

Enforcement in Great Britain 2016

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

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Summary

The information in this document relates to Health and safety statistics for 2015/16p. The document can be found at: www.hse.gov.uk/statistics/enforcement

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.

Latest figures for 2015/16 show:

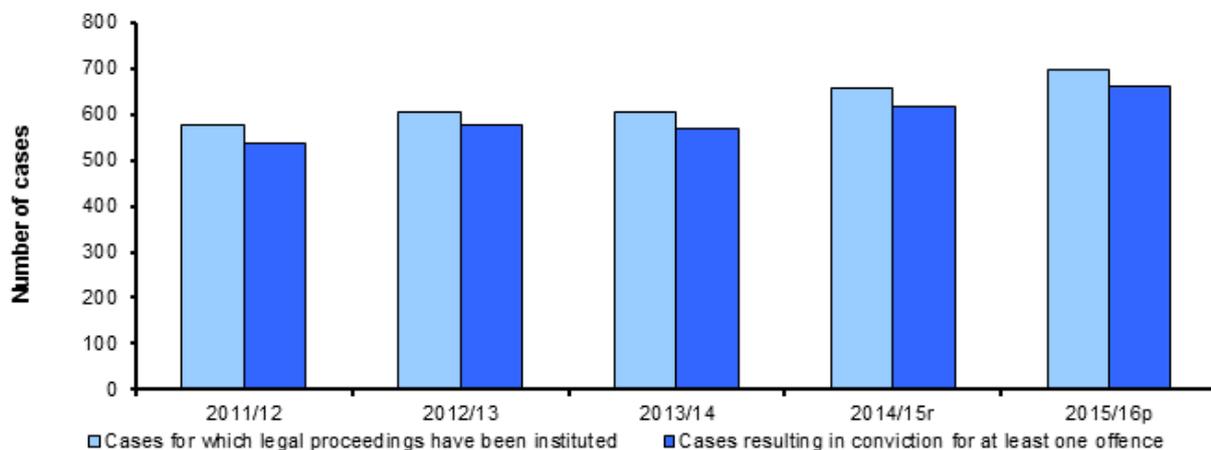
- HSE and COPFS prosecuted 696 cases with at least one conviction secured in 660 of these cases, a conviction rate of 95%.
- Across all enforcing bodies there were 11,403 notices issued.
- HSE and COPFS prosecutions led to fines totalling to £38.3 million compared to the £18.1 million in fines from 2014/15. The bulk of this increase is due to 14 fines that were higher than the maximum fine imposed in 2014/15.

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 2015/16p, HSE* and, in Scotland, the Crown Office and Procurator Fiscal Service (COPFS) prosecuted 696 cases, an increase of 6% from the previous year.
- A conviction was secured for at least one offence in 660 of the 696 cases prosecuted; a conviction rate of 95%.
- Duty holders found guilty of health and safety offences received fines totalling £38.3 million, an average penalty of around £58,000 per case resulting in conviction.

Figure 1: Prosecutions instituted by HSE and, in Scotland, COPFS at a case level (2011/12 – 2015/16p)



* 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.

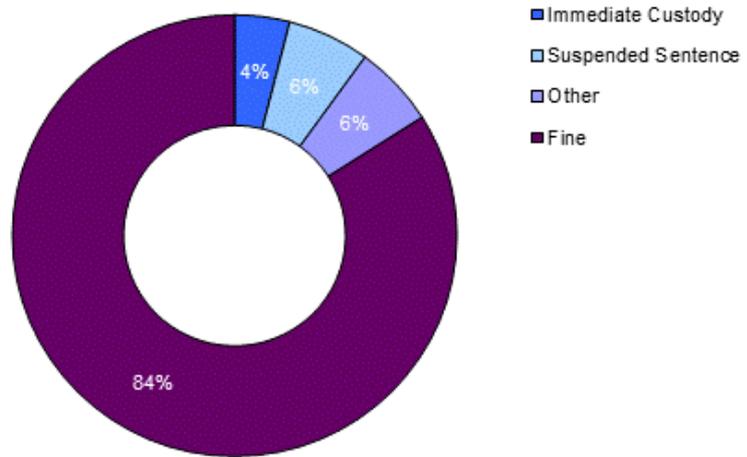
The number of cases prosecuted by HSE and COPFS has generally increased over the last five years. The proportion of cases resulting in a conviction for at least one offence has remained stable at around 95% each year.

Sentencing Outcomes

The 2015/16 data on prosecutions show a large annual increase in the total amount of fines handed down, rising from £18.1 million in 2014/15 to £38.3 million in 2015/16. Several high-profile and long-running investigations were concluded during 2015/16 with significant fines imposed by the courts; there have been six prosecutions resulting in fines of over £1 million

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 2.

Figure 2: Sentencing outcome by type for convictions secured by HSE or COPFS in 2015/16p



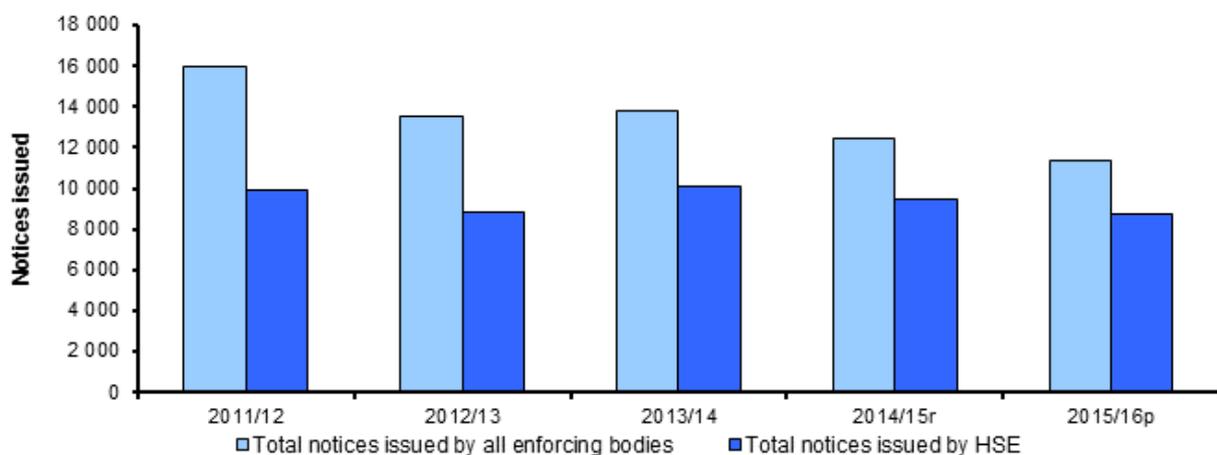
Immediate custodial sentences and suspended sentences are most common when the breach is against the Gas Safety (Installation and Use) 1998 Regulations, accounting for 45% of all penalties of this type.

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 2015/16p, 11,403 notices were issued by HSE and local authorities, an 8% decrease compared to the previous year.
- 8,771 notices were issued by HSE which is a decrease of 7% compared to 2014/15r.
- Local authorities issued 2,632 notices which is a fall of 12% compared to the 2,984 issued in the previous year.

Figure 4: Total enforcement notices issued by all enforcing bodies and total notices issued by HSE (2011/12-2015/16p)

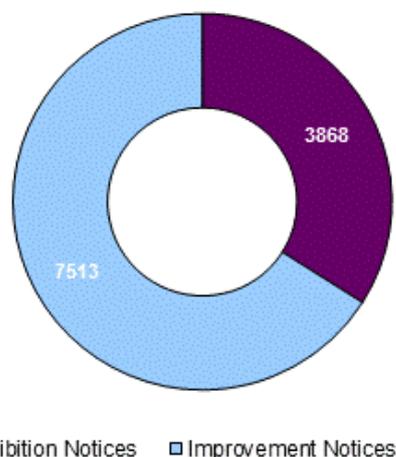


The number of notices issued has generally fallen over the last five years. This downward trend is apparent within the number of notices issued by local authorities which have fallen each year for the past five years. The trend in notices issued by HSE is less clear as figures have fluctuated over the last five years.

Notice Type

Both HSE and local authorities are able to issue both improvement notices and prohibition notices. For both HSE and local authorities around two thirds of notices issued are improvement notices.

Figure 5: Enforcement notices issued by all enforcing bodies by notice type 2015/16p



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).

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: www.hse.gov.uk/statistics/tables/

Please note that statistics relating to prosecutions instituted by local authorities are no longer published due to data quality concerns.

National Statistics

National Statistics status means that official statistics meet the highest standards of trustworthiness, quality and public value.

All official statistics should comply with the Code of Practice for Official Statistics. They are awarded National Statistics status following an assessment by the Authority's regulatory arm. The Authority 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 Authority 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.

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

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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