

UK safety fines rose 80% in first year of new sentencing guidelines

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Fines handed to duty holders found guilty of safety and health offences increased by 80% in the 12 months to the end of March 2017 despite a fall in the number of cases prosecuted, the Health and Safety Executive's (HSE) injury and ill health statistics show.



In 2016-17 – the first full year that the new sentencing guidelines for safety and health offences were in place – fines reached £69.9m compared with £38.8m for the same period a year earlier.

This is the second consecutive year in which financial penalties have soared. There was a 115.5% rise between 2014-15 (when £18m worth of fines were collected) and 2015-16.

Though total penalties increased, the number of prosecutions brought by the HSE and Crown Office and Procurator Fiscal Service (COPFS) in Scotland fell following an upward trend for several years. (In Scotland, the HSE and local authorities send a report to the COPFS which makes the final decision whether to institute legal proceedings and which offences are taken.)

There were 554 cases that resulted in a conviction for at least one offence in 2016-17. This was the lowest number recorded over the past five years; there were 672 such cases in 2015-16 and 619 in 2014-15.

Of these cases, 206 were in construction – the highest number for any industry in 2016-17 – leading to penalties totalling £15.9m. This figure marks an increase of more than 100% on the 2015-16 figure of £7.9m when 246 cases were convicted.

In the manufacturing industry, fines doubled between 2015-16 and 2016-17, from £12.5m to £25.1m. The number of convicted cases however fell 32% from 210 to 159 during this time.

Agriculture was the only industry where total fines were lower in 2016-17 compared with 2014-15. They fell 13% from £823,900 to £712,700.

2016-17 is the first full year that the Sentencing Council's Definitive Guidelines for Health and Safety Offences, Corporate Manslaughter and Food Safety and Hygiene Offences have been in effect in England and Wales.

Under the new guidelines, the level of fine corresponds to the offending organisation's turnover. If convicted of a safety and health offence, large organisations that turn over more than £50m and fall into the "very high" culpability category could be fined up to £10m.

The guidelines were introduced on 1 February 2016 and therefore applied to the last two months of the 2015-16 period. During this time 14 fines of £500,000 or more were issued.

In 2016-17, 38 cases received fines over £500,000; the single largest was £5m (for Merlin Entertainments). The 20 largest fines accounted for £30.7m of the £69.9m total. In 2014-15 period – the last full year before the guidelines – when five cases were at or above £500,000 and the single largest fine was £750,000.

The HSE and local authorities issued 11,913 enforcement notices in 2016-17, a 5% increase compared with the previous period when 11,380 were served. Notices issued by the HSE were up 8% from 8,776 to 9,495, while local authorities issued 2,418, down 7% compared with the 2,604 served in 2015-16. Notices issued by local authorities fell annually between 2012-13 and 2016-17. The figures for notices issued by the HSE have fluctuated over the past five years.

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