

In **February 2016**, the Sentencing Council's Health and Safety Offences, Corporate Manslaughter and Food Safety & Hygiene Offences Definitive Guideline came into force. This is an overview of the findings from the assessment of the guideline's impact and implementation.

What were the aims of the guideline?

The guideline aimed to ensure that the levels of fines imposed for these offences were proportionate to the means of the offender and reflected the seriousness of the offence committed. It was therefore anticipated that more serious offences committed by larger organisations would result in higher levels of fines. No change was expected in relation to the use of disposal types, or average custodial sentence lengths (ACSLs), for individuals.

What was the impact on organisations sentenced for health and safety offences after the guideline was introduced?

Overall, fines increased for organisations after the guideline came into force. In particular, there was a considerable increase in fines for larger organisations, which was anticipated by the Council. Fines also appeared to increase (to a lesser degree) for smaller organisations, which was not anticipated.

Figure 1: Fine amounts imposed on organisations, 10 months pre-guideline compared with 10 months post-guideline

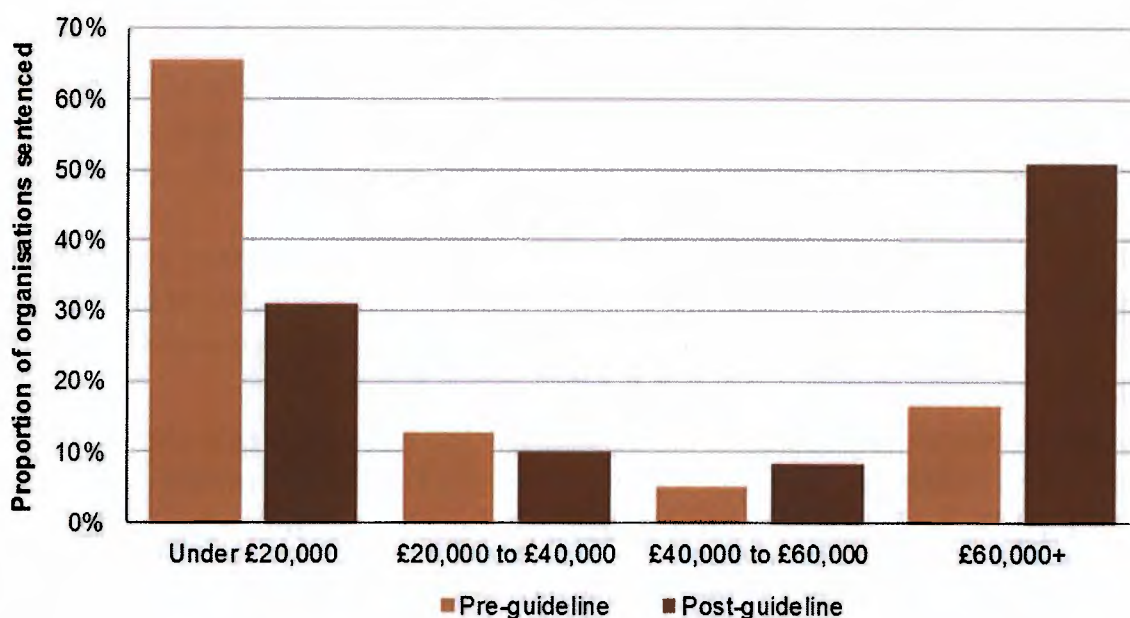
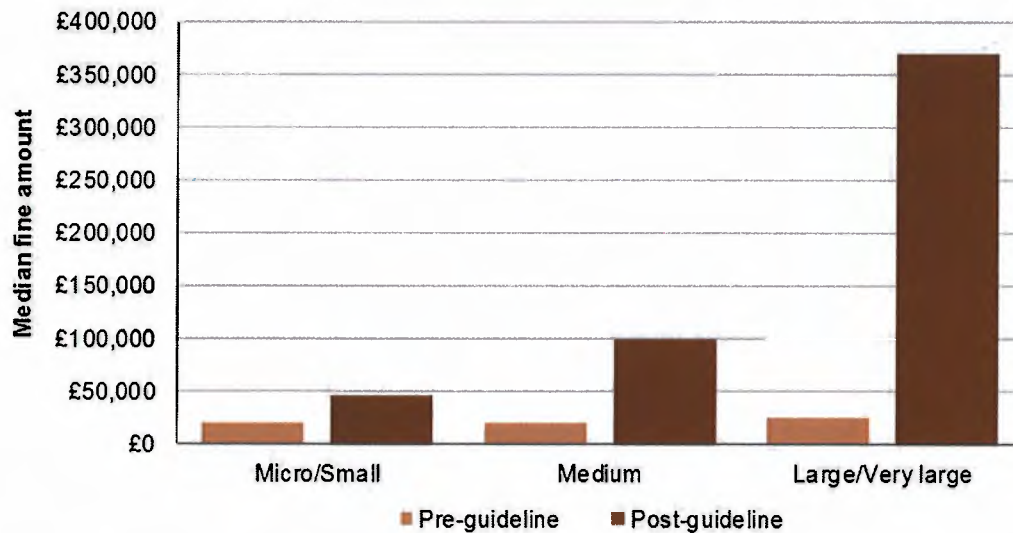


Figure 2: Median fine amounts imposed on organisations prosecuted by the Health & Safety Executive, 16 months pre-guideline compared with 16 months post-guideline



What about individuals sentenced for health and safety offences?

For individuals, there was an unanticipated increase in higher fines, and an unanticipated change in the use of some disposal types, however the shift in disposals appears to be a short-term change which only affected a relatively small number of offenders.

How is the guideline being used in practice?

Analysis of Crown Court judges' sentencing remarks for a sample of health and safety cases suggests that the guideline is generally being applied in the manner intended.

What happened to other offences covered by the guideline?

Fines increased for organisations sentenced for food safety and hygiene offences, although the increase was less pronounced than that for health and safety offences.

There was also an unanticipated increase in fines imposed on individuals sentenced for food safety and hygiene offences, but the increase was small.

Fine amounts imposed on organisations sentenced for corporate manslaughter may have increased since the guideline came into force, however this finding should be treated with caution due to low volumes (around 20 organisations were sentenced over the last decade).

What next?

The Council has considered this analysis, particularly the findings in relation to the fines imposed on smaller organisations and individuals. The Council intends to investigate further the operation of the guideline in due course, and will consider at that stage whether any revision of the guideline is necessary.

The findings discussed above are just a snapshot of the full report. Please find this at:
<https://www.sentencingcouncil.org.uk/publications/item/health-and-safety-assessment-of-guideline>