (project reference: CR/2006/09). The results of that research demonstrated that use of the captive bolt at the front of the skull was ineffective in these animals, and that poll stunning in these animals achieved a significantly greater success rate. This suggests

that there are clear welfare benefits to allowing the use of a captive bolt gun placed at the back of the head (poll stunning) in water buffalo.

20. The Scottish Government consulted on the 'Implementation in Scotland of Council Regulation (EC) 1099/2009 on the protection of animals at the time of killing between August-October 2012. This included asking for views on pre-existing national rules. The results of the analysis of the consultation responses were published in December 2013. This notes on page 19 that a key point raised in relation to consultation question 5 on what, if any, existing provisions should be removed, was that clauses should be added to the provision on poll stunning to allow the procedure in water buffalo.

21. The amendment in regulation 2(3) of the present regulations to allow poll stunning takes on board this scientific evidence and the feedback from the consultation, and will act to further protect the welfare of water buffalos being slaughtered for human consumption, or killed for other reasons.

CONSULTATION

22. No formal consultation has taken place specifically regarding this amendment. As noted previously:
    - the amendment to the definition of a qualification certificate was agreed in discussion with representatives of the slaughter industry and FSA;
    - the dis-application of the ban on poll stunning for water buffalo was supported in some responses to a previous, wider consultation on the regulation of slaughter.

IMPACT ASSESSMENTS

23. No adverse business impacts are expected:
    - Expanding the definition of a qualification certificate will provide workers in Scotland with a greater choice of Awarding Bodies from which they might get their certificate, allowing them to choose the most cost effective option.
    - Allowing the poll stunning of water buffalo will act to further protect their welfare by allowing a change in the placement of the captive bolt gun for more effective stunning. It may also have a beneficial effect on worker safety, as the worker will be behind the head rather than in-front of the horns.

FINANCIAL EFFECTS

24. No BRIA has been prepared in connection with these Regulations. The amendment to permit poll stunning of water buffalo is not anticipated to have any financial impact. The expansion of the definition of a qualification certificate is expected to have a positive financial impact; however this is impossible to quantify with current information.

Scottish Government
Animal Health and Welfare Division
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