

**Breach of food hygiene and food safety regulations**

**Culpability Categories:**

**Organisations:**

<b>Very high</b>	<ul style="list-style-type: none"> <li>Deliberate breach of or flagrant disregard for the law</li> </ul>
<b>High</b>	<ul style="list-style-type: none"> <li>Offender fell far short of the appropriate standard; for example, by                             <ul style="list-style-type: none"> <li>○ failing to put in place measures that are recognised standards in the industry</li> <li>○ ignoring concerns raised by regulator, employees or others</li> <li>○ allowing breaches to subsist over a long period of time</li> </ul> </li> <li>Evidence of serious, and/or systemic failings within the organisation to address risks to food safety</li> </ul>
<b>Medium</b>	<ul style="list-style-type: none"> <li>Offender fell short of the appropriate standard in a manner that falls between the descriptions in “high” and “low” culpability categories</li> <li><del>Level of offender’s systemic failure falls between descriptions in ‘high’ and ‘low’ culpability categories.</del></li> <li>Systems were in place but these were not sufficiently adhered to or implemented.</li> </ul>
<b>Low</b>	<ul style="list-style-type: none"> <li>Offender did not fall far short of the appropriate standard; for example, because                             <ul style="list-style-type: none"> <li>○ significant efforts were made to secure food safety although they were inadequate on this occasion</li> <li>○ there was no warning indicating food safety risks</li> </ul> </li> <li>Evidence that failings were minor and/or occurred as an isolated incident</li> </ul>

**Comment [C1]:** See para 3.15

**Comment [C2]:** See para 3.6i

**Comment [C3]:** Replaces ‘Level of offender’s systemic failure falls between descriptions in ‘high’ and ‘low’ culpability categories.’ (para 3.6ii)

**Comment [C4]:** ‘No prior event’ deleted (para 3.7 Q4)

**Comment [C5]:** Replaces ‘and not systemic’ (para 3.6 iii)

**Individuals:**

<b>Deliberate</b>	<ul style="list-style-type: none"> <li>Where the offender intentionally breached, or flagrantly disregarded, the law</li> </ul>
<b>Reckless</b>	<ul style="list-style-type: none"> <li>Actual foresight of, or wilful blindness to, risk of offending but risk nevertheless taken</li> </ul>
<b>Negligent</b>	<ul style="list-style-type: none"> <li>Offence committed through act or omission which a person exercising reasonable care would not commit</li> </ul>
<b>Low</b>	<ul style="list-style-type: none"> <li>Offence committed with little fault, for example, because:                             <ul style="list-style-type: none"> <li>▪ significant efforts were made to address the risk although they were inadequate on this occasion</li> <li>▪ there was no warning indicating a risk to health and safety</li> <li>▪ Evidence that failings were minor and/or occurred as an isolated incident</li> </ul> </li> </ul>

**Comment [C6]:** Amend to Very High (para 3.3 Q.2)

**Comment [C7]:** Amend to High (para 3.3 Q2)

**Comment [C8]:** Amend to Medium (para 3.3 Q2)

**Comment [C9]:** As comment C3

**Comment [C10]:** As comment C4

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