



Peter Geoghegan
[REDACTED]

25 November 2015

Ref: 5696

Dear Mr Geoghegan

Freedom of Information Act 2000 Request

Thank you for your Freedom of Information (FOI) request which we received on 2 November 2015.

The FOI Act gives you the right to know whether we hold the information you want and to have it communicated to you, subject to any exemptions which may apply. It is a public disclosure regime, not a private regime. This means that any information disclosed under the FOI Act by definition becomes available to the wider public.

The request and the response to your request are set out below:

Request:

'- how many prosecutions have there been for paying below the National Minimum Wage in each of England and Wales, Scotland and Northern Ireland in each of the last five years.

- please give details of any prosecutions including the date, the location, the number of people involved, the company involved and the specific outcome.'

Response:

Offences pertaining to payment of a wage lower than the minimum are created by Section 31 of the Minimum Wage Act 1998. The Crown Prosecution Service (CPS) does not have any offences recorded under this legislation on our database.

HM Revenue and Customs (HMRC) is the enforcement agency for the minimum wage and are responsible for the investigation and issuing of compliance notices in the event of underpayments to employees. If the notice is not complied with HMRC have the option of civil



proceedings to recover the money and also the imposition of civil penalties. All of which takes place before criminal proceedings are contemplated. In addition, The Department of Business, Innovation and Skills is responsible for minimum wage policies and has recently published an update to enforcement of the national minimum wage (see the link below for information):

<https://www.gov.uk/government/publications/enforcing-national-minimum-wage-law>

While there are no prosecutions recorded, in light of the policy and options open to the enforcing agency, it is unsurprising.

You may like to contact HMRC as it is possible that, while there are no prosecutions recorded, there may be data on enforcement proceedings. You will also need to direct requests elsewhere for Scottish or Northern Irish prosecutions data.

If you are not satisfied with this response you have the right to request an internal review by responding in writing to one of the addresses below within two months of the date of this response. The internal review will be handled by a member of CPS staff who has not been involved with your original request.

FOI.Unit@cps.gsi.gov.uk

Information Management Unit
Rose Court
2 Southwark Bridge
London
SE1 9HS

If you are not content with the outcome of the internal review, you have the right to complain directly to the Information Commissioner, who can be contacted at:

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Or email: casework@ico.org.uk

However, please note that the ICO is likely to expect internal complaints procedures to have been exhausted before beginning his investigation.

Yours sincerely

Ms D Stannard
Information Management Unit
020 3357 0899
FOI.Unit@cps.gsi.gov.uk