

Health and safety and food safety and hygiene offences

The starting points proposed in the draft health and safety and food safety and hygiene guidelines have been compared for organisations of different sizes. The starting points have also been compared with those in the environmental offences definitive guideline. In summary, the results show:

- For both health and safety and food safety and hygiene offences, the starting point as a proportion of turnover for micro organisations was between 2 and 3 times higher than that for large organisations, for categories 2 to 4, where the culpability was very high, high or medium. This is broadly similar to the corresponding proportions for environmental offences.
- Where the culpability was low, the starting point as a proportion of turnover for environmental and food safety and hygiene offences was between 1 and 3 times higher for micro organisations compared to large organisations.
- For health and safety offences with category 1 harm, however, the starting point as a proportion of turnover for micro organisations compared to large organisations was over 3 times higher for very high and high culpability, 4 times higher for medium culpability, and 5 times higher for low culpability (see cells highlighted red in table 1).
- For example, for micro organisations in the health and safety guideline, the starting point for low culpability, category 1 harm was £30,000. This is 2 per cent of the maximum turnover of £2m for these organisations. The corresponding starting point for large organisations was £300,000. This is only about 0.3 per cent of the £100m turnover. This means that the proportion for micro organisations is 5 times that for large organisations.
- It is important to note that for large organisations the turnover has been based on £100m, however the actual turnover could in fact be much higher than this. In those cases, the starting point as a proportion of turnover would be smaller, and would result in a greater difference between the proportions for micro and large organisations.

Tables 1 to 3 below show these results in more detail.

Table 1: Starting points for organisations of different sizes sentenced for health and safety offences

Culpability	Micro		Small		Medium		Large	
	Starting point	% of turnover (based on £2m)	Starting point	% of turnover (based on £10m)	Starting point	% of turnover (based on £50m)	Starting point	% of turnover (based on £100m)
Very high culpability								
Category 1	£250,000	13%	£450,000	5%	£1,600,000	3%	£4,000,000	4%
Category 2	£100,000	5%	£200,000	2%	£800,000	2%	£2,000,000	2%
Category 3	£50,000	3%	£100,000	1%	£400,000	1%	£1,000,000	1%
Category 4	£24,000	1%	£50,000	0.5%	£190,000	0.4%	£500,000	0.5%
High culpability								
Category 1	£160,000	8%	£250,000	3%	£950,000	2%	£2,400,000	2%
Category 2	£54,000	3%	£100,000	1%	£450,000	1%	£1,100,000	1%
Category 3	£30,000	2%	£54,000	0.5%	£210,000	0.4%	£540,000	0.5%
Category 4	£12,000	1%	£24,000	0.2%	£100,000	0.2%	£240,000	0.2%
Medium culpability								
Category 1	£100,000	5%	£160,000	2%	£540,000	1%	£1,300,000	1.3%
Category 2	£30,000	2%	£54,000	1%	£240,000	0.5%	£600,000	0.6%
Category 3	£14,000	1%	£24,000	0.2%	£100,000	0.2%	£300,000	0.3%
Category 4	£6,000	0.3%	£12,000	0.1%	£50,000	0.1%	£130,000	0.1%
Low culpability								
Category 1	£30,000	2%	£45,000	0.5%	£130,000	0.3%	£300,000	0.3%
Category 2	£5,000	0.3%	£9,000	0.1%	£40,000	0.1%	£100,000	0.1%
Category 3	£1,200	0.1%	£3,000	0.03%	£14,000	0.03%	£35,000	0.04%
Category 4	£200	0.01%	£700	0.01%	£3,000	0.01%	£10,000	0.01%

Table 2: Starting points for organisations of different sizes sentenced for food safety and hygiene offences

Culpability	Micro		Small		Medium		Large	
	Starting point	% of turnover (based on £2m)	Starting point	% of turnover (based on £10m)	Starting point	% of turnover (based on £50m)	Starting point	% of turnover (based on £100m)
Very high culpability								
Category 1	£60,000	3%	£120,000	1%	£450,000	1%	£1,200,000	1%
Category 2	£25,000	1%	£50,000	0.5%	£200,000	0.4%	£500,000	0.5%
Category 3	£10,000	0.5%	£18,000	0.2%	£80,000	0.2%	£200,000	0.2%
High culpability								
Category 1	£25,000	1%	£50,000	0.5%	£200,000	0.4%	£500,000	0.5%
Category 2	£12,000	0.6%	£24,000	0.2%	£90,000	0.2%	£230,000	0.2%
Category 3	£4,000	0.2%	£9,000	0.1%	£35,000	0.1%	£90,000	0.1%
Medium culpability								
Category 1	£10,000	0.5%	£18,000	0.2%	£80,000	0.2%	£200,000	0.2%
Category 2	£4,000	0.2%	£8,000	0.1%	£35,000	0.1%	£90,000	0.1%
Category 3	£1,400	0.1%	£3,000	0.03%	£14,000	0.03%	£35,000	0.04%
Low culpability								
Category 1	£1,200	0.1%	£3,000	0.03%	£12,000	0.02%	£35,000	0.04%
Category 2	£500	0.03%	£1,400	0.01%	£7,000	0.01%	£18,000	0.02%
Category 3	£200	0.01%	£700	0.007%	£3,500	0.007%	£10,000	0.01%

Table 3: Starting points for organisations of different sizes sentenced for environmental offences

Culpability	Micro		Small		Medium		Large	
	Starting point	% of turnover (based on £2m)	Starting point	% of turnover (based on £10m)	Starting point	% of turnover (based on £50m)	Starting point	% of turnover (based on £100m)
Very high culpability								
Category 1	£50,000	3%	£100,000	1%	£400,000	1%	£1,000,000	1%
Category 2	£22,000	1%	£45,000	0.5%	£170,000	0.3%	£500,000	0.5%
Category 3	£9,000	0.5%	£17,000	0.2%	£70,000	0.1%	£180,000	0.2%
Category 4	£5,000	0.3%	£10,000	0.1%	£40,000	0.08%	£100,000	0.1%
High culpability								
Category 1	£30,000	2%	£55,000	1%	£220,000	0.4%	£550,000	1%
Category 2	£12,000	1%	£24,000	0.2%	£100,000	0.2%	£250,000	0.3%
Category 3	£5,000	0.3%	£10,000	0.1%	£40,000	0.1%	£100,000	0.1%
Category 4	£3,000	0.2%	£5,000	0.05%	£24,000	0.05%	£60,000	0.06%
Medium culpability								
Category 1	£15,000	1%	£30,000	0.3%	£120,000	0.2%	£300,000	0.3%
Category 2	£6,500	0.3%	£13,000	0.1%	£55,000	0.1%	£140,000	0.1%
Category 3	£2,500	0.1%	£6,000	0.06%	£25,000	0.05%	£60,000	0.06%
Category 4	£1,400	0.1%	£3,000	0.03%	£14,000	0.03%	£35,000	0.04%
Low culpability								
Category 1	£2,500	0.1%	£5,000	0.1%	£20,000	0.04%	£50,000	0.05%
Category 2	£1,000	0.05%	£2,500	0.03%	£10,000	0.02%	£25,000	0.03%
Category 3	£400	0.02%	£1,000	0.01%	£5,000	0.01%	£14,000	0.014%
Category 4	£200	0.01%	£700	0.007%	£3,000	0.006%	£10,000	0.010%