

Enforcement statistics in Great Britain, 2018

Enforcement action taken by HSE, local authorities and, in Scotland, the Crown Office and Procurator Fiscal Service

Contents

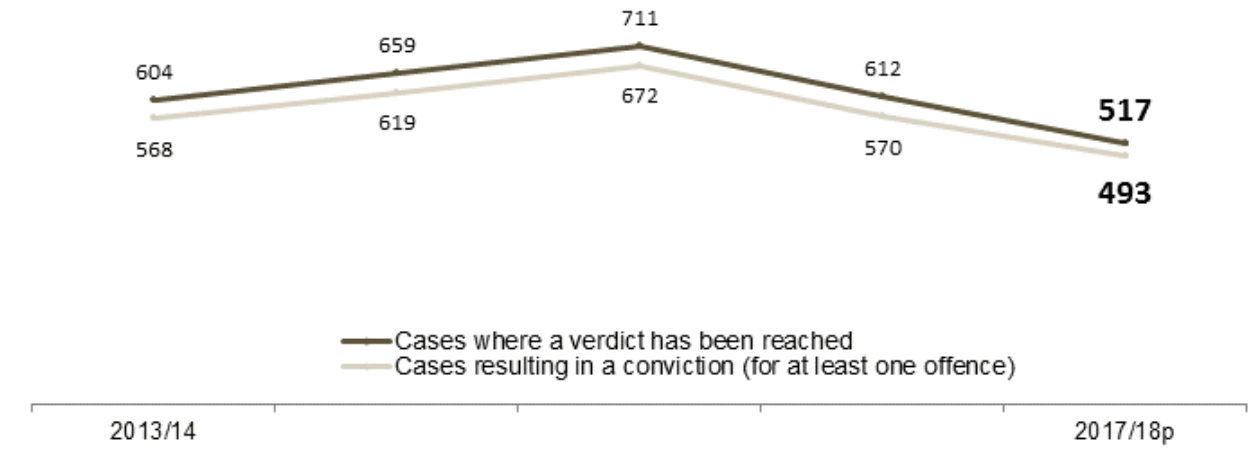
Summary	2
Prosecutions taken by HSE	3
Enforcement notices issued by all enforcing bodies	5
Annex 1: Sources and definitions used	6
Annex 2: Links to detailed tables	7



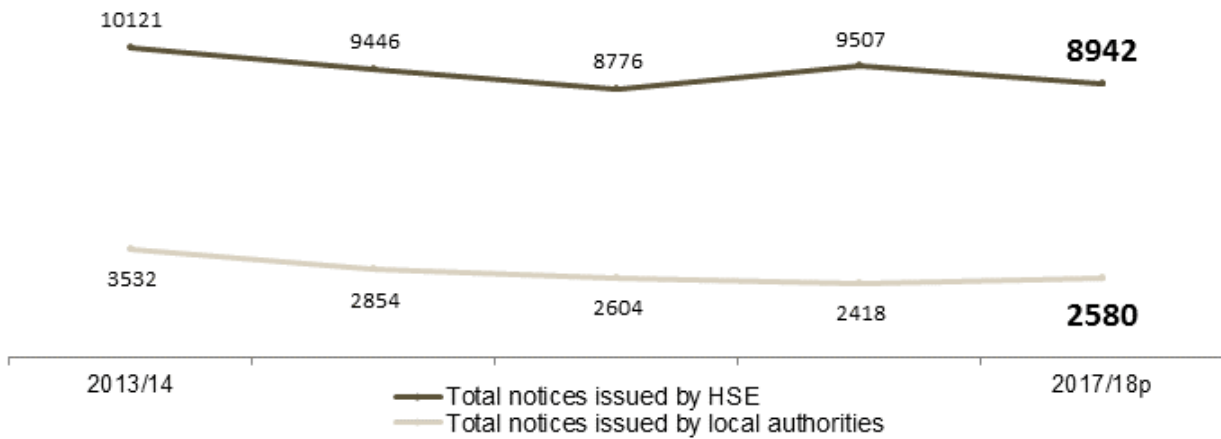
Summary

The document can be found at: www.hse.gov.uk/statistics/enforcement.pdf?pdf=enforcement

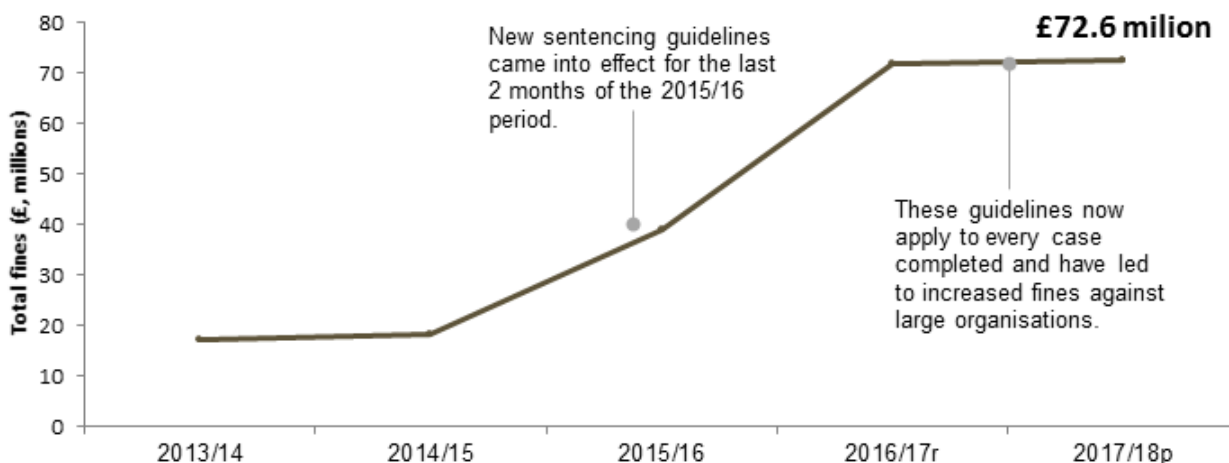
Prosecution cases brought by HSE and, in Scotland, COPFS



Enforcement notices issued by local authorities and HSE



Total fines for health and safety offences prosecuted by HSE and, in Scotland, COPFS



In Scotland HSE and local authorities investigate potential offences but cannot institute legal proceedings. HSE and local authorities send a report to the Crown Office and Procurator Fiscal Service (COPFS). COPFS makes the final decision whether to institute legal proceedings and which offences are taken. The year of an offence or case is based on when a verdict has been reached.

Throughout this document p is used to indicate provisional figures and r indicates figures that have been revised from the previous year.

HSE and local authorities are responsible for enforcing health and safety legislation. Each has a range of tools at their disposal in seeking to secure compliance with the law and ensure a proportionate response to offences. For more serious offences, inspectors may serve improvement or prohibition notices and they may prosecute or, in Scotland, report to the Crown Office and Procurator Fiscal Service (COPFS) with a view to prosecution.

Prosecutions taken by HSE

Offences prosecuted count(s) distinct offences of health and safety legislation. A duty holder may be prosecuted for more than one offence within the same case. The latest information for health and safety cases shows:

- In 2017/18p, 517 cases prosecuted by HSE* and, in Scotland, the Crown Office and Procurator Fiscal Service (COPFS) had a verdict reached, a decrease of 16% from 2016/17r.
- A conviction was secured (for at least one offence) in 493 of the 517 cases where a verdict was reached in 2017/18p; a conviction rate of 95%.
- Duty holders found guilty of health and safety offences in 2017/18p received fines totalling £72.6 million, an average penalty of around £147,000 per case resulting in conviction, which is a slight increase compared to the average fine of just under £126,000 per case resulting in conviction in 2016/17r.

Figure 1: Prosecution cases brought by HSE and, in Scotland, COPFS where a verdict has been reached in that year (2013/14 – 2017/18p)



Source: HSE Operational data

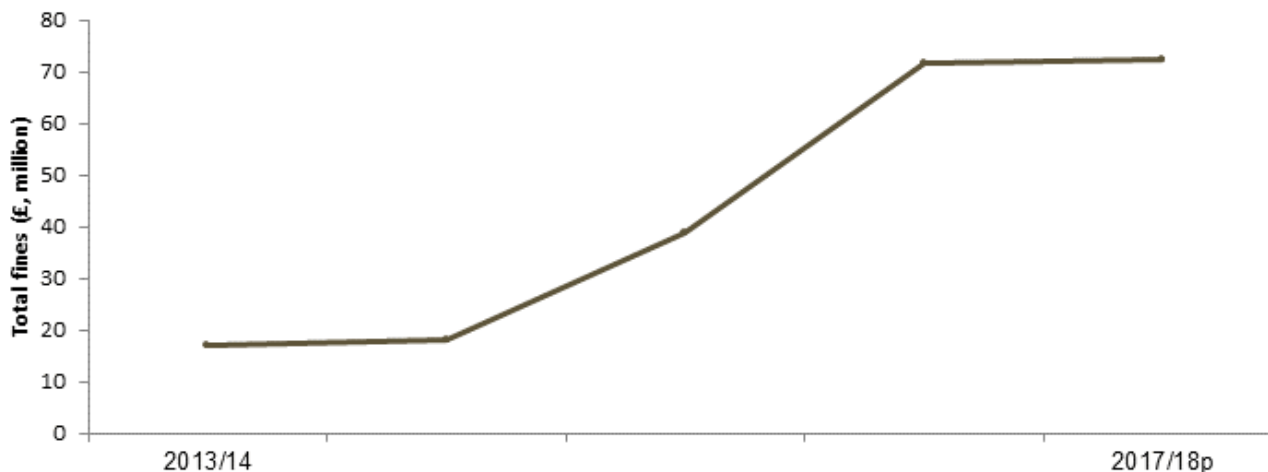
* In Scotland HSE and local authorities investigate potential offences but cannot institute legal proceedings. HSE and local authorities send a report to the Crown Office and Procurator Fiscal Service (COPFS). COPFS makes the final decision whether to institute legal proceedings and which offences are taken.

This year has seen a fall in the number of cases where a verdict has been reached continuing the fall seen in 2016/17r. The 517 cases where a verdict has been reached is the lowest seen in the last 5 years. The proportion of cases resulting in a conviction (for at least one offence) has been between 93-95% for the last 5 years.

Sentencing Outcomes

The 2017/18p data on prosecutions show a levelling of the total amount of fines handed down, with little change from £71.8 million in 2016/17r to £72.6 million in 2017/18p. The 2017/18p figure follows two years which showed large increases in the amount of fines resulting from convictions for health and safety offences. 2016/17r was the first full year where new sentencing guidelines have been in effect.

Figure 2: Total Fines for Health and Safety Offences prosecuted by HSE and, in Scotland, the Crown Office and Procurator Fiscal Service (COPFS), 2013/14-2017/18p (£,million)



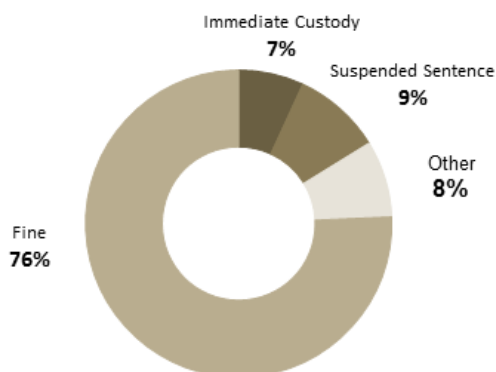
Source: HSE Operational data

A feature of these guidelines is that the fine is related to the turnover of organisations and, as a result, large organisations convicted of offences are receiving larger fines than seen prior to these guidelines. In the 2017/18p period the single largest fine was £3 million and a total of 45 cases received fines over £500,000. This contrasts with the 2014/15 period, which was the last full year without these guidelines, where the single largest fine was £750,000 and 5 cases were at or above £500,000. The average level of fine has also shown an increase since the sentencing guidelines came into effect, moving from £29,000 per conviction in 2014/15 to £58,000 in 2015/16, the last two months of which were under the guidelines, and has reached an average of £147,000 per conviction in 2017/18p.

A full description of the sentencing guidelines is available via the Sentencing Council at www.sentencingcouncil.org.uk/wp-content/uploads/HS-offences-definitive-guideline-FINAL-web.pdf

In addition to fines, there are other penalties which individuals or organisations can face upon conviction of a health and safety offence as shown in Figure 3.

Figure 3: Sentencing outcome by type for convictions secured by HSE or COPFS in 2017/18p



Source: HSE Operational data

Fines remain the most common penalty following a conviction while the use of immediate and suspended custodial sentences has remained comparable with 2016/17r with 7% of offences resulting in an immediate custodial sentence compared to 6% in 2016/17r and 9% resulting in a suspended custodial sentence compared to 12% in 2016/17r.

The penalty imposed for a conviction may vary depending on the regulation involved. Gas Safety (Installation and Use) 1998 differs from the overall picture shown above, with almost two thirds of the convictions secured against this regulation resulting in an immediate or suspended custodial sentence.

Enforcement notices issued by all enforcing bodies

Inspectors typically enforce health and safety standards by giving advice on how to comply with the law. Sometimes, it is necessary to formalise this by issuing them with a notice; either an improvement notice which allows time for the recipient to comply, or a prohibition notice which prohibits an activity until remedial action has been taken. The latest figures for enforcement notices show:

- In 2017/18p, 11,522 notices were issued by HSE and local authorities, a 3% decrease compared 2016/17r.
- 8,942 notices were issued by HSE in 2017/18p which is a decrease of 6% compared to 2016/17r.
- Local authorities issued 2,580 notices in 2017/18p which is a 7% increase compared to the 2,418 issued in 2016/17r

Figure 4: Total enforcement notices issued by all enforcing bodies and total notices issued by HSE (2013/14-2017/18p)



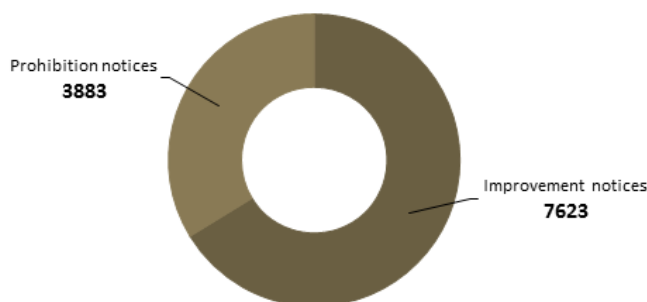
Source: HSE Operational data

The number of notices issued has generally fallen over the last five years. The long-term downward trend is clear among local authority notices, despite the small increase seen in the latest year. The trend in notices issued by HSE is less clear as figures have fluctuated over this period.

Notice Type

Both HSE and local authorities can issue both improvement notices and prohibition notices.

Figure 5: Enforcement notices issued by all enforcing bodies by notice type 2017/18p



Source: HSE Operational data

Note that Figure 5 does not include other types of notices such as deferred prohibition or crown censures as the figures are too small for inclusion (less than 1% of all notices issued).

Annex 1: Sources and definitions used

HSE Enforcement data: The main enforcing authorities are HSE and local authorities. In Scotland, HSE and local authorities investigate potential offences but cannot institute legal proceedings and the Crown Office and Procurator Fiscal Service (COPFS) makes the final decision whether to institute legal proceedings and which offences are taken.

Enforcement notices cover improvement, prohibition and deferred prohibition. Offences prosecuted refer to individual breaches of health and safety legislation; a prosecution case may include more than one offence. Where prosecution statistics are allocated against a particular year, unless otherwise stated, the year relates to the date of final hearing with a known outcome. They exclude those cases not completed, for example adjourned.

All data within this report is retrieved from a snapshot of HSE's operational databases that captures information around enforcement actions taken.

Annex 2: Links to detailed tables

The data in this report can be found in the following tables

Prosecutions www.hse.gov.uk/statistics/tables/prosecutions.xlsx

Notices www.hse.gov.uk/statistics/tables/notices.xlsx

National Statistics

National Statistics status means that statistics meet the highest standards of trustworthiness, quality and public value. They are produced in compliance with the Code of Practice for Statistics, and awarded National Statistics status following an assessment by the Office for Statistics Regulation (OSR). The OSR considers whether the statistics meet the highest standards of Code compliance, including the value they add to public decisions and debate.

It is Health and Safety Executive's responsibility to maintain compliance with the standards expected by National Statistics. If we become concerned about whether these statistics are still meeting the appropriate standards, we will discuss any concerns with the OSR promptly. National Statistics status can be removed at any point when the highest standards are not maintained, and reinstated when standards are restored.

An account of how the figures are used for statistical purposes can be found at www.hse.gov.uk/statistics/sources.htm.

For information regarding the quality guidelines used for statistics within HSE see www.hse.gov.uk/statistics/about/quality-guidelines.htm

A revisions policy and log can be seen at www.hse.gov.uk/statistics/about/revisions/

Additional data tables can be found at www.hse.gov.uk/statistics/tables/.

General enquiries: Statistician ian.polanowski@hse.gov.uk

Journalists/media enquiries only: www.hse.gov.uk/contact/contact.htm

© *Crown copyright* If you wish to reuse this information visit www.hse.gov.uk/copyright.htm for details.
First published 10/18.