

Rodrigo Sánchez

By email: [RodrigoSanchez@gmx.co.uk](mailto:RodrigoSanchez@gmx.co.uk)

Our Reference: FOI 2318

Date: 13 November 2018

Dear Mr Sánchez

## **FREEDOM OF INFORMATION REQUEST**

Further to your request for information which was received by us on 29 October 2018, I am now in a position to respond.

I am handling your request under the terms of the Freedom of Information Act 2000 (the Act).

The information that you have requested is provided for in Annex A and C of this letter.

Please note that some of the information related to your request is being withheld from disclosure under Section 43 (2) of the Act. Further details about our use of this exemption has been provided in Annex B to this letter.

Please note that all the information that has been provided in response to this request will be published on the FSA website in due course.

If you have any queries about this letter, please contact me on the details provided in the footer of this letter. Please remember to quote the reference number above in any future communications.

If you are not satisfied with the way the FSA has handled your request for information, you should write within two calendar months of the date of this letter to the FOI, Complaints and Transparency Team, and ask for an internal review. They will arrange for the Complaints Coordinator to conduct the review. Their address is Food Standards Agency, Floors 6 and 7 Clive House, 70 Petty France, Westminster, London SW1H 9EX (email: [FCT@food.gov.uk](mailto:FCT@food.gov.uk)).

If you are not content with the outcome of the internal review, you may apply directly to the Information Commissioner for a decision. Generally, the ICO cannot make a decision unless you have exhausted the complaints procedure provided by the FSA. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF or through the website at: [www.ico.gov.uk](http://www.ico.gov.uk).

Yours sincerely

A handwritten signature in black ink, appearing to read 'M. Dick'.

**Matthew Dick**  
**Official Controls Lead**  
**Operations Assurance**

## Annex A

### Request

*Under FOI laws please could you provide this data collated by the Food Standards Agency relating to England, Wales and NI:*

*1. For each of the below areas (as listed in the FSA meta-data for meat plant audits), for the years 2015, 2016, 2017, 2018 to date, please supply the total number of major and critical non-compliances recorded in both full and partial audits (please specify which type of audit for each non-compliance).*

*Q61 - Handling of Animal By-Products / waste to protect human and animal health: Animal By-Products are removed from food production areas as quickly as possible, avoiding cross contamination.*

*Q62 - Handling of Animal By-Products / waste to protect human and animal health: Animal By-Product containers are leak proof, closable, kept in sound condition, cleaned and disinfected as often as necessary. Waste stores are pest proof.*

*Q63 - Handling of Animal By-Products / waste to protect human and animal health: Animal By-Products, including SRM, are correctly identified, segregated and categorised.*

*Q64 - Handling of Animal By-Products / waste to protect human and animal health: Animal By-Products, including SRM, are correctly stained where necessary.*

*Q65 - Handling of Animal By-Products / waste to protect human and animal health: Animal By-Products, including SRM, are dispatched to approved premises with correctly completed commercial documentation.*

*Q71 - TSE / SRM Controls: FBO ensures meat entering the food chain is free from SRM.*

*Q72 - TSE / SRM Controls: Animals requiring BSE testing intended for the food chain are tested for BSE/TSE, and processed as per the RMOP.*

*Q73 - TSE / SRM Controls: Meat from all animals tested for BSE/TSE does not enter the food chain unless tested negative.*

*Q74 - TSE / SRM Controls: Imported carcasses meet requirements for the removal of SRM.*

*Q75 - TSE / SRM Controls: Vertebral column from over 30 month cattle is removed and stained.*

*2. For each major and critical non-compliance, the name of the abattoir / meat plant where the non-compliance took place, and the date of the audit.*

## **Response**

In response to **Q1**, please see Table 1 below documenting the total number of major and critical non-compliances found during full audits of Food Business Operators (FBOs) split by the non-compliance type stipulated in your request and further split by calendar year. The data covers January 2015 – 12 October 2018, this includes the period of 1 January – 31 March 2015, where the FSA conducted audits and inspections at approved meat sites in Scotland prior the creation of Food Standards Scotland. Please note: Whilst it is a relatively rare occurrence, a number of related major non-compliances can result in a critical non-compliance. The original major non-compliances and the resulting critical non-compliance would both be recorded in this data which will increase the overall number of non-compliances.

An audit with one major non-compliance will result in a 'Generally Satisfactory' outcome. The audit frequency associated for this outcome is annual. Whilst a major non-compliance remains open, the establishment is subject to quarterly partial audits and further unannounced inspections.

Granular details regarding partial audits is being withheld under Section 43(2) of the Act. As noted, further details about our use of this exemption is provided at Annex B.

In England, NI and Wales, at the end of March 2018 97% of slaughterhouses (with or without co-located cutting plants) and 97% of standalone cutting plants were at least generally satisfactory in terms of compliance.

After an extensive public consultation, the FSA introduced "Extended Audit Frequencies" for the most compliant plants from January 2017. This reduced the cost burden on industry for those better performing premises without compromising consumer safety. This allows us to focus our resources and public money on the most non-compliant FBOs.

**Table 1 – Total Major and Critical Non Compliances for full FBO audits by category and year**

<b>Q61</b>	<b>2015*</b>	<b>2016</b>	<b>2017</b>	<b>2018 (1 JAN – 12 OCT)</b>
TOTAL MAJOR NON-COMPLIANCES	2	4	4	11
TOTAL CRITICAL NON-COMPLIANCES	0	0	0	1
<b>Q62</b>	<b>2015*</b>	<b>2016</b>	<b>2017</b>	<b>2018 (1 JAN – 12 OCT)</b>
TOTAL MAJOR NON-COMPLIANCES	7	4	6	8
TOTAL CRITICAL NON-COMPLIANCES	0	0	0	0
<b>Q63</b>	<b>2015*</b>	<b>2016</b>	<b>2017</b>	<b>2018 (1 JAN – 12 OCT)</b>
TOTAL MAJOR NON-COMPLIANCES	12	15	24	18
TOTAL CRITICAL NON-COMPLIANCES	0	0	0	0
<b>Q64</b>	<b>2015*</b>	<b>2016</b>	<b>2017</b>	<b>2018 (1 JAN – 12 OCT)</b>
TOTAL MAJOR NON-COMPLIANCES	6	2	4	4
TOTAL CRITICAL NON-COMPLIANCES	0	0	0	0
<b>Q65</b>	<b>2015*</b>	<b>2016</b>	<b>2017</b>	<b>2018 (1 JAN – 12 OCT)</b>
TOTAL MAJOR NON-COMPLIANCES	7	6	9	8
TOTAL CRITICAL NON-COMPLIANCES	0	0	0	0
<b>Q71</b>	<b>2015*</b>	<b>2016</b>	<b>2017</b>	<b>2018 (1 JAN – 12 OCT)</b>
TOTAL MAJOR NON-COMPLIANCES	17	17	18	15
TOTAL CRITICAL NON-COMPLIANCES	0	1	0	1
<b>Q72</b>	<b>2015*</b>	<b>2016</b>	<b>2017</b>	<b>2018 (1 JAN – 12 OCT)</b>
TOTAL MAJOR NON-COMPLIANCES	1	2	0	1
TOTAL CRITICAL NON-COMPLIANCES	0	0	0	0

Q73	2015*	2016	2017	2018 (1 JAN – 12 OCT)
TOTAL MAJOR NON-COMPLIANCES	0	0	0	0
TOTAL CRITICAL NON-COMPLIANCES	0	0	0	0
Q74	2015*	2016	2017	2018 (1 JAN – 12 OCT)
TOTAL MAJOR NON-COMPLIANCES	0	0	0	1
TOTAL CRITICAL NON-COMPLIANCES	0	0	0	0
Q75	2015*	2016	2017	2018 (1 JAN – 12 OCT)
TOTAL MAJOR NON-COMPLIANCES	1	0	1	1
TOTAL CRITICAL NON-COMPLIANCES	0	0	0	1

\* Figures include approved sites in Scotland 1 January – 31 March 2015 prior the creation of Food Standards Scotland.

In response to **Q2** please see Annex C (Excel Spreadsheet) which provides the details of all FBOs where major and critical non-compliances were found in the above stipulated areas. Each area (Q61, Q62, etc) has its own tab and can be filtered on year.

### Supporting information

The FSA monitors FBO compliance with the regulations in stand-alone Cutting Plants, where daily Official Veterinarian (OV) presence is not required via a programme of Official Controls comprising both Audits (full and partial) and Unannounced Inspections (UAs). The frequency at which audits take place is risk based, and therefore determined by the levels of compliance. In slaughterhouses, FSA monitoring of FBO compliance is carried out by the local FSA team, who are in attendance at all times during processing.

To conduct a scheduled FBO audit (full and partial), the Veterinary Auditor (VA) will contact the FBO to arrange a mutually convenient time at which to conduct the site visit. The purpose of those visits is to review the processes undertaken at the plant and verify the compliance with hygiene and other relevant regulations governing the business to ensure only safe food is placed on the market. At the conclusion of the audit visit the Veterinary Auditor provides feedback to the FBO on the findings and provisional audit outcome. Following the visit, a written report is prepared which is provided to the FBO. Audits are either **Full audits**, where all aspects of the business are audited, or **Partial audits**, which focus on non-compliances found at previous audits.

Scheduled Audits are complemented by a regime of Unannounced Inspections. Unannounced Inspections are designed to help the FSA form a view of sustained compliance by the FBO. We do not publish information on unannounced inspections or partial audits as they are often targeted based on previous issues found and do not therefore provide a complete or comprehensive assessment of a food business.

FSA enforcement action is risk based and proportionate, and in order to ensure this, enforcement activity is planned to follow a hierarchy of enforcement, aimed at working with FBOs to achieve compliance with the Regulations.

Ultimately, where an FBO fails to put in place the necessary measures leading to significant public health, animal health and welfare improvement, FSA officials may recommend that their approval status is reviewed. This could lead to their approval being withdrawn or suspended.

Further guidance on how the FSA audits meat premises can be found [here](#). For specific information on intervention action taken in relation to non-compliances; a detailed breakdown of the process the FSA follows can be found [here](#).

For specific information on the FSA's role in correct removal and disposal of SRM in slaughterhouses and cutting plants please see chapter 2.7 of the Manual for Official Controls (MOC). For information on the FSA 's role in the official controls for animal by-products (ABP), please see chapter 2.8 of the MOC, both of which can be accessed [here](#).

## **Annex B – Exemption**

### **Section 43 (Commercial Interests)**

Information relating to the company/processor being audited and major and critical non-compliances, for areas Q61 – Q75, related to partial audits is being withheld under Section 43(2) of the Act.

The relevant section of the FOI Act is as follows:

#### *43 Commercial interests*

*(2) Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it).*

Section 43(2) is a qualified exemption, which provides for information to be exempt when it relates to situations where the release of it would, or would be likely to, prejudice the commercial interests of food business operators identified in scope of this request.

As section 43(2) is also subject to a public interest test, we have undertaken a public interest test to decide whether the balance of public interest favours disclosing or withholding the information. Whilst there is a general public interest in increasing transparency and openness, particularly with regards to the provision of safe meat and animal welfare, there is also a need to protect the legitimate commercial interests of companies. If food producers believe that information about the day to day running of their plant will be disclosed, specifically with regards to partial audits (an incomplete picture), they might be reluctant in future to co-operate and provide the Agency with all the information it requires to carry out its statutory functions. This could be damaging to the Agency's objective of protecting public health in relation to food.

It is not in the public interest to disclose information that would be likely to prejudice the commercial interests of food business operators by being used by competitors to weaken a company's position, in an already competitive market. There is a possibility that the information would be likely to cause a misunderstanding or misrepresentation by competitors giving rise to a commercial disadvantage or reputational damage to the food business operators and a loss of confidence from within their customer base. We believe, therefore, that the balance of the public interest favours withholding the information.