



Enforcement statistics in Great Britain, 2021

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

Data up to March 2021

Annual statistics

Published 16th December 2021

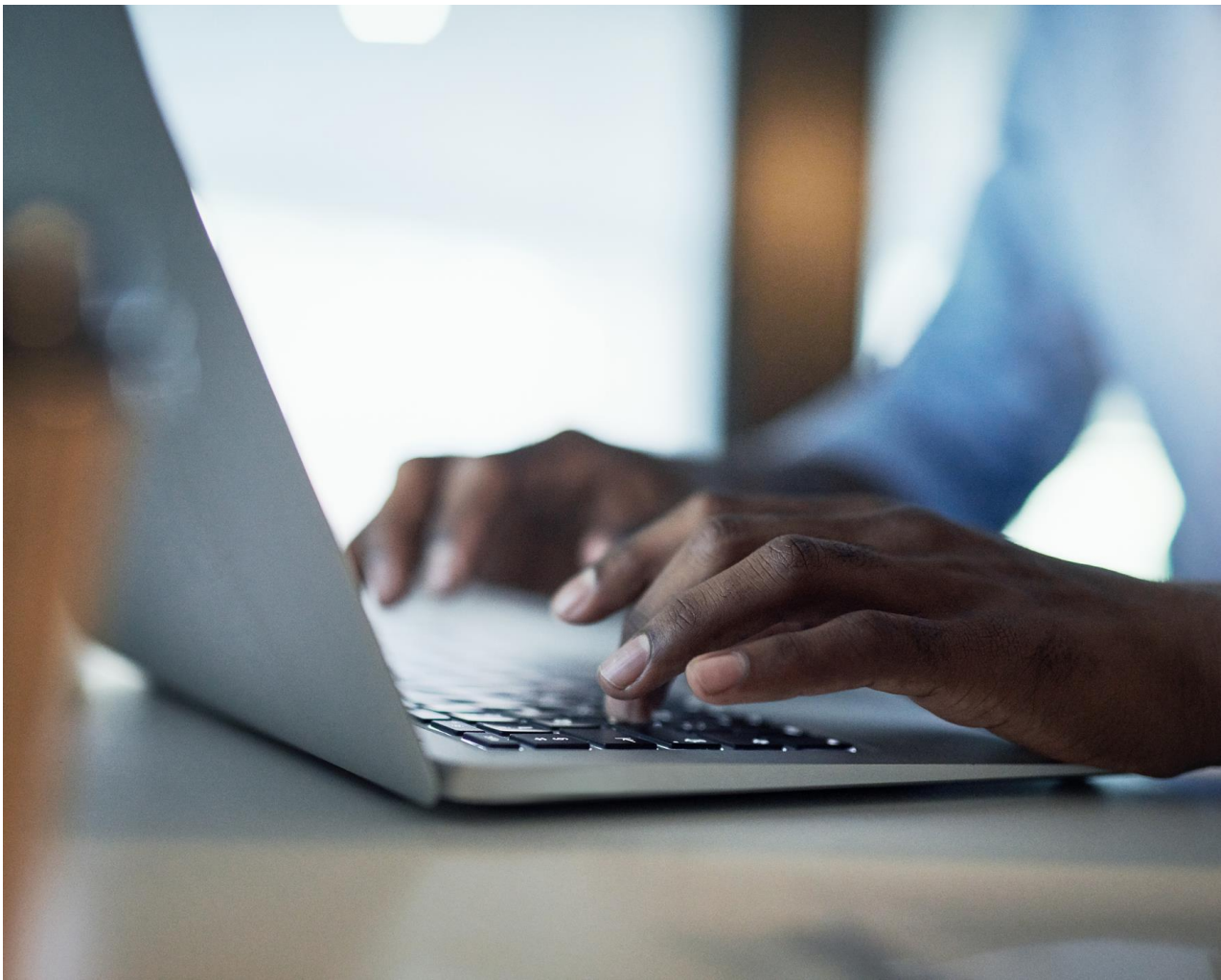
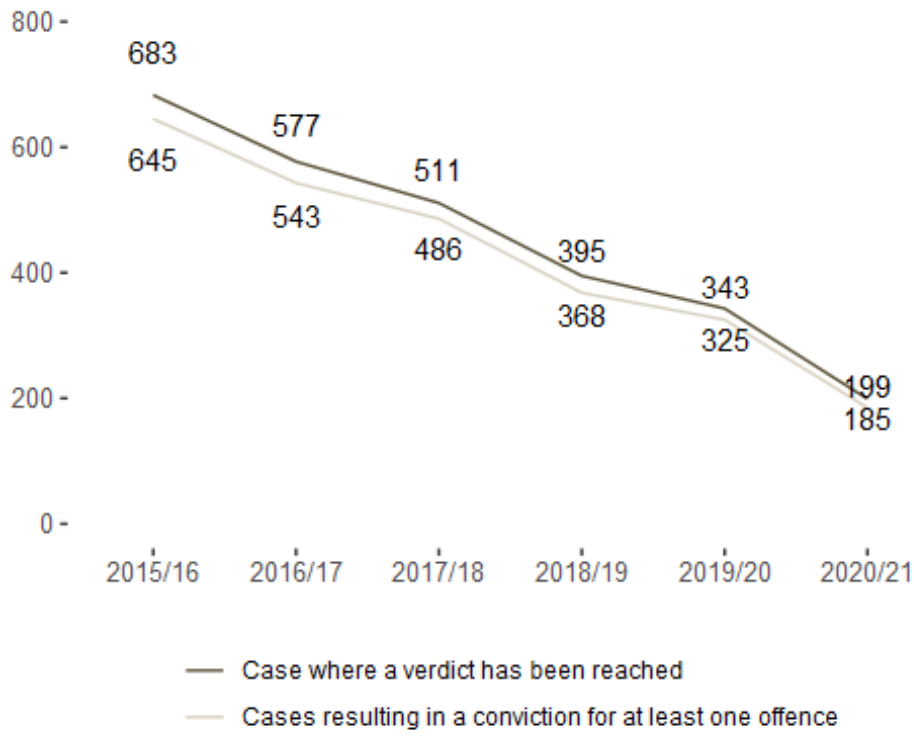


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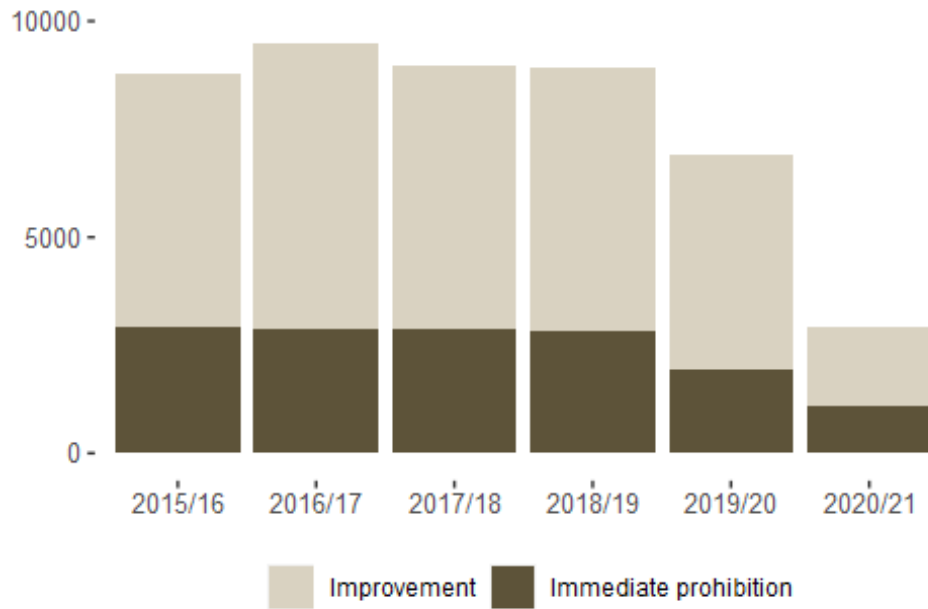
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Summary

Prosecution cases brought by HSE and, in Scotland, COPFS



Enforcement notices issued by HSE



Background

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.

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.

Important Note: The coronavirus (COVID-19) pandemic and the government's response has impacted recent trends in health and safety statistics published by HSE. The coronavirus pandemic has also affected certain data collections. The data collection exercise for notices issued by local authorities has been delayed. All notice data in this publication relates to HSE

More details can be found in our technical report on the impact of the coronavirus pandemic on health and safety statistics.

www.hse.gov.uk/statistics/coronavirus/covid-19.pdf

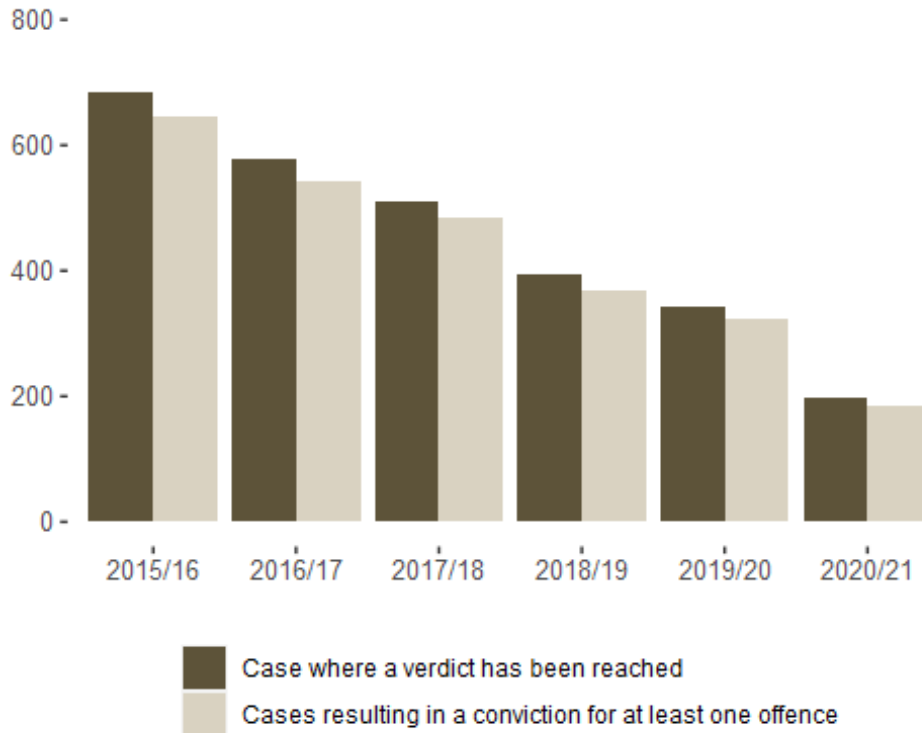
Prosecutions taken by HSE

Offences prosecuted count 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:

- 199 cases were prosecuted by HSE and, in Scotland, the Crown Office and Procurator Fiscal Service (COPFS) and had a verdict reached in 2020/21p, a decrease of 42% from the previous year.
- 185 of the 199 cases had a conviction secured (for at least one offence) where a verdict was reached in 2020/21p, a conviction rate of 93%.
- £26.9 million in fines were issued to duty holders found guilty of health and safety offences in 2020/21p, compared to £34.9 million in 2019/20r. The average fine per case was £145,000. In 2019/20r, this was £107,000, representing an increase of 35%.

There have been no changes to HSE prosecution policy or decision making that accounts for the changes seen between the latest year and 2019/20r.

Figure 1: Prosecution cases brought by HSE and, in Scotland, COFPS where a verdict has been reached in that year (2015/16-2020/21p)



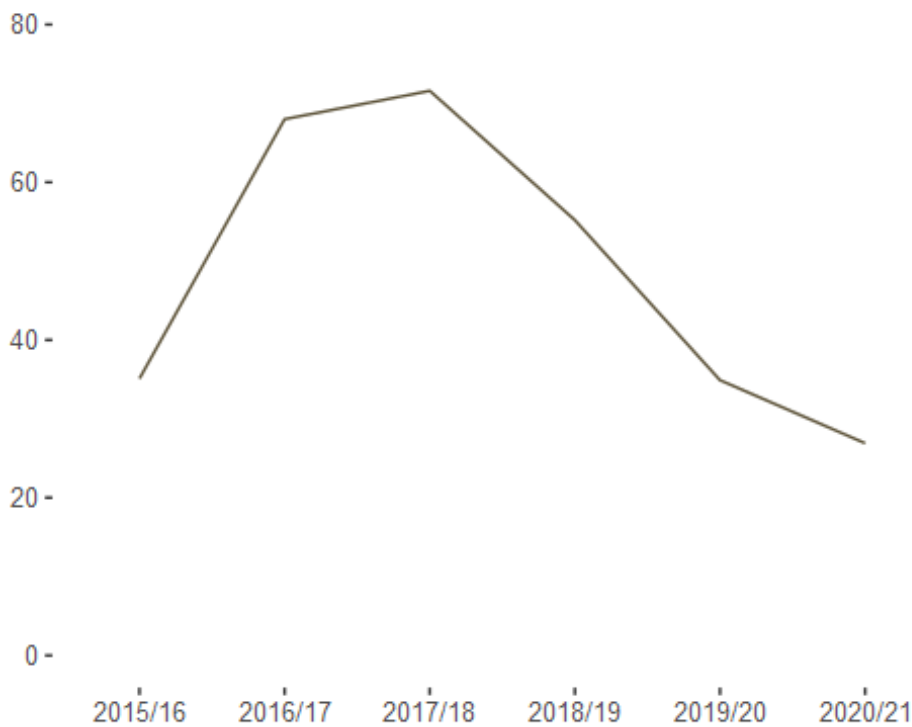
Source: HSE Operational data

This year has seen a fall in the number of cases where a verdict has been reached, continuing the fall seen in 2019/20. The proportion of cases resulting in a conviction (for at least one offence) has been between 93% and 95% in the years 2015/16-2020/21.

Sentencing outcomes

The 2020/21p data on prosecutions show a drop of the total amount of fines handed down, dropping to £26.9 million from £34.9 million in the previous year. The average level of fine has risen to £145,000 from £107,000

Figure 2: Total fines for health and safety offences prosecuted by HSE and, in Scotland, the Crown Office and Procurator Fiscal Service (COPFS), 2015/16-2020/21 (£, million)



Source: HSE Operational data

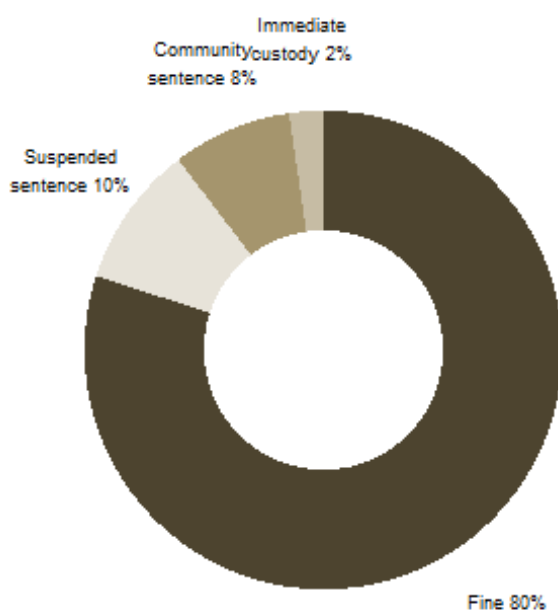
A feature of the sentencing guidelines for health and safety offences is that the fine is related to the turnover of organisations and, as a result, large organisations convicted of offences are receiving larger fines than seen prior to these guidelines coming into force in 2015/16.

In the 2020/21p period a total of 7 cases received fines of £1 million or more. The average level of fine has also shown an increase since the sentencing guidelines came into effect, rising from £54,000 per conviction in 2014/15 to £145,000 per conviction in 2020/21p.

A full description of the sentencing guidelines is available via the Sentencing Council at www.sentencingcouncil.org/wp-content/uploads/Health-and-Safety-Corporate-Manslaughter-Food-Safety-and-Hygiene-definitive-guideline-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 of conviction secured by HSE or COPFS in 2020/21



Source: HSE Operational data

Note that more than one conviction type can be secured for a single offence, and all conviction types secured are included in the statistics. For example, if a suspended sentence and a fine are handed down for an offence, both are counted in the statistics.

The penalty imposed for a conviction may vary depending on the regulation involved. Typically, Gas Safety (Installation and Use) 1998 breaches result in more custodial sentencing than the overall picture and in 2020/21p, 57% of the convictions secured against this regulation resulted in an immediate or suspended custodial sentence.

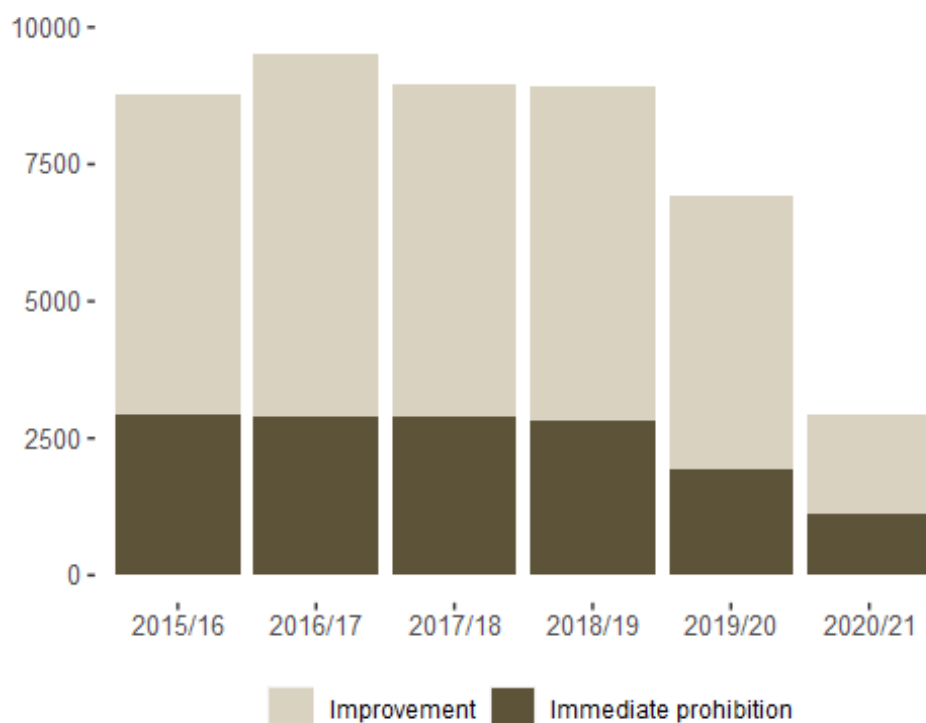
Enforcement notices issued by HSE

Important note on availability of Local Authority data: Due to the COVID-19 pandemic, the data collection exercise for notices issued by local authorities has been delayed. All notice data in this publication relates to HSE only.

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 duty holders 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 that in 2020/21p, 2,929 notices were issued by HSE, a decrease of 58% from the previous year.

Figure 4: Total enforcement notices issued by HSE (2015/16-2020/21p)



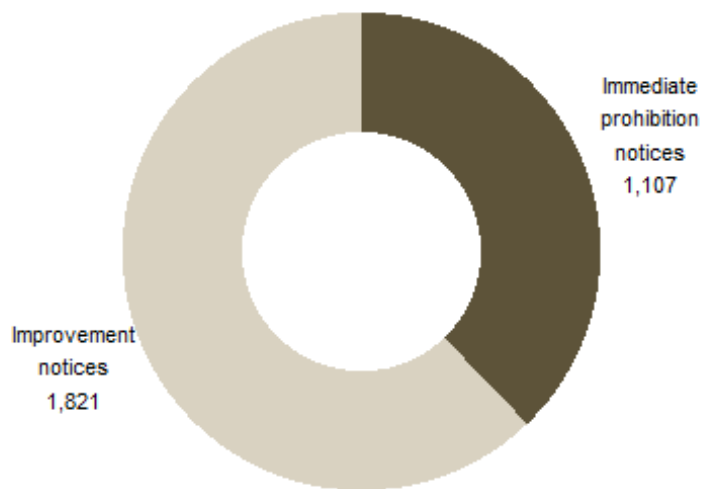
Source: HSE Operational data

Note that deferred prohibitions are not included in the chart above (figure 4) as they account for a very small number of notices issued. In 2020/21p, HSE issued only 1 deferred prohibition notices.

The number of notices issued has generally fallen over the period 2015/16-2020/21p.

Notice type

Figure 5: Enforcement notices issued by HSE by notice type 2020/21p



Source: HSE Operational data

Annex 1: Links to detailed tables

The data referenced in this report alongside additional breakdowns, including offence level, industry and regional statistics, for both prosecutions and notices are available via the HSE statistics index of tables at:

www.hse.gov.uk/statistics/tables/#Enforcement

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 assessment and compliance checks by the Office for Statistics Regulation (OSR). The last compliance check of these statistics was in 2013.

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. Details of OSR reviews undertaken on these statistics, quality improvements, and other information noting revisions, interpretation, user consultation and use of these statistics is available from www.hse.gov.uk/statistics/about.htm

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

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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/.

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