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This bulletin provides statistics on the outcomes and demographics of adult offenders¹ and organisations² sentenced for offences covered by the draft guideline on health and safety, corporate manslaughter, and food safety and hygiene offences. The consultation period for this draft guideline will begin on 13 November 2014 and close on 18 February 2015.

Further information on these offences and the draft guideline can be found in the consultation document which can be accessed via the Current Consultations page on the Sentencing Council website, at the following link: <http://sentencingcouncil.judiciary.gov.uk/get-involved/consultations-current.htm>

The Court Proceedings Database (CPD), maintained by the Ministry of Justice, is the main source of the data for this bulletin. Data on the CPD are categorised by the relevant legislation under which proceedings are brought.

Introduction

There are three draft guidelines:

1. Health and Safety

Health and Safety at Work Act 1974 (HSWA); section 33(1)(a) in relation to breaches of section 2, section 3 and section 7; and section 33(1)(c)

2. Food Safety and Hygiene

Food Safety and Hygiene (England) Regulations 2013, regulation 19(1)

Food Hygiene (Wales) Regulations 2006, regulation 17(1)

The General Food Regulations 2004, regulation 4

3. Corporate Manslaughter

Corporate Manslaughter and Corporate Homicide Act 2007, section 1

The Food Safety and Hygiene (England) Regulations 2013 did not come into force until 31 December 2013. Prior to the 2013 Regulations coming into force, offences under this regulation for England were previously covered by the Food Hygiene (England) Regulations 2006 and the General Food Regulations 2004. Figures for offences under the Food Hygiene (England) Regulations 2006, regulations 17(1) and 17(2), and the General Food Regulations 2004, regulation 4 have therefore been used for analysis in this bulletin.

Unlike the majority of previous sentencing guidelines, the draft health and safety, and food safety and hygiene offence guidelines provide separate guidelines for cases where the offender is an organisation and where the offender is an individual. The draft corporate manslaughter guideline applies only to organisations. To maintain consistency with the structure of the draft guideline, the data presented in this bulletin have been separated into two sections for each offence guideline; organisations (companies and bodies delivering public or charitable services) and individuals.

1 Includes adult offenders (aged 18 or over) at the time of sentencing.

2 Includes companies and public bodies, as well as other entities.

The figures on which all of the tables and charts provided in this bulletin are based are available for download as Excel spreadsheets at the following link:

<http://sentencingcouncil.judiciary.gov.uk/facts/research-and-analysis-publications.htm>

1 Health and Safety

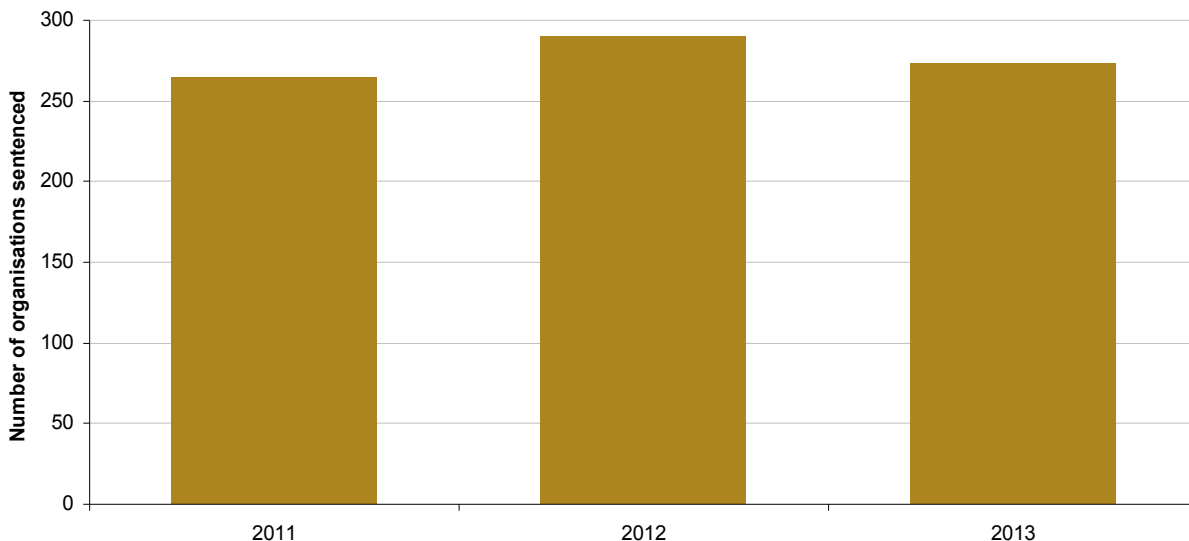
Organisations

This section includes information on sentences received by organisations sentenced for offences covered by the draft health and safety guideline, for which data are available.

In 2013, 270 organisations were sentenced for offences covered by the draft guideline, a slight decrease compared to 2012. Just under half of these cases (46 per cent) were sentenced at the Crown Court.

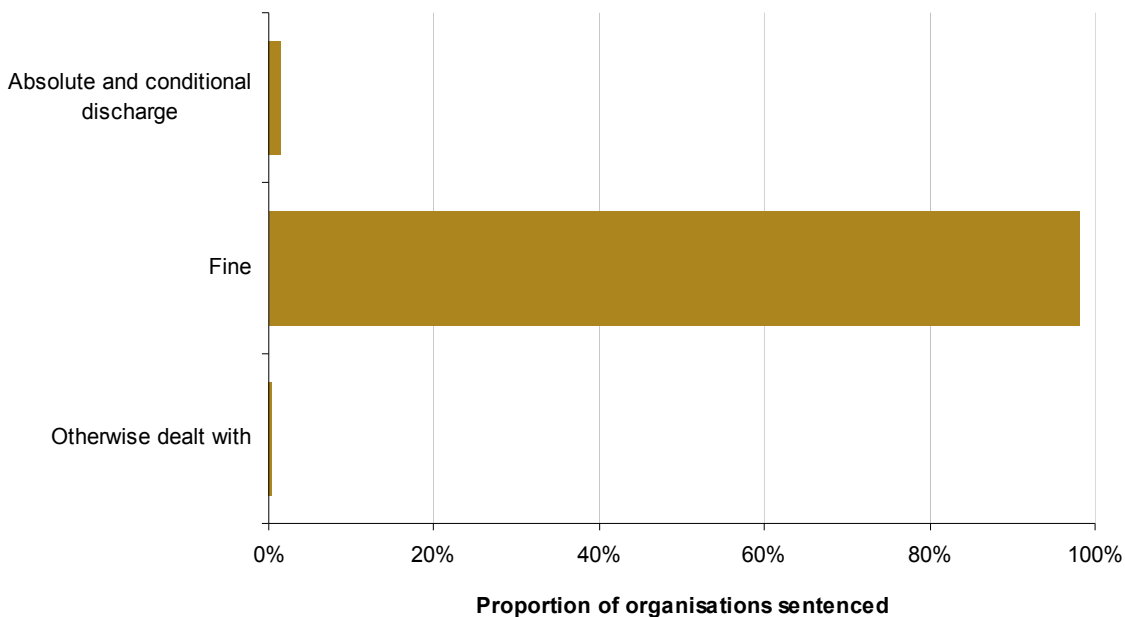
Figure 1.1 shows the number of organisations sentenced for these offences since 2011.

Figure 1.1: Number of organisations sentenced for health and safety offences covered by the guideline, 2011-2013



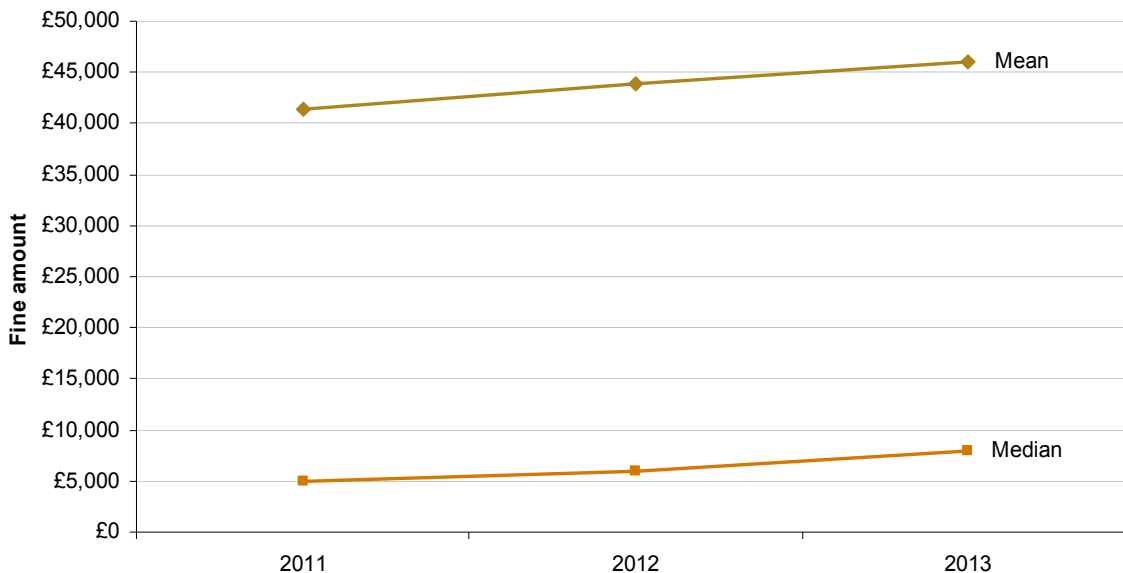
Over the last few years, fines have remained the most frequent sentence outcome for organisations sentenced for health and safety offences, and in 2013 fines comprised 98 per cent of all sentence outcomes. Figure 1.2 shows the different sentence outcomes received by organisations sentenced for health and safety offences in 2013.

Figure 1.2: Sentence outcomes received by organisations sentenced for health and safety offences covered by the guideline, 2013



The average (mean³) fine amount received by organisations has been gradually increasing over the last few years, from £41,400 in 2011 to £46,000 in 2013. During this period the median⁴ fine amount also increased, from £5,000 in 2011 to £8,000 in 2013. Figure 1.3 shows the average fine amounts for organisations sentenced for health and safety offences covered by the guideline.

Figure 1.3: Average fine amounts received by organisations sentenced for health and safety offences covered by the guideline, 2011-2013

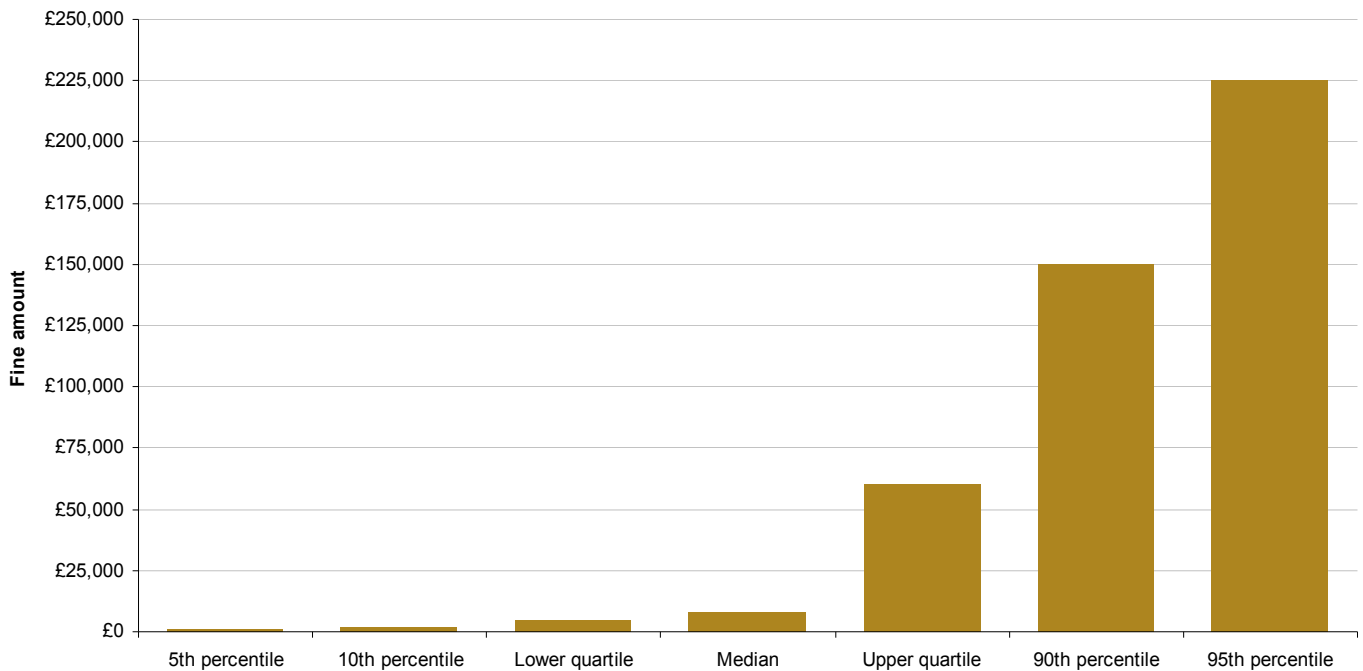


³ The mean fine is calculated by taking the sum of all fine values and then dividing by the number of fines.

⁴ The median fine is the fine value which lies in the middle when the fines are placed in ascending or descending order.

The median is a better figure for the average fine as the mean is influenced by a small number of large fines. This is demonstrated by figure 1.4 which shows the fine amounts received by organisations in 2013, grouped by selected percentiles⁵. Percentiles help to describe the range and distribution of values and therefore how skewed a distribution may be. For example, for the lower quartile (25th percentile), 25 per cent of all values are less than the lower quartile and the remainder are greater than it. In 2013, a quarter of fines were larger than £60,000, which is greater than the mean of £46,000. In addition, a quarter of organisations were awarded fines of £5,000 or less, and 5 per cent received fines of over £225,000.

Figure 1.4: Fine amounts received by organisations sentenced for health and safety offences covered by the guideline, 2013



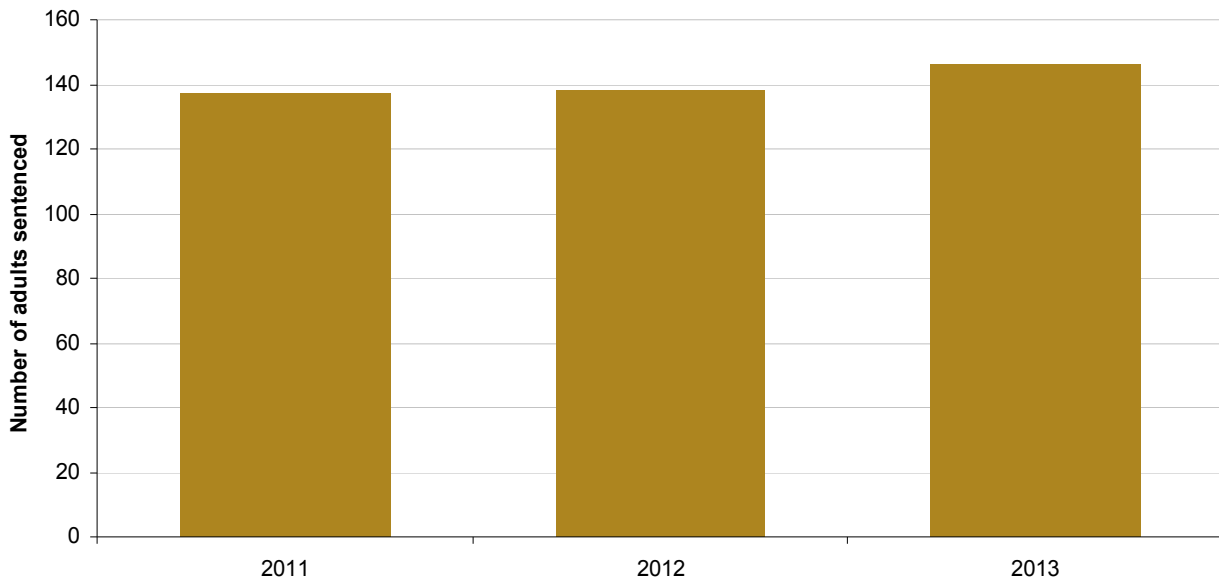
Individuals

This section includes information on sentences received by adult offenders sentenced for offences covered by the draft health and safety guideline, for which data are available.

In 2013, approximately 150 adult offenders were sentenced for health and safety offences, a slight increase compared to the number recorded in 2012. The majority of offenders (79 per cent) were sentenced at the magistrates' court. Figure 1.5 shows the number of adult offenders sentenced for health and safety offences over the last three years.

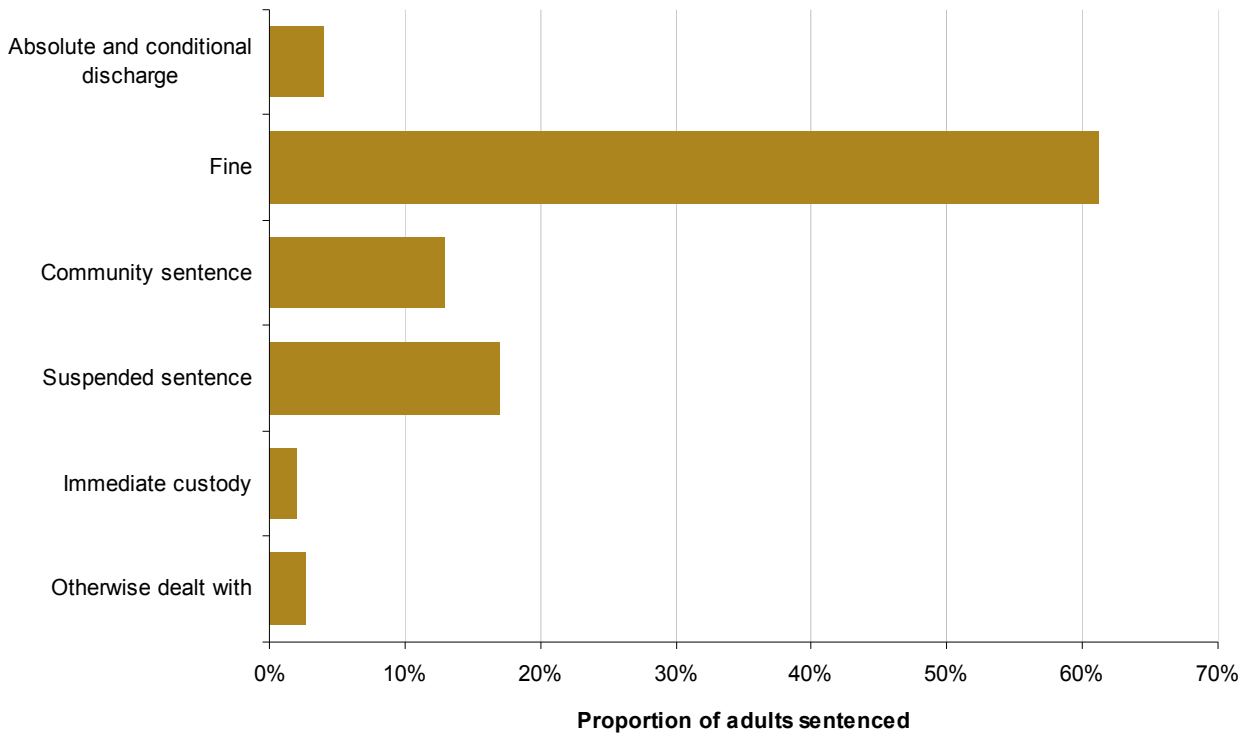
⁵ Percentiles divide the distribution into 100 equal parts. The 5th percentile represents the fine value for which 5 per cent of organisations were fined less than the 5th percentile and 95 per cent were fined more than it. The lower quartile is the 25th percentile, the median is the 50th percentile and the upper quartile is the 75th percentile.

Figure 1.5: Number of adult offenders sentenced for health and safety offences covered by the guideline, 2011-2013



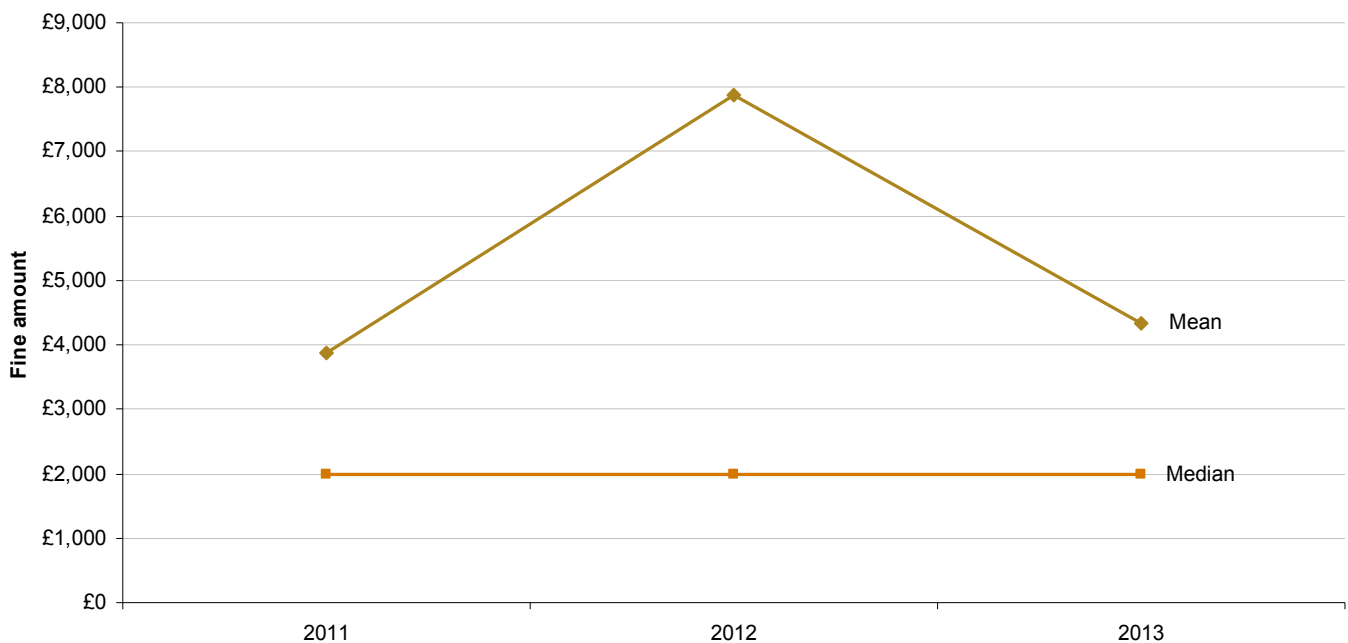
Over the last few years, fines have remained the most frequent sentence outcome for adult offenders sentenced for health and safety offences. Since 2011 the proportion of sentences resulting in a fine has, however, decreased; from 81 per cent in 2011 to 61 per cent in 2013. Conversely the use of community sentences and suspended sentences has increased during the same period, and respectively comprised 13 and 17 per cent of all sentences passed in 2013, compared with 6 and 4 per cent in 2011. Figure 1.6 shows the different sentence outcomes received by adult offenders in 2013, ordered from top to bottom by least severe to most severe in terms of sentence severity, followed by otherwise dealt with.

Figure 1.6: Sentence outcomes received by adult offenders sentenced for health and safety offences covered by the guideline, 2013



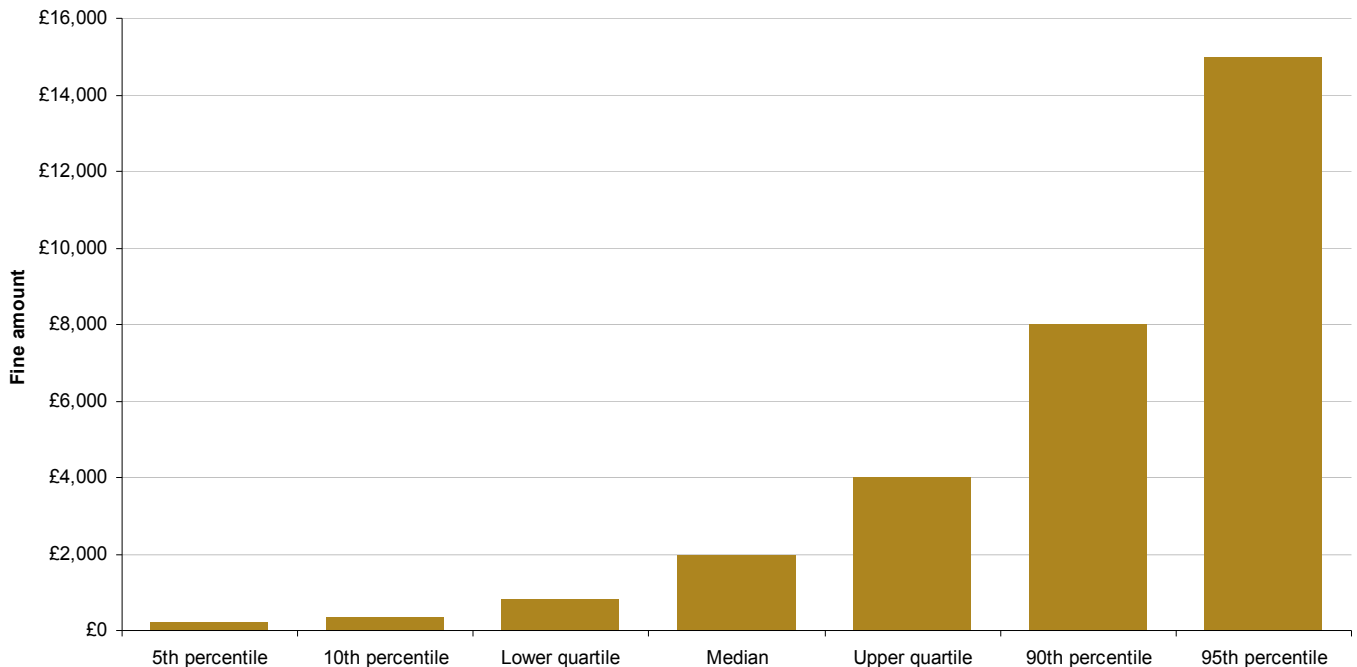
The average (mean) fine amount awarded to adult offenders in 2013 was £4,300, although this figure has fluctuated since 2011. The median fine amount, however, has remained stable at £2,000 since 2011. Figure 1.7 shows the average fine amounts received by adult offenders over the last three years.

Figure 1.7: Average fine amounts received by adult offenders sentenced for health and safety offences covered by the guideline, 2011-2013



Of those offenders who were awarded a fine in 2013, 25 per cent received fines of £800 or less, compared with 5 per cent receiving a fine of over £15,000. Figure 1.8 shows the fine amounts received by adult offenders in 2013, grouped by percentiles.

Figure 1.8: Fine amounts received by adult offenders sentenced for health and safety offences covered by the guideline, 2013



2 Food Safety and Hygiene

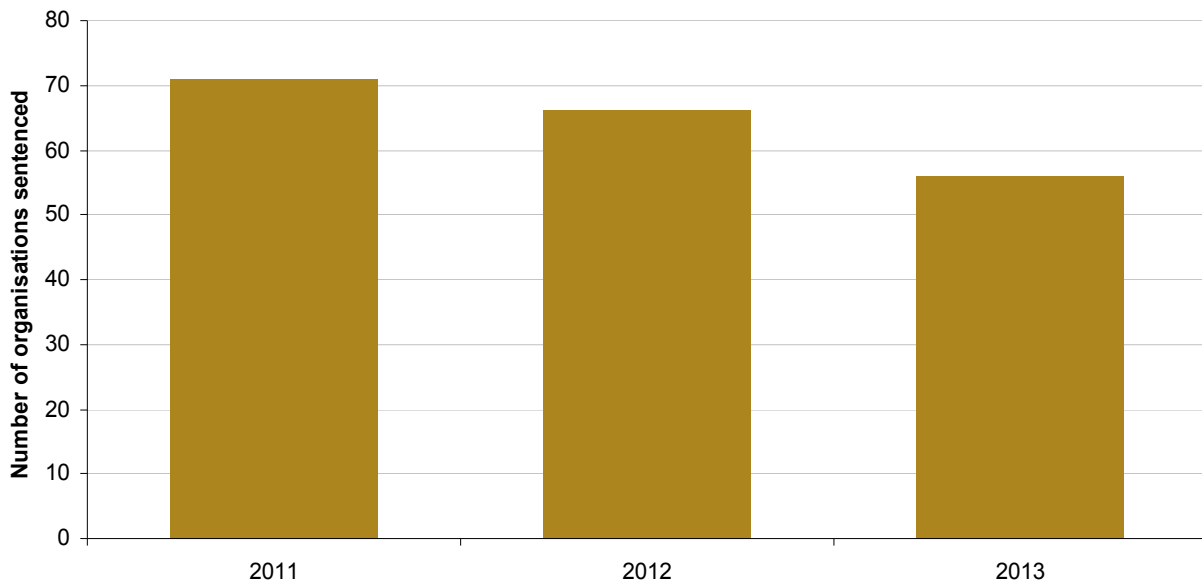
Organisations

This section includes information on sentences received by organisations sentenced for offences covered by the draft food safety and hygiene guideline, for which data are available⁶.

In 2013, approximately 60 organisations were sentenced for offences under the draft guideline, a slight decrease compared to 2012. Figure 2.1 shows the number of organisations sentenced for offences covered by the guideline in the period 2011 to 2013.

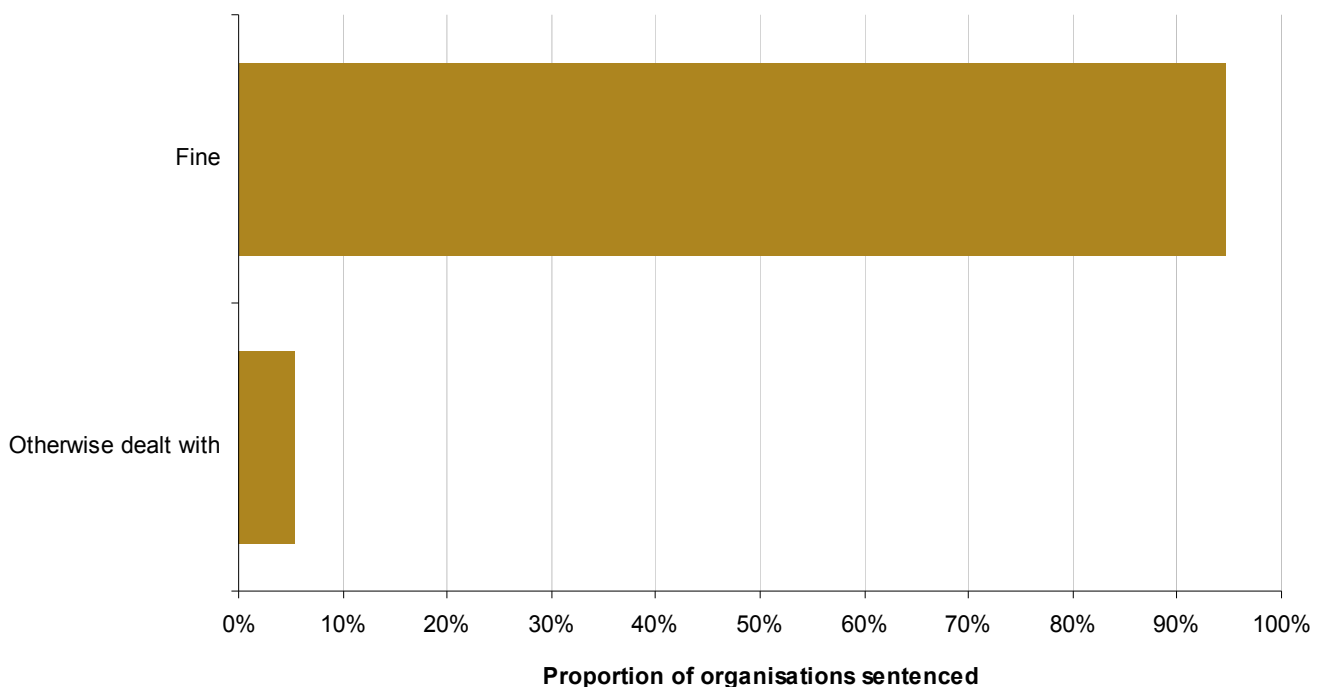
⁶ Information has not been broken down by court type as there were no cases identified at the Crown Court, although it is known that there were actually a small number sentenced there. For more information on data sources and quality refer to 'Further Information' on page 15.

Figure 2.1: Number of organisations sentenced for food safety and hygiene offences covered by the guideline, 2011-2013



The majority of organisations sentenced for food offences (95 percent) received a fine in 2013. Although fines have been the most frequent sentence outcome for the last few years, both the number and proportion of organisations who received a fine have been gradually decreasing since 2011. Figure 2.2 shows sentence outcomes received by organisations in 2013.

Figure 2.2: Sentence outcomes received by organisations sentenced for food safety and hygiene offences covered by the guideline, 2013



In 2013 the average (mean) fine amount received by organisations sentenced for food offences was approximately £1,800, and has remained fairly stable over the last few years. However, the median fine

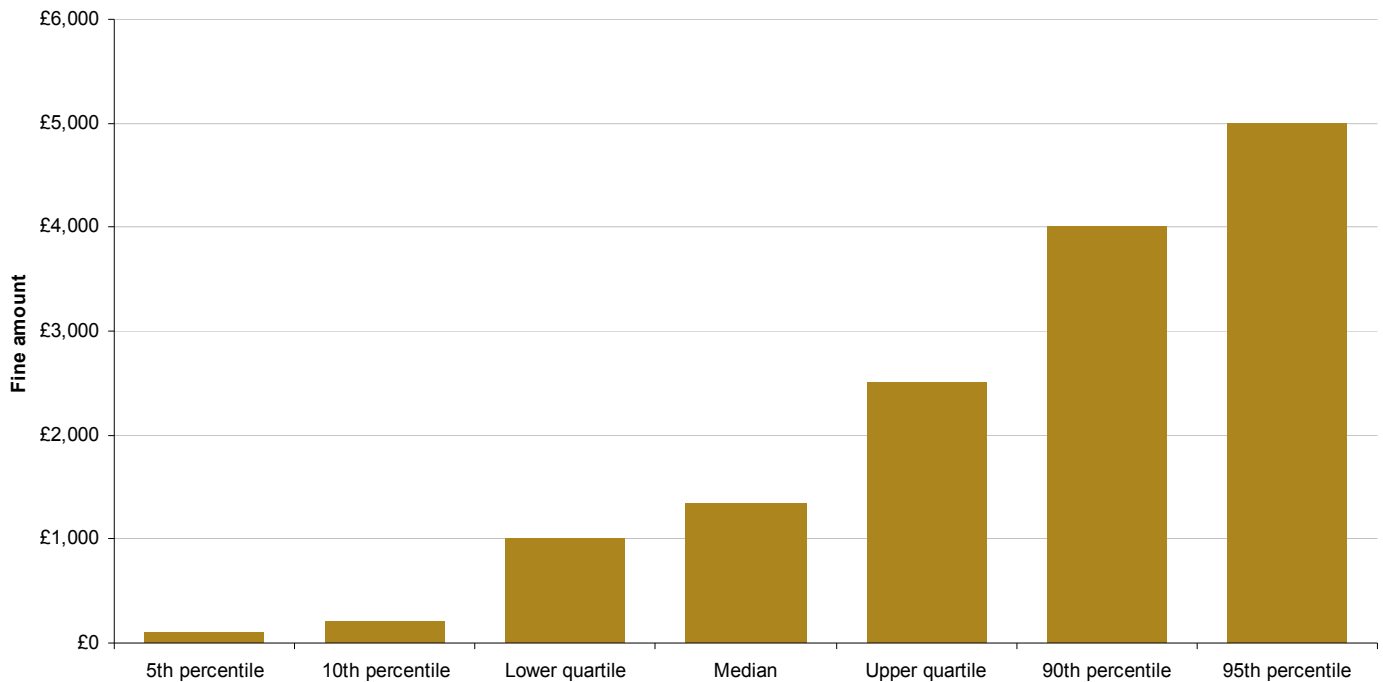
amount has been decreasing since 2011, at which point it was very similar to the mean at £1,900, compared with a value of £1,300 in 2013. Figure 2.3 shows average fine amounts over the last three years.

Figure 2.3: Average fine amounts received by organisations sentenced for food safety and hygiene offences covered by the guideline, 2011-2013



In 2013 a quarter of organisations sentenced for food offences received fines of £1,000 or less, compared to 5 per cent receiving a fine of over £5,000. Figure 2.4 shows fine amounts received by organisations in 2013, grouped by percentiles.

Figure 2.4: Fine amounts received by organisations sentenced for food safety and hygiene offences covered by the guideline, 2013

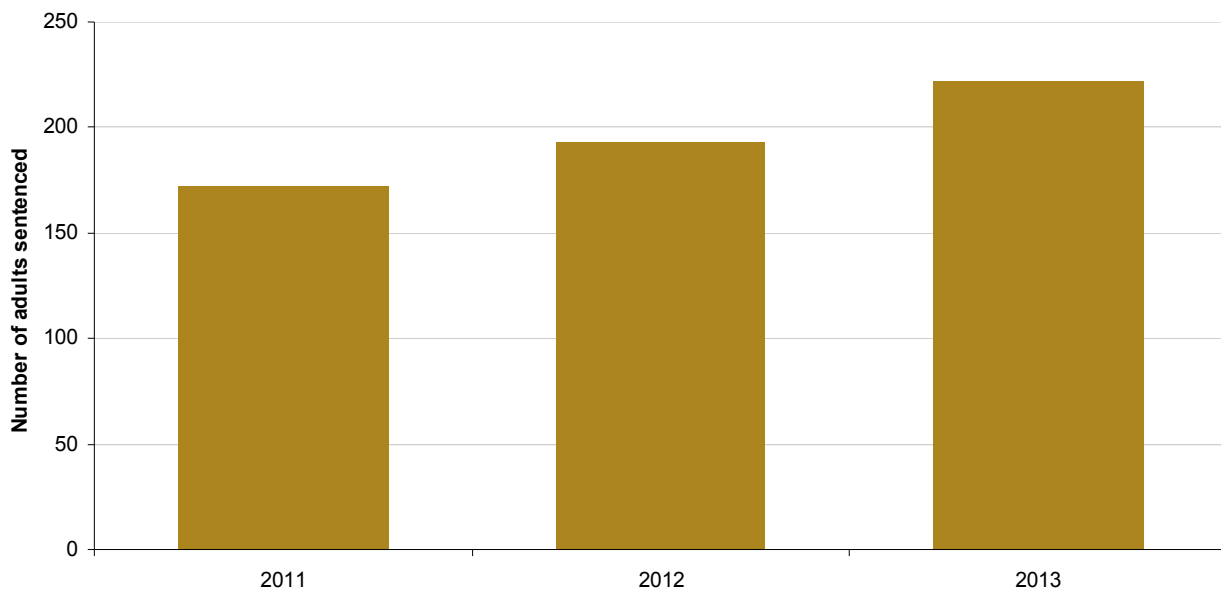


Individuals

This section includes information on sentences received by adult offenders sentenced for offences covered by the draft food safety and hygiene guideline, for which data are available.

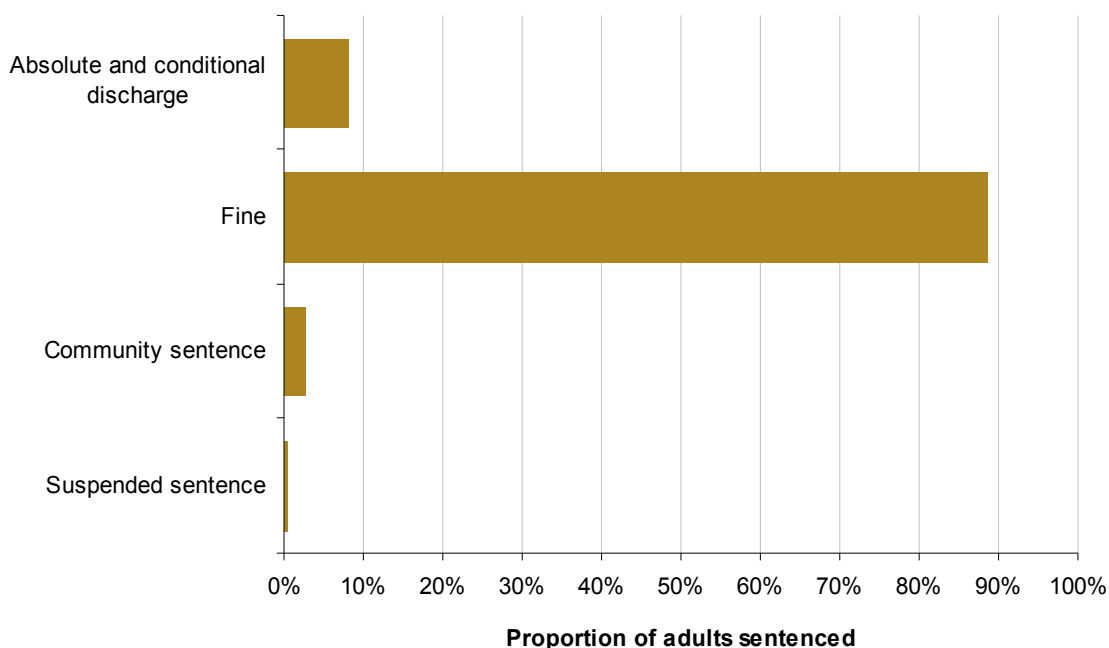
In 2013, approximately 220 adult offenders were sentenced for food safety and hygiene offences covered by the guideline. This figure has been increasing slightly over the last few years; figure 2.5 shows the number of offenders sentenced since 2011.

Figure 2.5: Number of adult offenders sentenced for food safety and hygiene offences covered by the guideline, 2011-2013



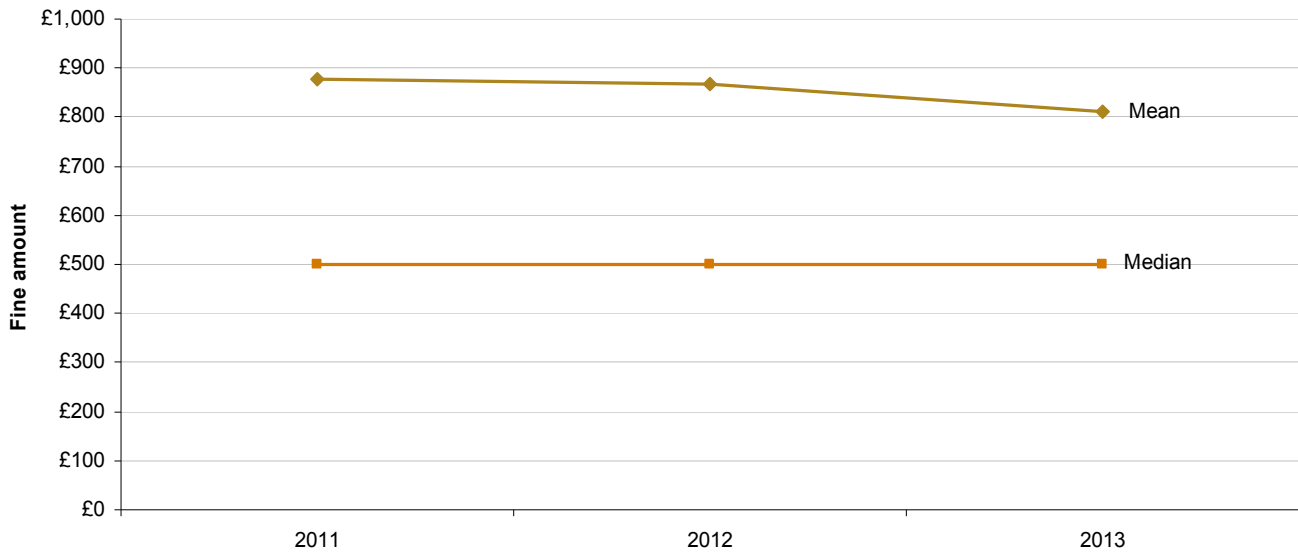
As with organisations, the most frequent sentence outcome for adult offenders over the last few years was a fine, which comprised 89 per cent of all sentence outcomes in 2013. The proportion of offenders who received an absolute or conditional discharge was 8 per cent in 2013, a higher proportion than in 2012. Figure 2.6 shows the various sentence outcomes received by adult offenders in 2013.

Figure 2.6: Sentence outcomes received by adult offenders sentenced for food safety and hygiene offences covered by the guideline, 2013



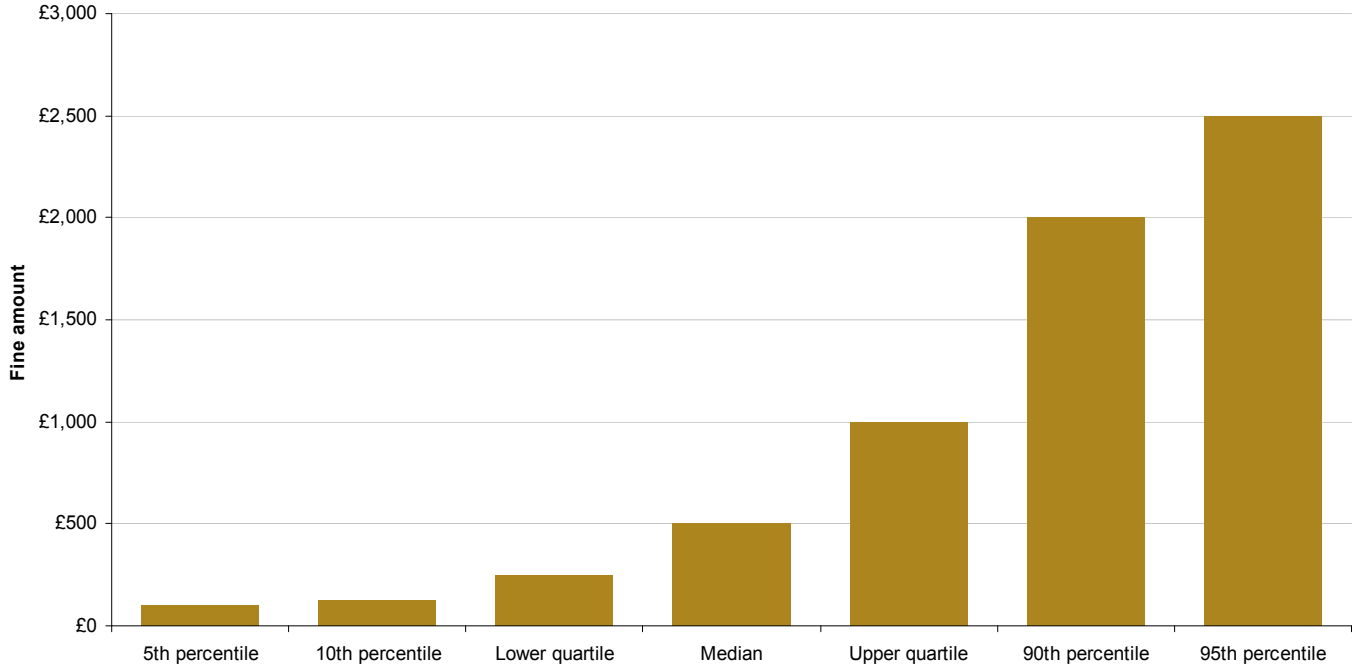
The average (mean) fine amount received by adult offenders in 2013 for food offences was £810. The mean fine amount has decreased slightly in recent years, however the median fine amount has remained consistent at £500 since 2011. Figure 2.7 shows the average fine amounts received by adult offenders over the last three years.

Figure 2.7: Average fine amounts received by adult offenders sentenced for food safety and hygiene offences covered by the guideline, 2011-2013



A quarter of adult offenders sentenced for food offences received a fine of £250 or less in 2013, compared with 5 per cent receiving a fine of over £2,500. Figure 2.8 shows the fine amounts received by adult offenders in 2013, grouped by percentiles.

Figure 2.8: Fine amounts received by adult offenders sentenced for food safety and hygiene offences covered by the guideline, 2013



3 Corporate Manslaughter

Since enactment of the Corporate Manslaughter and Corporate Homicide Act 2007, less than 10 organisations have been sentenced for Corporate Manslaughter under section 1 of the Act. As the number of these offences is so low, it is not possible to provide meaningful analysis relating to this offence.

Further information

Notes on the data

Volumes of sentences

The data presented in this bulletin only include cases where the health and safety or food safety and hygiene offence was the principal offence committed. Where an offender commits multiple offences on a single occasion, the offence which received the most severe sentence is taken to be the principal offence. Although the offender will receive a sentence for each of the offences that they are convicted of, it is only the sentence for the principal offence that is presented in this bulletin. This way of presenting the data is consistent with the Ministry of Justice publication, Criminal Justice Statistics.

Sentence Outcomes

The outcomes presented are the final sentence outcomes, after taking into account all factors of the case, including whether a guilty plea was made. This contrasts with the sentencing ranges presented at step 2 of the draft guideline, which are the recommended sentence lengths before taking into account certain factors, such as whether a reduction is appropriate for a guilty plea. Therefore, the sentence outcomes shown in the data are not directly comparable to the ranges provided in the new guideline.

General Conventions

The following conventions have been applied to the data:

- Actual numbers of sentences have been rounded to the nearest 100, when more than 1,000 offenders were sentenced, and to the nearest 10 when less than 1,000 offenders were sentenced.
- Percentages derived from the data have been provided in the narrative and displayed on charts to the nearest whole percentage, except when the nearest whole percentage is zero. In some instances, this may mean that percentages shown, for example in bar charts, do not add up to 100 per cent.
- Where the nearest whole per cent is zero, the convention '<0.5' has been used.
- Where totals have been provided, these have been calculated using unrounded data and then rounded.

Data Sources and Quality

The primary source of data for this bulletin is the Court Proceedings Database. This is supplied to the Sentencing Council by the Ministry of Justice who obtain it from a variety of administrative data systems compiled by courts and police forces. Note that data for health and safety, and food safety and hygiene offences are not available prior to 2011.

Every effort is made by the Ministry of Justice and the Sentencing Council to ensure that the figures presented in this publication are accurate and complete. Although care is taken in collating and analysing the returns used to compile these figures, the data are of necessity subject to the inaccuracies inherent in any large-scale recording system. Data collection processes and their inevitable limitations should therefore be taken into account when using the data.

Consequently, although numbers in the accompanying tables (available online) and charts are shown to the last digit in order to provide a comprehensive record of the information collected, they are not necessarily

accurate to the last digit shown. The figures in the text have been rounded to the nearest 100, or 10, as described in the section on general conventions.

Further details of the processes by which the Ministry of Justice validate the records in the Court Proceedings Database can be found within the guide to their Criminal Justice Statistics publication which can be downloaded via the link:

<https://www.gov.uk/government/collections/criminal-justice-statistics>

Background information

The Ministry of Justice publishes a quarterly statistical publication, Criminal Justice Statistics, which includes a section focusing on sentencing data at national level. This section breaks down the data by offence group and by demographic factors such as age, gender and ethnicity. The full publication can be accessed via the Ministry of Justice website at:

<https://www.gov.uk/government/collections/criminal-justice-statistics-quarterly>

Detailed sentencing data from the Ministry of Justice's Court Proceedings Database can be accessed via the Open Justice website at:

<http://open.justice.gov.uk/sentencing/>

This website allows the data to be viewed by offence category, local police force area and sentencing court. The offence categories used on this website are consistent with those used by the Ministry of Justice in their Criminal Justice Statistics publication, which is at a higher aggregate level than that used in this bulletin.

Further information on general sentencing practice in England in Wales can be found on the Council's website at:

<http://sentencingcouncil.judiciary.gov.uk/index.htm>

Alternatively, you may wish to visit the sentencing area on the Direct.gov website, which can be accessed at:

<http://sentencing.cjonline.gov.uk/>

Uses Made of the Data

Data provided in the Council's range of analysis and research bulletins are used to inform public debate of the Council's work. In particular, this bulletin aims to provide the public with the key data that the Council has used to help formulate the draft guideline on health and safety, corporate manslaughter and food safety and hygiene offences.

Contact Points for Further Information

We would be very pleased to hear your views on our analysis and research bulletins. If you have any feedback or comments, please send them to:

research@sentencingcouncil.gsi.gov.uk

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<http://sentencingcouncil.org.uk>