

Health and Safety Commission Paper		HSC/03/32	
Meeting Date:	N/A	Open Gov. Status:	Fully open
Type of Paper:	MISC	Paper File Ref:	
Exemptions:	N/A		

HEALTH AND SAFETY COMMISSION

PUBLICATION OF HSE OFFENCES AND PENALTIES REPORT 2002/03

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Issue

1. HSE's 2002/03 Offences and Penalties report will be published on 5 November.

Timing

2. Publication is timed for to coincide with the HSC Annual Report launch.

Recommendation

3. A copy of the virtually final report is attached for information (Annex 1). Lines to take are suggested below.

Background

4. This is the fourth HSE Offences and Penalties report. The yearly reports, and HSE's prosecutions and notices databases, implement the strategy of naming offenders (Revitalising Action Point 8, HSC Enforcement Policy Statement paragraph 42). The Report will be available on HSE's website only, where last years report attracted a good deal of interest. The very small demand for hard copies will be met with colour photocopies.

5. The Offences and Penalties report is linked to the HSE website databases of prosecutions and notices. These allow people with an interest in employer health and safety performance to see brief details of notices and convictions. There is anecdotal evidence of interest from insurers, and business customers, as well as campaigners and others. More evidence of the impact of naming offenders will be sought through the HSC Enforcement Policy Statement evaluation.

6. Timothy Walker's foreword will draw attention to proportionality in HSE enforcement; the seriousness of incidents which result in prosecution; and the inadequacy of the general level of health and safety fines, especially compared to financial services fines. The report then gives more detail on trends in enforcement notices and prosecutions, and fines.

7. HSE has found that the average health and safety fine against a sample of large organisations (in higher courts, against companies in top 350) was one tenth that for financial services fines in the last two years. Please see Annex 2 for more details. Timothy Walker considers this raises an important question about approach and refers to this in his foreword.

Presentation

8. Suggested lines to take if asked about the HSE Offences and Penalties report:

- the HSE report rightly draws attention to the generally low fines being imposed for serious health and safety offences.
- People have to ask themselves whether the big gap between health and safety and financial services sector fines really reflects what society thinks of offences which can have led to serious injury, ill health, and death, as well as billions lost to the economy.
- welcome the Government's plans for stiffer maximum penalties for health and safety offences, including the availability of imprisonment for most health and safety offences.