

Enforcement statistics in Great Britain, 2019

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

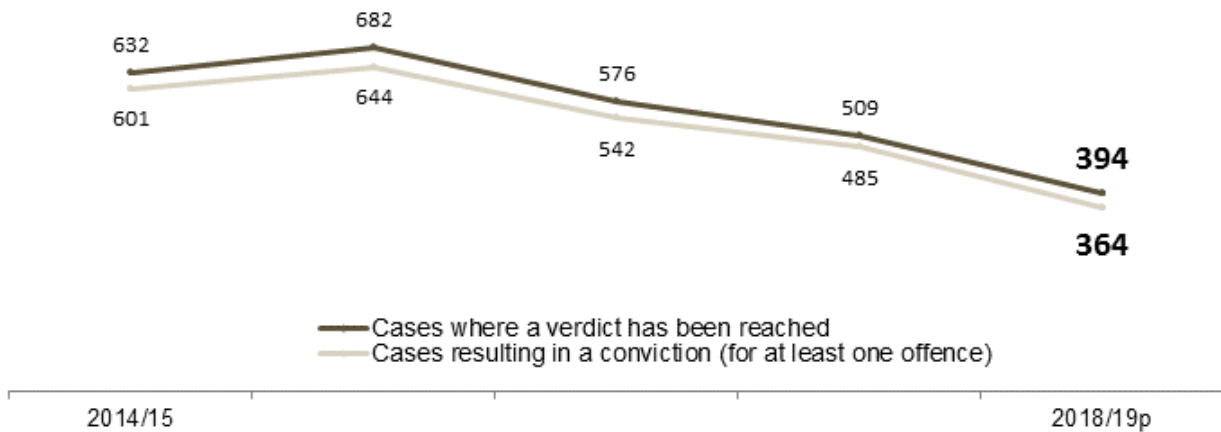
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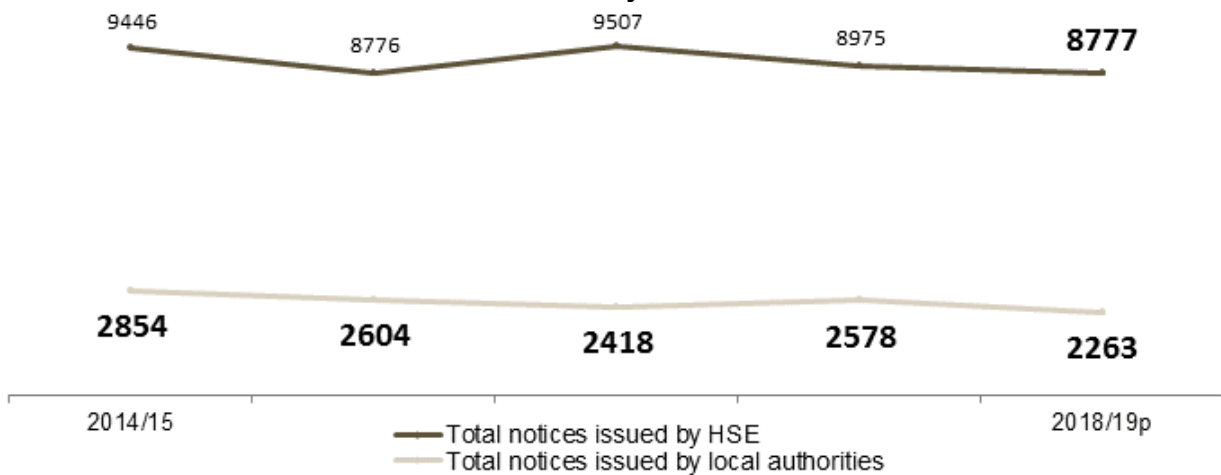


Summary

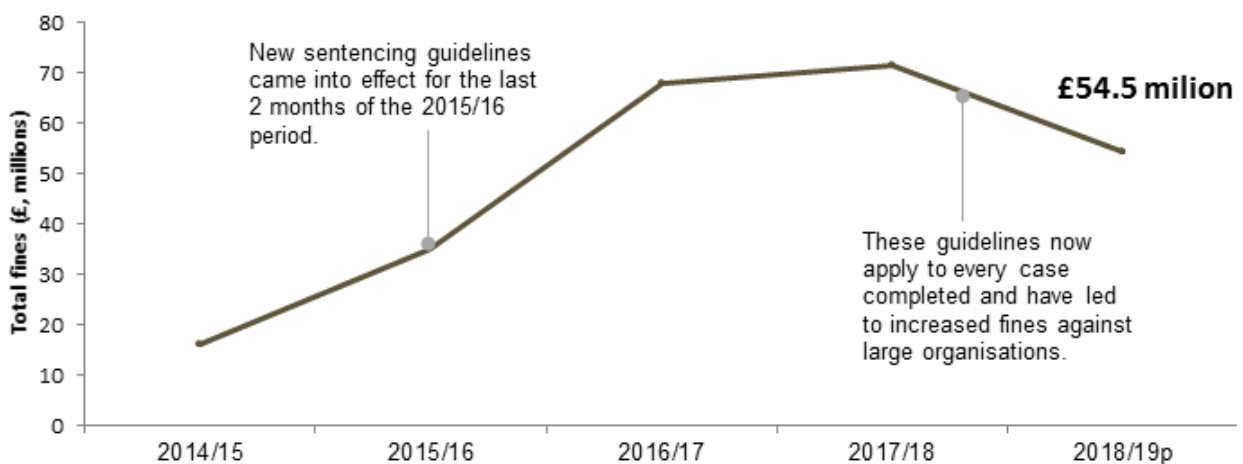
Prosecution cases brought by HSE and, in Scotland, COPFS



Enforcement notices issued by local authorities and HSE



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



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.

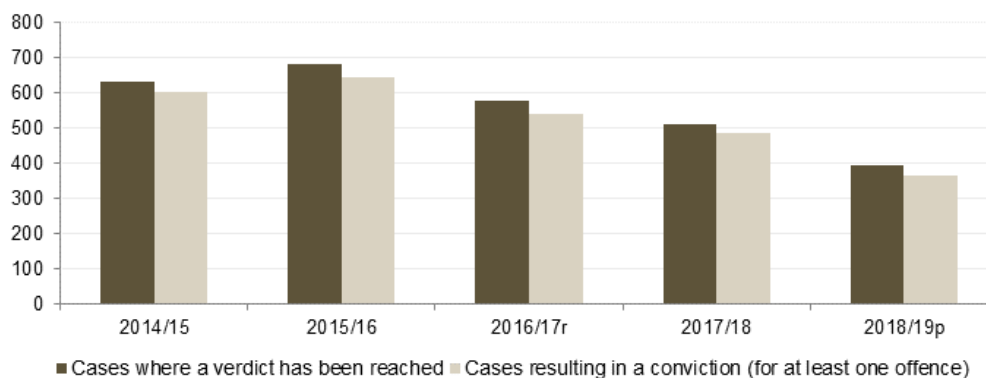
There has been a revision to the back series for prosecutions to remove cases not prosecuted by HSE or COPFS. Full details are available at <http://www.hse.gov.uk/statistics/about/revisions/revision-log>

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:

- 394 cases were prosecuted by HSE and, in Scotland, the Crown Office and Procurator Fiscal Service (COPFS) and had a verdict reached in 2018/19p, a decrease of 23% from the previous year.
- 364 of the 394 cases had a conviction secured (for at least one offence) where a verdict was reached in 2018/19p; a conviction rate of 92%.
- £54.5 million in fines were issued to duty holders found guilty of health and safety offences in 2018/19p, compared to £71.6 million in 2017/18r. The average fine per case was £150,000 which is similar to the £148,000 average fine in 2017/18r. This suggests that the drop in the total fines is because of the decrease in cases completed.
- There have been no changes to HSE prosecution policy for decision making that accounts for the drop in prosecutions taken between the latest year and 2017/18r. As detailed in the HSE Annual Report and Accounts 2018/19 (<http://www.hse.gov.uk/aboutus/reports/ara-2018-19.pdf>), HSE is undertaking further work to better understand factors in this decrease including:
 - ◆ The increased time being spent on dealing with challenges raised with defence solicitors on the Sentencing Guidelines;
 - ◆ A greater number of Newton hearings (where a 'guilty' plea has been entered but where certain factual matters remain unresolved and both parties' views must be heard before a judge)
 - ◆ A larger than normal number of inspectors in training.

Figure 1: Prosecution cases brought by HSE and, in Scotland, COPFS where a verdict has been reached in that year (2014/15 – 2018/19p)



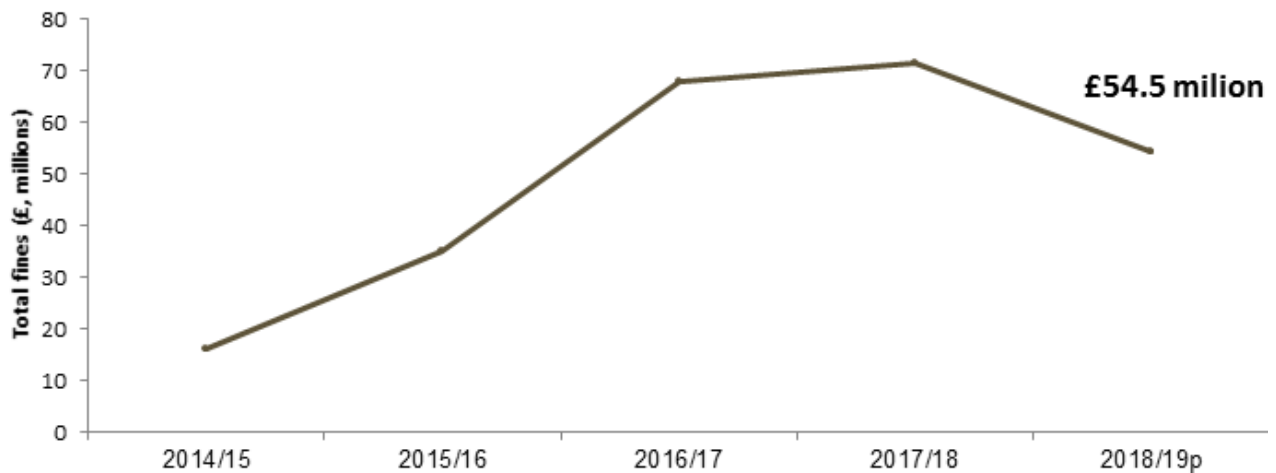
Source: HSE Operational data

This year has seen a fall in the number of cases where a verdict has been reached continuing the fall seen in 2017/18r. The 394 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 92-95% for the last 5 years.

Sentencing Outcomes

The 2018/19p data on prosecutions show a drop of the total amount of fines handed down, dropping to £54.5 million from £71.6 million in the previous year. The average level of fine has not changed so this drop can be explained by the fall in the number of cases completed in the latest year.

Figure 2: Total Fines for Health and Safety Offences prosecuted by HSE and, in Scotland, the Crown Office and Procurator Fiscal Service (COPFS), 2014/15-2018/19p (£,million)



Source: HSE Operational data

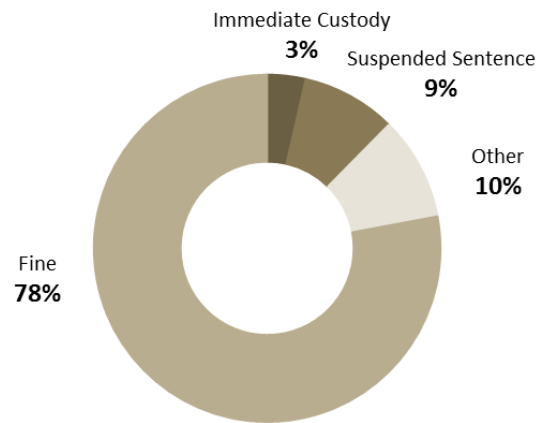
A feature of the sentencing guidelines for health and safety offences is that the fine is related to the turnover of organisations and, as a result, large organisations convicted of offences are receiving larger fines than seen prior to these guidelines coming into force in 2015/16.

In the 2018/19p period the single largest fine was £3 million and a total of 36 cases received fines of £500,000 or more. This contrasts with the 2014/15 period, which was the last full year without these guidelines, where the single largest fine was £525,000 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 £27,000 per conviction in 2014/15 to £150,000 per conviction in 2018/19p.

A full description of the sentencing guidelines is available via the Sentencing Council at www.sentencingcouncil.org.uk/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 for convictions secured by HSE or COPFS in 2018/19p



Source: HSE Operational data

Fines remain the most common penalty following a conviction while the use of custodial sentences (either immediate or suspended) has remained at a similar level to the previous year.

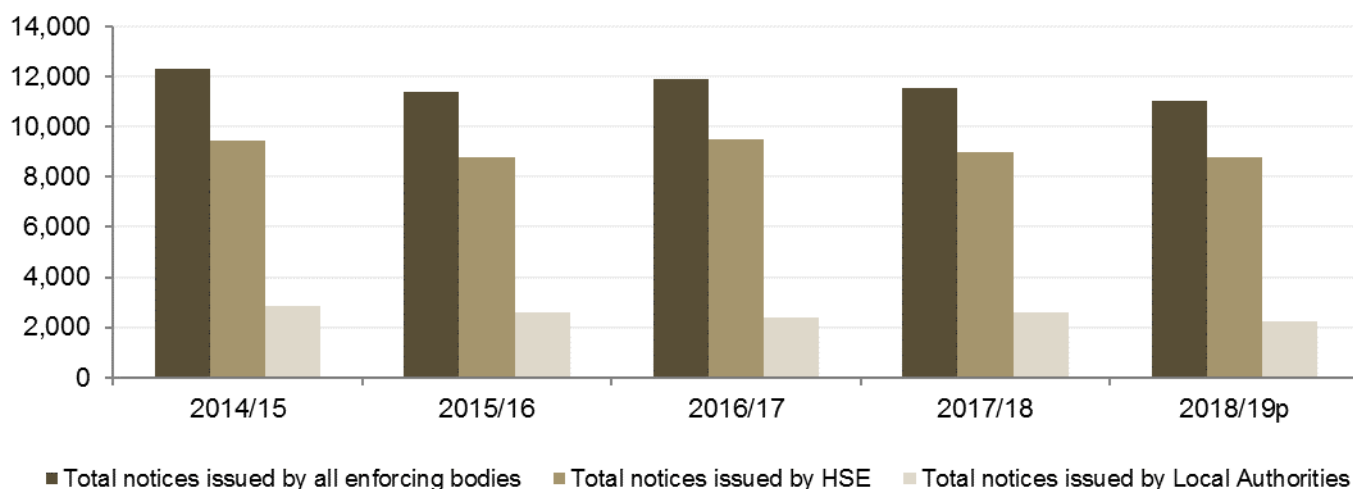
The penalty imposed for a conviction may vary depending on the regulation involved. Gas Safety (Installation and Use) 1998 differs from the overall picture shown above, with over 80% of the convictions secured against this regulation resulting in an immediate or suspended custodial sentence.

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 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:

- In 2018/19p, 11,040 notices were issued by HSE and local authorities, a 4% decrease compared 2017/18r.
- 8,777 notices were issued by HSE in 2018/19p which is a decrease of 2% compared to 2017/18r.
- Local authorities issued 2,263 notices in 2018/19p which is a 12% decrease compared to the 2,578 issued in 2017/18r

Figure 4: Total enforcement notices issued by all enforcing bodies and total notices issued by HSE (2014/15-2018/19p)



Source: HSE Operational data

The number of notices issued has generally fallen over the last five years. The number of notices issued by HSE has returned to the level seen in 2015/16 after a five-year high figure in 2016/17. Local authority notices have continued the downward trend seen since 2014/15.

Notice Type

HSE and local authorities can issue both improvement notices and prohibition notices. Note that Figure 5 does not include two deferred prohibition notices issued in 2018/19p (these account for less than 1% of all notices issued).

Figure 5: Enforcement notices issued by all enforcing bodies by notice type 2018/19p



Source: HSE Operational data

Additional information

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: <http://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.

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/.

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