

**“Where the hell am I going to get that money from?”**  
The impact of court fines on people on low incomes



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# Summary

Almost everyone who is convicted of a crime in a court in England and Wales leaves with a bill to pay. Over 75% of people convicted each year are sentenced to a fine. Yet while many of the offences for which fines are given are deemed “minor,” our research suggests that, for people on low incomes, the impact of fines is anything but. Our research found the following:

- A large number of the offences for which court fines are imposed are strongly linked to people’s pre-existing poverty, such as TV licence evasion;
- Many of the 56 people we interviewed, on low incomes and who have been sentenced to fines, reported that the financial burdens placed on them by the court had pushed them further into debt, with some pushed into destitution and into further offending to pay off the court fine;
- For some, the financial burdens took a severe toll on their mental and physical health, particularly where they faced prolonged payment periods in a never-ending cycle of payments;
- While fine amounts are meant to be determined by an individual’s financial circumstances, we heard a range of experiences in relation to how that is currently being assessed, with some people not recalling being asked about their circumstances at all and others finding the process confusing and intimidating, prompting some to over-estimate the amount they could reasonably pay;
- The imposition of other non means-tested financial charges alongside the fine, such as prosecution costs, often pushed the total amount owed to the court up from something affordable to an amount that felt impossible to pay in the time allowed;
- Court fine enforcement action (which is subject to less regulation than commercial credit recovery), particularly the threat of bailiffs, added further financial and wellbeing strains, especially for those already struggling to make insufficient household budgets last;
- Our workshops with magistrates suggested that they often felt their hands were tied, leaving them to sentence people on low incomes to fines, the magistrates knew they could not pay. Many of the issues raised in our interviews, especially around how the court assesses people’s financial circumstances, were frustrating to magistrates too;
- Many of the people we spoke to felt that a fine was, in theory, an appropriate punishment for the offence they committed, but the confusing processes of the current system often meant that the total amount they eventually needed to pay was seen as excessive.

The Sentencing Council suggests that fines should have an “equal impact on offenders with different financial circumstances”. Our research strongly suggests that this is clearly not the case. The disproportionate impacts felt by the most vulnerable can leave them feeling unfairly treated. This runs the risk of undermining the legitimacy of the justice system.

Our research also found that, at a national level, there are major gaps in the data collected, especially on the socio-economic status of those who are fined, meaning there is no clear picture of who gets fined, who pays and who doesn’t (and why). Our unique quantitative analysis of Citizens Advice client data, however, suggests that people with criminal court fine debts are twice as likely to report living in social housing and nearly twice as likely to be unemployed than other client groups, strongly indicating that people who receive fines are often in our most economically vulnerable communities.

## Key challenges

Our findings suggest six key challenges that must be met in order to ensure the system does not inflict disproportionate harm on those who are the most financially vulnerable:

1. The Ministry of Justice needs to ensure there is a consistent framework for setting the levels of fines and financial charges, which is more flexible and responsive to the financial circumstances of individuals, and which places considerations of affordability and proportionality at its centre;
2. The court service needs a system for collecting and assessing financial information at court which is fit for purpose, consistent with established practice in the debt advice sector and provides sentencers with the information they need to set proportionate fine amounts;
3. The court service needs an administrative and customer support function to help people overcome administrative barriers to payment and to save court time by resolving issues earlier;
4. Sentencers need to be supported to adopt a problem-solving approach to fine non-payment, offering opportunities for people struggling with payment to voice their difficulties and explore alternative arrangements;
5. Sentencers need a clear alternative to fines and financial charges for people who cannot afford to pay any amount, including the re-consideration of unpaid work;
6. The Ministry of Justice needs a more comprehensive court fine data system, so the right data is collected at the right time, and is aggregated to inform wider system design.

Rising to meet these challenges will help create a fairer system of fines and financial charges, and also has the potential to achieve financial gains, reducing the amount of unpaid fines and the administrative burdens and costs of fine enforcement.

The next stage of this research will focus on generating practical recommendations for change. In the next phase of our work, we will be engaging with policymakers, frontline professionals and people with lived experience in order to identify practical steps that can be taken to bring about these vital reforms to the court fines system. We encourage people interested in these issues to get in touch at [info@justiceinnovation.org](mailto:info@justiceinnovation.org).

## Our research

We conducted: (i) qualitative interviews with 56 people with experience of fines across England and Wales and who live on a low income; (ii) a legal review of how the current sentencing framework works in respect of fines; (iii) a literature review on academic research into court fines and links between offending and poverty; (iv) a review of existing public data on court fines; (v) a quantitative analysis of Citizens Advice data for clients who faced fine arrears between 2019 and 2023; (vi) two workshops with 14 magistrates, organised in partnership with the Magistrates' Association.

# Background

Highbury Corner Magistrates' Court squats low and impersonal on the Holloway Road in North London. The building presents the passing pedestrian with four floors of repeated uniform concrete and glass rectangles, an archetype of the functional style preferred by public agencies across the world in the mid-1970s. Inside, the court visitors, having passed through the security checks, can wander through the corridors to a range of courts and meeting rooms, all seemingly united in their desire to reduce the amount of daylight available. Sitting in one of those courtrooms, any casual observer of a morning's worth of cases can't help but be struck by the number of people, often visibly struggling with addiction and mental health issues, who are issued fines. As the magistrates set the total fine amount, the "means form" process whereby the defendants declare their monthly income often reveals that they are on some form of state benefit or in low, insecure employment.

Our story starts there. At the Centre for Justice Innovation, we run an advice service in the Highbury court. In a small room on the second floor, our team and volunteers provide people with a range of advice and support – this can be as simple as telling people how long they might need to wait for their court appearance, through to helping them make a claim for benefits they are entitled to, right through to helping them access treatment. That service relies on the support of defence lawyers, court staff and magistrates. In the quiet moments, our conversations with members of all these legal professions would, somewhat wearily, recognise that often courts are left no choice but to impose fines and other financial penalties, for offences like TV licence or rail fare evasion, on people who will never be able to pay them.

Despite the attention paid in the media and in the research community to prisons and probation, the court fine is by far the most commonly used sentence handed down by English and Welsh criminal courts. The latest data shows that of the outcomes of all cases (from both police-led cautions and court sentences) in the criminal justice system last year, 67% of them were court fines. Last year, of the over one million sentences given out by our courts, 864,410 were court fines. Beyond fines themselves, our courts impose other financial charges such as prosecution legal costs and a surcharge on almost every person convicted of a crime. These various financial penalties congeal into a lump of outstanding debt that many of our clients at the advice service struggle to understand and often struggle to pay.

This report is the first in a generation to look specifically at the impact of criminal court fines in England and Wales. It looks at what law and policy says should happen – and what actually does happen. It looks at how the various pieces of legislation, guidance and procedures come together into the practice of how court fines are issued. It draws on our review of the law<sup>1</sup> and publicly available data published by the Ministry of Justice;<sup>2</sup> on the research evidence and our literature review covering 39 papers over 25 years;<sup>3</sup> and on a unique analysis of Citizens Advice clients who have outstanding court fines. Most crucially, it focuses on the impact of the criminal court fine (and related financial charges) on people on low incomes. It draws from the lived experience of 56 people on low incomes who have received a court fine; what they made of the court process and how fairly they felt treated; and the impact of the sentence on their financial situation and on their mental and physical health amid a cost-of-living crisis.

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1 Dr Ellie Brown, (2024). Summary: the legal framework for criminal court fines and other financial penalties. <https://justiceinnovation.org/publications/fines>

2 Centre for Justice Innovation, (2024). Criminal court fines and charges: Data review. <https://justiceinnovation.org/publications/fines>

3 Centre for Justice Innovation, (2024). Criminal court fines and charges: Literature review. <https://justiceinnovation.org/publications/fines>

## Imposing fines

The decision to impose a fine (as opposed to a different sentence) is determined by the seriousness of the offence. However, in deciding the amount of the fine, the court must have regard to both seriousness and the offender's financial circumstances.<sup>4</sup> Once they have decided to impose a fine, the court takes a number of steps to set an amount:

- This “income adjustable” framework is designed to meet the aims of the fine in terms of having an “equal impact on offenders with different financial circumstances”; it should be a hardship but should not force the offender below a reasonable “subsistence” level.<sup>5</sup>
- Normally a fine should be of an amount that is capable of being paid within 12 months, though there may be exceptions to this. For many offences, there is also a statutory maximum limit on the amount of fine that may be imposed.<sup>6</sup>
- In assessing an individual's financial circumstances, the onus is on the individual to provide information about their financial circumstances to the court. In practice, this is generally done via a means form, in which the individual identifies their weekly earnings and outgoings.
- In assessing an individual's weekly income, where a person's only source of income is state benefit or is from a form of employment of less than £120 a week (after deduction of tax and National Insurance), the court is obliged to consider their weekly income to be £120 a week.
- Where the individual fails to provide information, or the court is not satisfied that it has been given sufficient reliable information, it is entitled to make such determination as it thinks fit (Sentencing Code, s.126), and Sentencing Guidelines indicate that the court should proceed on the basis of an assumed relevant weekly income of £440.

## Offences

Criminal courts can impose fines for all but a limited number of the most serious offences.<sup>7</sup> The vast majority of fines are imposed as the only sentence for an offence but they can also be used in combination with other sentences, like community orders and custody.<sup>8</sup> When looking at which offence types<sup>9</sup> fines are given for, the vast majority (over 95%) of people receive fines (and no other sentence) for summary offences.<sup>10</sup> The ten specific offences for which fines are most issued (and which comprise over 80% of all fines passed between 2018 and 2022) are all summary offences and, with the exception of TV licence evasion, either motoring offences or are linked to offences involving public transport. (See Figure A.)<sup>11</sup>

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4 Sentencing Council, Explanatory materials, Approach to the assessment of fines – introduction. <https://www.sentencingcouncil.org.uk/explanatory-material/magistrates-court/item/fines-and-financial-orders/approach-to-the-assessment-of-fines-2/1-approach-to-the-assessment-of-fines-introduction/>

5 Ibid.

6 Ibid.

7 In both the magistrates' court and the Crown Court, the use of the fine, like any other sentencing option, is driven by the offence. A fine is available as a disposal for the court for all “summary only” offences and most “either way” offences (cases mostly heard in their entirety in the magistrates' court), and it remains an option for most indictable offences (heard in the Crown Court), except for the most serious offences.

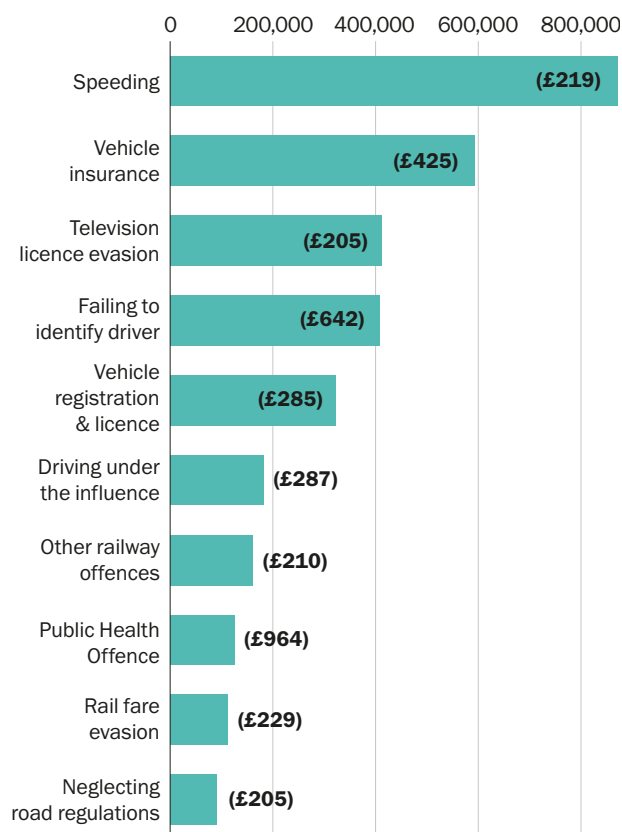
8 Fines can be used along with any other non-custodial sentence (except absolute and conditional discharges). Both the magistrates' court and the Crown Court can issue a fine instead of and in addition to custody, depending on the offence. However, imposing a fine in addition to custody is likely to be rare, unless the offender has made substantial profit from the offence.

9 Offence types are broken down into three groups: (i) indictable offences (the most serious offences, which can only be tried at Crown Court); (ii) triable offences (offences that can be heard in magistrates' courts or the Crown Court, including cases such as theft, burglary and drug offences that can vary greatly in seriousness); and (iii) summary offences (which can only be tried in magistrates' courts and, usually, without a jury trial).

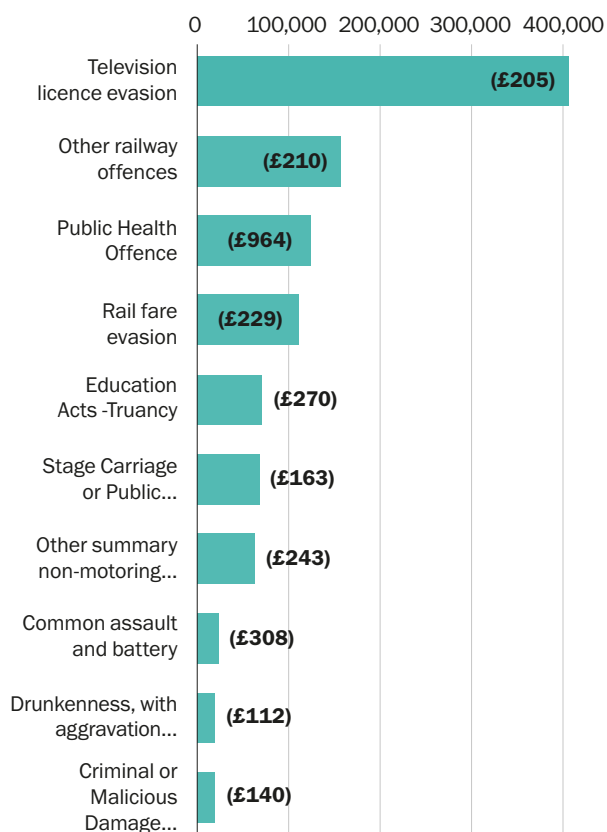
10 Summary offences are of lower severity and include most driving offences and common assault. These can only be tried in a magistrates' court.

11 In analysing Ministry of Justice data, we have been surprised by the absence of public order offences within the top offences for fines, such as drunk and disorderly or criminal damage offences. We hypothesise that a range of different offences that fall within the ambit of public order are separated out into different specific offences within the data.

**Figure A: The ten offences for which fines are most commonly issued, 2018 to 2022** (average fine in 2022 in brackets)



**Figure B: The ten offences for which fines are most commonly issued (summary non-motoring), 2018 to 2022** (average fine in 2022 in brackets)



Looking at non-motoring summary offences only (Figure B), the ten offences for which people receive the most fines include offences linked to public transport, as well as offences like common assault,<sup>12</sup> public drunkenness with aggravation and criminal damage.

## Links between poverty and fine offences

Our literature review,<sup>13</sup> while unable to find many studies on criminal court fines in the last 20 years, did identify research suggesting strong links between poverty and the offences for which fines are predominately used. In particular, we found studies highlighting the role that poverty plays in TV licence evasion and the resulting receipt of fines. We also recognise that offences like rail fare evasion and failure to pay vehicle insurance are often linked to people's low incomes. This accords with wider evidence on the complex links between offending and poverty.<sup>14</sup>

Our literature review also suggests fines serve to exacerbate pre-existing issues for people on low incomes. The additional payments, including the financial charges (see below) given alongside the fine, strain overstretched budgets, increase indebtedness, and worsen people's overall financial hardship. This often in turn causes people to default on other bills, take out payday loans and borrow from family and friend networks. We found some evidence that court fine payment was becoming problematic for a growing number of people prior to 2020. These reports pre-date the current cost-of-living crisis, which is likely to have made paying court fines more challenging for many people. We also found a significant

<sup>12</sup> Common assault is when a person inflicts violence on someone else or makes them think they are going to be attacked. Threatening words or a raised fist is enough for the crime to have been committed provided the victim thinks that they are about to be attacked.

<sup>13</sup> Centre for Justice Innovation, (2024). Fines for low-level offences: the impact of court fines on people on low-incomes. <https://justiceinnovation.org/publications/fines>

<sup>14</sup> See discussion in T. Newburn. 'Social disadvantage, crime, and punishment' in Dean, Hartley and Platt, Lucinda, (eds.) Social Advantage and Disadvantage. Oxford, UK: Oxford University Press, 2016, pp. 322-340.

number of articles looking at how the justice system responds to offences associated with sex work and poverty, with related issues exacerbated by debts from court fines, particularly for people who had undertaken sex work due to financial deprivation.

## Other financial charges

In addition to fines, there are a number of other financial charges that courts may impose when passing a sentence. These include:

- A “surcharge” (often referred to as the victim surcharge), which must be imposed in almost all cases, without consideration of offenders’ means. The level of surcharge is set at 40% of the fine amount, up to a maximum of £2,000. This was raised from 10% in 2022.<sup>15</sup> Revenue raised from the surcharge is used to fund victim services.<sup>16</sup>
- The prosecuting authority will normally ask the court to order the offender to pay some or all of the prosecution costs. However, the court has discretion and the costs should not exceed the amount that the offender can reasonably pay or be grossly disproportionate to the fine imposed.<sup>17</sup> The Crown Prosecution Service (CPS) maintains a scale of costs for different types of cases. More serious offence types, later guilty pleas and, in particular, pleading not guilty and going to trial all increase the costs. The average costs for a summary trial in a magistrates’ court are £775, meaning that pleading not guilty for even the most minor of crimes carries significant financial risk if convicted.<sup>18</sup>
- Where an offence has led to personal injury or loss, courts can impose a compensation order. Offenders make payments to the courts and these are passed on to the victim. Generally, there is no cap on the amount of compensation that can be imposed. However, the court is obliged to take account of the offender’s means

### Financial charges

#### Surcharge

- The surcharge must be imposed in almost all cases
- It is imposed without consideration of the offenders means and is calculated as 40% of the fine amount, up to a maximum of £2000. It was raised from 10% of the fine amount in 2022.
- Revenue raised from the surcharge is used to fund victim services.

#### Prosecution costs

- The prosecuting authority normally asks the court to order the offender to pay some or all of the prosecution costs.
- The court has discretion over the amount, which should not exceed the amount that the offender can reasonably pay.
- More serious offence types, later guilty pleas, pleading not guilty and going to trial all increase the costs.

#### Compensation order

- Where an offence has led to personal injury or loss, courts can impose a compensation order.
- The court is obliged to take account of the offender’s means. The amount is not capped.
- Offenders make payments to the courts and these are passed on to the victim.

15 Figures are for offences committed on or after 16 June 2022. Figures taken from <https://www.sentencingcouncil.org.uk/sentencing-and-the-council/types-of-sentence/other-orders-made-on-sentencing/what-is-the-victim-surcharge/>

16 Sentencing Council, What is the Surcharge? <https://www.sentencingcouncil.org.uk/sentencing-and-the-council/types-of-sentence/other-orders-made-on-sentencing/what-is-the-victim-surcharge/>

17 Sentencing Council, Explanatory Material for Magistrates’ Courts <https://www.sentencingcouncil.org.uk/explanatory-material/magistrates-court/item/fines-and-financial-orders/prosecution-costs/>

18 Crown Prosecution Service, Legal Guidance. <https://www.cps.gov.uk/prosecution-guidance>



## The single justice procedure

According to His Majesty's Courts and Tribunals Service (HMCTS), the single justice procedure “enables a single magistrate, supported by a legal adviser, to decide adult, summary-only, non-imprisonable and victimless offences, including company prosecutions”.<sup>19</sup> The single justice procedure applies when a defendant has pleaded guilty or has not responded to a notification that they're being prosecuted. When sentencing an offender using this procedure, the court can only impose: a discharge; a fine; and/or ancillary orders (like compensation and disqualification from driving). The court cannot impose a community order or custodial sentence. The single justice procedure is carried out on a remote basis. Unless the individual provides information on means, the court proceeds on the basis of an assumed relevant weekly income of £440.

Given the type of offences that go through the single justice procedure, fines are, in practice, always considered. Between 1 January 2022 and 18 January 2024, over 700,000 criminal cases were completed through the Single Justice Procedure. Our data review found that, for people convicted of summary offences in the seven years for which we have data, and whose cases were heard via the Single Justice Procedure, the average fine was lower each year than the fines of those whose cases were heard in court, likely representing the limited number of low-severity offences to which the procedure can be applied.

## Paying fines and financial charges

By default, a court fine and other financial charges are payable on the day they are imposed, and the courts are encouraged to ask for immediate payment.<sup>20</sup> If that is not possible, the courts have the power to order payment in instalments (typically up to 12 months, although this period can be up to three years). When a fine is imposed (along with other financial charges), in the Crown Court<sup>21</sup> or magistrates' courts, the court will make a “collection order”. By accessing the last five years of data on fine payment, we can look at payment rates 18 months following imposition. In 2019 (the last year not impacted by the pandemic), 48% of the amount had been paid within 12 months, rising to only 52% of the amount after 18 months.

**Figure C: Payment of fines over 18 months, 2016–2020, amounts and rates**

Year	Total fine amount imposed (annual-£m)	Amount paid within 1 month (£m)	Amount paid within 1 month (% of total)	Amount paid within 6 months (£m)	Amount paid within 6 months (% of total)	Amount paid within 12 months (£m)	Amount paid within 12 months (% of total)	Amount paid within 18 months (£m)	Amount paid within 18 months (% of total)
<b>2016</b>	378.0	53.9	14%	167.1	44%	200.0	53%	215.0	57%
<b>2017</b>	419.7	44.7	11%	182.7	44%	217.1	52%	231.1	55%
<b>2018</b>	375.2	33.7	9%	150.3	40%	180.0	48%	193.6	52%
<b>2019</b>	374.8	36.3	10%	149.2	40%	178.6	48%	195.2	52%
<b>2020</b>	251.8	19.1	8%	82.0	33%	108.9	43%	122.7	49%

19 HMCTS, Fact sheet: Single Justice Service. <https://www.gov.uk/government/publications/hmcts-reform-crime-fact-sheets/fact-sheet-single-justice-service>

20 Age is a relevant factor: if an offender is ten to 16 years old, the court must order that the amount is paid by the parent or guardian. However, for offenders aged 16–18, the amount may be paid by the parent or guardian.

21 When a fine is imposed in the Crown Court only, the court must fix a term of imprisonment which the offender will undergo if they default on the fine. There is no equivalent obligation in the magistrates' court; however, the magistrates can order custody in default (i.e. post facto), as part of the enforcement process.

## Enforcement of unpaid fines

Collection orders are enforced via the magistrates' courts (regardless of where they are imposed). If an offender defaults on the collection order, the relevant magistrates' court's fines officer will normally pursue the offender for such default. There are several enforcement powers available to the fines officer.<sup>22</sup> They may:

- Issue a warrant of control, which means a warrant for a bailiff firm to take possession of the offender's goods, to sell and pay the debt. The bailiff firm may increase the total amount owed to cover the costs for collecting the debt;<sup>23</sup>
- Make an attachment of earnings order;
- Make a deduction from benefits order;
- Make a clamping order;
- Register the sum in the register of judgments and orders;
- Commence civil proceedings in the High Court or County Court (but this is rarely used).

These powers to enforce payment exceed those of commercial creditors, who are subjected to more stringent regulation.<sup>24</sup> In part to reflect the fact that court fines are a criminal penalty, imposed in response to an offence (rather than a debt incurred on the basis of entering into a commercial agreement), such fines are awarded a "priority" debt status, which carries greater consequences for non-payment. In some circumstances, imprisonment can be ordered by the court in the case of default, but only if the court "has considered or tried all other methods of enforcing payment and concluded they are inappropriate or unsuccessful" and one of the following circumstances applies:

- The defaulter is already serving a custodial sentence;
- The defaulter has the means to pay immediately and the offence was punishable by imprisonment;
- The defaulter is unlikely to remain in the UK long enough to enable payment of the sum to be enforced by other methods; or
- The default is due to wilful refusal or culpable neglect by the offender.

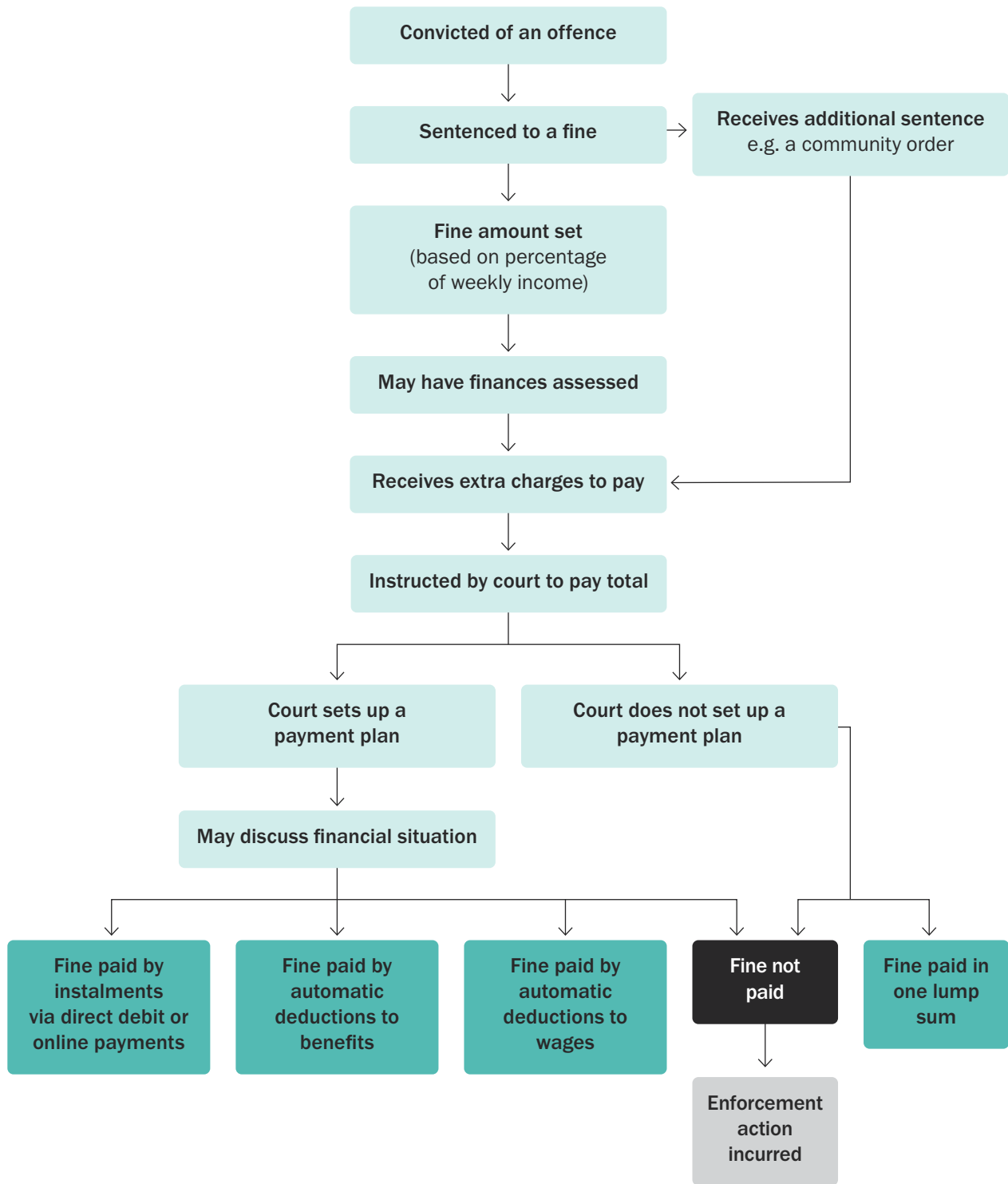
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<sup>22</sup> All functions of a fines officer may be contracted out: s.36A Courts Act 2003.

<sup>23</sup> National Debt Fines Office, *Magistrates Court Fines*. <https://nationaldebtline.org/fact-sheet-library/magistrates-court-fines-ew/>

<sup>24</sup> Rachel Gregory, (2019). *Powerless people: indebted and afraid*. <https://bynder.capuk.org/m/5b89bc5dfca494e0/original/Powerless-people.pdf>; Fitzpatrick et al, (2018). *Destitution in the UK*. [https://naccom.org.uk/wp-content/uploads/2018/11/destitution2018\\_0.pdf](https://naccom.org.uk/wp-content/uploads/2018/11/destitution2018_0.pdf)

**Figure D: Flowchart for the enforcement of unpaid fines**



# Findings from the data

## Data on the people who receive fines

We reviewed the publicly available data on people who received fines between 2018 and 2022. In summary, we found that:

- Men received the majority of fines (2,534,714, 64%), with women receiving 944,547 (24%), and a further 474,557 fines issued where sex was not recorded (12%). This is in keeping with the preponderance of men in the sentencing and the criminal justice caseload more generally;
- Women were proportionally more likely to receive fines than men (85% compared with 73%), in part, because they are more likely to commit the less serious offences, which result in a fine.<sup>25</sup>
- Of the ten offences for which fines are most often issued, women receive the majority of fines for only one of these, TV licence evasion, where they represent three quarters of people whose gender is recorded;
- The age group that receives the largest number of fines is the 25–39-year-old age group. With the exception of children, fines are the most common sentence for each age group, and the proportion of fines compared to other sentences given within each age group rises as age rises. This is likely because the offences committed are likely to be less serious in older age groups.

Additional detail on the data on fines is contained in our data review.<sup>26</sup>

## Data gaps: socio-economic status

Both public data and academic research are almost silent on the income and broader socio-economic status of those who are fined. Given how crucial these are for setting reasonable and proportionate sentences, this is a critical gap.

Although courts are expected to take into account defendants' means when imposing fines, and a standard form exists for collecting means information (the "means form"), we have been unable to find any data sets collating this data, either nationally or locally. Our Freedom of Information requests and the answers to Parliamentary Questions that have been asked on our behalf all strongly suggest that no attempt is made to centrally collect any of this means information.<sup>27</sup> In addition, there is no central collection and publication of data on other indicators of socio-economic status, such as whether orders are made to deduct fine payments from earnings or benefits.<sup>28</sup> Therefore, central data collection offers little, if any, insight into the socio-economic status of those fined. Moreover, publicly available data does not include any information on the profile of people who do not pay their fines as agreed, meaning that it is impossible for us to draw data-driven conclusions on whether non-payment is predominantly driven by unwillingness or by inability to pay – and we suspect that HMCTS and the Ministry of Justice are not able to draw these conclusions either.

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25 Centre for Justice Innovation analysis of data from Criminal Justice System statistics quarterly: June 2023; and Outcomes by Offence data tool: June 2023. <https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-june-2023>

26 Centre for Justice Innovation, (2024). *Criminal court fines and charges: Data review*. <https://justiceinnovation.org/publications/fines>

27 See full responses to parliamentary questions submitted by the Centre: [https://justiceinnovation.org/sites/default/files/media/document/2024/parliamentary\\_questions\\_0.pdf](https://justiceinnovation.org/sites/default/files/media/document/2024/parliamentary_questions_0.pdf)

28 Ibid.

While our literature review found little direct evidence describing the socio-economic characteristics of people receiving fines (and what little existed was over 20 years out of date), it did highlight the well-established links between financial hardship and criminal justice system involvement. For example, there is extensive research that strongly indicates the causal links between chronic debt and reverting to crime to pay for essential needs.<sup>29</sup> It is therefore unsurprising that multiple studies have identified that people on low incomes are over-represented in our criminal justice system.<sup>30</sup>

## Data gaps: ethnicity

Given the multiple sources of evidence which demonstrate that individuals from minoritised communities are disproportionately represented in the criminal justice system,<sup>31</sup> we were interested to see from both a descriptive and an analytical standpoint what the ethnicities are of people who receive fines. However, because ethnicity data is not regularly collected, collated and reproduced for summary offences (an issue highlighted in the Lammy Review seven years ago), we are unable to look into the ethnicity of the vast majority of individuals who receive fines. In any given year, ethnicity data is available on only 4% of all those individuals who received fines.

## Filling in the gaps: Insights from Citizens Advice data

In order to address these gaps in official statistics, we collaborated with Citizens Advice to explore the question of which people within their client group were most likely to report owing money to HMCTS due to non-payment of fines (which we term “fines arrears”). Looking at the data set of all Citizens Advice clients, between January 2019 and March 2023, we identified a number of demographic and socio-economic characteristics that demonstrated a statistically significant positive association with reporting magistrates’ court fine arrears:

- Male clients are nearly twice as likely (84% more likely) to report magistrates’ court arrears as female. This is in line with broader trends, with males significantly more likely than females to be prosecuted;
- Clients who are from Black, Asian and other non-white groups are significantly less likely than white clients to report magistrates’ court arrears. This is a striking finding given that we know that people from non-white ethnic backgrounds are over-represented in the criminal justice system,<sup>32</sup> and over-represented in deep poverty statistics.<sup>33</sup> This could, however, be consistent with people from these ethnic groups being more likely to receive more severe sentences rather than fines;
- Magistrates’ court arrears are most prevalent among those aged 30–44. Those in the younger 18–29 age group are less likely to report arrears than this older age group, and the prevalence of arrears also declines with age in those aged 45 and above;

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29 See following article cited in our literature review: M Hoeve, S Jak, GJJM Stams, and WHJ Meeus, (2016). ‘Financial problems and delinquency in adolescents and young adults: A 6-year three-wave study’. *Crime & Delinquency*, (62), pp.1488–1509; Geroline van Beek, Vivienne de Vogel, Dike van de Mheen, (2020). ‘The relationship between debt and crime: A systematic and scoping review’. *European Journal of Probation*, 13(1), pp.41–71. <https://doi.org/10.1177/2066220320964896>. P Pleasance, (2009). ‘Criminal Offending, Social and Financial Exclusion and Civil Legal Aid’, Legal Services Research Centre; Social Exclusion Unit, (2002). *Reducing re-offending by ex-prisoners*. <https://www.bristol.ac.uk/poverty/downloads/keyofficialdocuments/Reducing%20Reoffending.pdf>

30 P Pleasance, (2009). ‘Criminal Offending, Social and Financial Exclusion and Civil Legal Aid’, Legal Services Research Centre; Social Exclusion Unit, (2002). *Reducing re-offending by ex-prisoners*. <https://www.bristol.ac.uk/poverty/downloads/keyofficialdocuments/Reducing%20Reoffending.pdf>; M Hoeve, S Jak, GJJM Stams, and WHJ Meeus, (2016). ‘Financial problems and delinquency in adolescents and young adults: A 6-year three-wave study’. *Crime & Delinquency*, 62, pp.1488–1509.

31 House of Commons, (2020). *Ethnicity and the criminal justice system: What does recent data say on over-representation?* <https://commonslibrary.parliament.uk/ethnicity-and-the-criminal-justice-system-what-does-recent-data-say/>

32 David Lammy, (2017) *The Lammy Review: An independent review into the treatment of, and outcomes for, Black, Asian and Minority Ethnic individuals in the Criminal Justice System*. Available at: <https://assets.publishing.service.gov.uk/media/5a82009040f0b62305b91f49/lammy-review-final-report.pdf>

33 Runnymede Trust, (2022). *Poverty, inequality and ethnicity in the UK falling faster amidst a cost-of-living crisis*. [https://assets-global.website-files.com/61488f992b58e687f1108c7c/633d8007a3bfa49bd4cd0fa8\\_Runnymede%20Briefing%20Cos](https://assets-global.website-files.com/61488f992b58e687f1108c7c/633d8007a3bfa49bd4cd0fa8_Runnymede%20Briefing%20Cos)

- Both single adults and single parents are more likely to report fine arrears than people living in couples with children. Single parents have the highest prevalence of arrears, being a little more than a third (37%) more likely to have arrears than couples with children;
- Clients in private rental accommodation (212% more likely) or social housing (242% more likely) are both more than twice as likely as those in owner-occupied housing to report magistrates' court arrears;
- People in part-time employment (14% more likely), self-employment (45% more likely) or who were unemployed (193% more likely) were all more likely to report magistrates' court arrears than those in full-time employment.
- Clients in receipt of benefits were somewhat more likely (15% more likely) to report magistrates' court arrears than those not in receipt of benefits.

While care should be taken in generalising trends within the Citizens Advice client group to the wider population, it is notable that across a range of variables, having magistrates' court arrears is significantly associated with indicators of financial vulnerability.<sup>34</sup>

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34 Joseph Rowntree Foundation, (2024). *UK Poverty 2024* <https://www.jrf.org.uk/uk-poverty-2024-the-essential-guide-to-understanding-poverty-in-the-uk>

# Findings from qualitative interviews

## Our sample

We conducted interviews with 56 people in low-income households who had received fines in England and Wales. Our sample was restricted to participants who had met four key criteria: (i) over 18; (ii) residing in a low-income (C2, D or E) household; (iii) received a fine in the last five years; and (iv) were negatively impacted by having to pay back the fine. Our sample was recruited through two routes: 49 participants via a specialist research recruitment company who used locally based recruiters in eight towns and cities across England and Wales to identify local participants who were on low incomes; a further seven participants were recruited through services providing advice and support to people attending criminal court. We also held two workshops with 14 magistrates, in partnership with the Magistrates Association.

The following findings have been separated into the two main areas: (i) the impact that fines and additional financial charges had on the people we interviewed; and (ii) how our interviewees experienced the fines system. While the impacts on people tended to be predominantly financial, the effects that managing payments and going through the system had on people's wellbeing were pronounced, so we have woven these throughout the findings.

## Categorising the impact on the fines population

### What is the intended impact of fines and financial charges on people?

The Sentencing Council's Explanatory Materials on Fines and Financial Orders states that the aim of the fine is to "have an equal impact on offenders with different financial circumstances; it should be a hardship but should not force the offender below a reasonable 'subsistence' level. Normally a fine should be of an amount that is capable of being paid within 12 months though there may be exceptions to this."<sup>35</sup>

This section illustrates how the spectrum of financial impacts caused by fines fit into three categories of people: (i) people who experienced manageable impacts in line with those intended by the guidance; (ii) people who experienced financial worries, took out loans or borrowed from family members; (iii) people who experienced extreme hardship, which meant they were not able to afford basic necessities like food and bills.

### People who experienced limited impacts

A small number of the people we spoke to experienced the court fine and charges payment in a way that felt manageable, with minimal impact. Some were able to pay the total amount in one lump sum immediately after their court case. In these cases, paying the fine was an annoyance, but it did not have any serious impact on their finances, and was typically payable from their discretionary income. These were people who had immediate access to the money, or had family members, most commonly parents or partners, with the financial means and willingness to pay it on their behalf.

*" I think it was a £200 fine. I got in trouble a few years back, drink driving... that was just on top of my ban and £200 which I didn't think was too bad, to be honest. The fine itself, it was manageable without being so low that it didn't have an effect, if that makes sense?*

<sup>35</sup> Sentencing Council, *Fines and Financial Orders*. <https://www.sentencingcouncil.org.uk/explanatory-material/magistrates-court/item/fines-and-financial-orders/approach-to-the-assessment-of-fines-2/1-approach-to-the-assessment-of-fines-introduction/>

“ Similarly, while some people did not have access to the money straight away, once they had set up a payment plan, they were able to comfortably afford to pay their fine by instalments each month.

For a small proportion of interviewees, the impact on their finances was more pronounced, but stopped short of hardship or destitution. These people were still able to cover their basic living costs, and instead had to cut down on what they considered to be non-essentials, such as going on holiday, buying expensive food, eating out in restaurants, going to the hairdresser, taking their children to the cinema, doing home improvements or going to the pub.

#### **Impact on wellbeing: A minority unaffected**

For a small number of people we spoke to, the experience of paying a fine either in one lump sum or through payment plans had a minimal and short-term impact on their emotional wellbeing.

*"For me personally, there wasn't really any great financial hardship with the fine because it was a little amount of money each time."*

#### **People who experienced significant worries**

Most commonly, people tended to experience a range of significant worries, often caused by the total amount they owed the court and fears over further consequences if they were unable to pay. People experiencing this came from a wide breadth of financial backgrounds. Some worked full-time, others part-time, some were in receipt of benefits and others were retired. We heard from people who were ordered to pay a large total sum by the court despite living with their parents, lacking savings, being a single parent or not being in work and struggling to find employment.

“ I think at that point I was earning about £400 a month, and then I had my car to pay for because that was on finance, and that was £200. Then I was still living at home with my parents. I didn't have any rent or anything, but I still had phone bills, fuel, commuting to and from work, all that stuff. I was only really getting about £50, £60 to myself a month, and then they slap you with an £800 fine.

“ And they take, obviously, because I'm only on benefits, so I don't get much as it is. I only get £280 a month, do you know what I mean? And once they take, they take so much out of that. Like, I think it's £60-something a month. It takes a lot of money off you, do you know what I mean? Especially when you're struggling. So, it's hard.

#### **Impact on wellbeing: Stress and anxiety**

We frequently heard that the financial difficulties people experienced as a result of paying court fines and charges worsened their mental health. For some, this manifested as increased feelings of anxiety and stress, caused by the worry of not being able to afford their next fine payment. Others described the mental toll and anguish of constantly thinking about how to stretch and manage their budget. A couple of people said that the stress affected their ability to sleep and they had gone to see a doctor to help them cope. We heard from a few people that the stress of struggling to pay their fine worsened pre-existing mental health conditions, such as clinical anxiety and depression.

*"It was just making me feel paranoid about it. And I'm quite an anxious person anyway but knowing that I had that to pay every month, it was just a big weight on my shoulders."*

The inflexibility of fine payments was cited as amplifying financial stresses due to the fact that people's incomes varied each month, but their payment plan did not reflect this. This was particularly an issue for self-employed people, or those on zero-hour contracts, who often found their budgets to be reduced some months, but without an option to adjust or pause payments to accommodate this. One person told us that they believed it was possible to pay more than the agreed monthly amount, but the amount could never be reduced.



*“ It wasn’t much, [...] it was like a catering job, so you’re on zero hours. [...] So my first month, I didn’t earn much [...] But it felt good that I actually had some money in my pocket for once, that was the difference. But once I started getting more hours and stuff, it was a lot easier. They always say you can pay more and not pay less.*

People expressed deep concerns about what would happen if they encountered unexpected costs one month, such as their car or a household appliance breaking down, and worried about the consequences of not being able to cover payments.

*“ To be really honest, I don’t have a clue what I would do if [...], like an expense just came out of nowhere. Like say you needed a new washing machine because it broke down or something. I don’t know how I would be able to afford to pay it.*

A few of the people in this situation explained how they took on more work, often working overtime or on the weekends, to try and earn enough to cover the costs of their fine and financial charges payments, including one person who told us they ended their paternity leave prematurely to ensure that they could pay their fine. While individuals taking on more work is not of itself a sign that the amount owed placed people below a reasonable “subsistence” level, it does suggest that the financial impact is not experienced equally by people with different levels of means.

*“ I’m working Saturday, Sunday till six o’clock, and working weeknights till eight, nine o’clock. And it was just obviously a negative impact to where I was, to pay back the fine. It probably took me eight months of the constant cycle of working extra hours for the builder, and doing my own jobs.*

#### **Impact on wellbeing: A never-ending cycle**

People shared concerns that they would never pay their total amounts off, either because of the fine amount itself, or because the fine plus other financial charges exceeded what was affordable. They described feeling that they were in a never-ending cycle of debt to the court, which would never be paid off.

*“They still take so much off. But it doesn’t seem to go down. Because you get half of it down, and you go to court for something stupid, and you get nearly £1,000 again, so then it doesn’t make no difference. It doesn’t make no sense. You’re always in debt with them, always. Once you start, that’s it.”*

Some of those who had agreed to pay small monthly amounts felt that while these amounts made paying the monthly instalments possible, it had such a negligible impact on reducing the total amount that payment felt endless and impossible to achieve. Many in this situation described feeling hopeless and distressed. A few people said that paying their fine over a long period of time meant they were constantly reminded of the offence that they had committed, and prevented them from mentally being able to move on from the incident.

*“When you see the start date and the end date and you just see a year or two years, three years, four years. It’s just like, ‘Oh, my God.’ It just seems like it’s going to go on forever.”*

Typically, people who felt that the overall financial burden imposed did not reflect their financial circumstances reported feeling they had been treated unfairly. They often felt confusion over the reasoning behind additional financial charges, and for some this turned to frustration at what they perceived to be unfair penalties, which felt disproportionate to the initial offence.

*“I feel like I don’t feel you should be punished three, four times for one thing, do you know what I mean? If I’d broken something, then obviously you are expected to compensate, because someone has got to pay for it. But, I feel in that situation, I feel like the ban, taking my licence, losing my job, was punishment for what I’ve done.”*

We heard that for some, particularly those working in manual labour, taking on more work resulted in a physical toll on their health. It also had an impact on their mental health as it reduced the time they were able to spend with their family, particularly their children.

Several of the magistrates we spoke to said that the 12-month payment limit, set out in the sentencing guidelines, did not feel possible to achieve for people on low incomes. One magistrate acknowledged that payment rates were set so low for some people on large fines that they would be paying it off for years.

*"I mean, heavens, there are people who are going to be paying £5 a week for the rest of their lives."*

### **People who experienced extreme hardship**

At the furthest end of the spectrum, and most concerning, we spoke with people who were already living in poverty, or at the edge, and whose fine payment worsened their financial precarity. These people tended to live month to month, had no savings, and who, after paying their fine and financial charges, did not have enough money to pay for basic living costs, such as bills, rent and clothes for their children. To cover the cost of their fine and financial charges, people recalled going into arrears on their rent or council tax. A profound impact of this financial hardship meant some people had to make a choice between paying their fine or buying food.

*"It was a lot of money and at that time in my life it was an actual choice between food or paying a fine and it was, like, well, I tried to prioritise but then you get all the backlash and the stress of the whole... You know."*

One person disclosed how they cancelled their direct debit to the court as the payment would have left them without enough money to buy food, and a couple of other people had used foodbanks to get by. Many of the people in this situation were in receipt of benefits, or were temporarily out of work, and told us that the fine payment deductions did not leave them with enough money to survive on. This hardship was felt more acutely due to high inflation affecting the cost of food, rent and bills. The payment of bills was also frequently cited as a source of concern, with many expressing feelings of fear that one unexpected bill would push them into destitution.

*"Financially I'm living day-to-day as it is, sort of hand to mouth. So to find an extra £20 to... It may not seem a lot but it's a hell of a lot for me a month to think, 'Right, what have I got to cut back on now?', especially, as you know, everything going up and everything, the cost of living going up."*

In two extreme cases, we spoke to someone who had received a fine while serving a prison sentence, and another who was homeless.

*"They've nobbled me with the £750, which is crippling, and so far I haven't paid a penny of it. I'm of no fixed abode, I told them in court I'm of no fixed abode, and they just went, 'Right, you've been fined, off you go.'"*

### **Impact on wellbeing: The emotional strain of destitution**

The mental toll, stress and anxiety from constantly worrying about how much money they would be left with each month, and how they would be able to pay for essentials, such as food or children's clothes, deeply impacted the majority of people struggling to pay their fines.

*"The impact [of the fine] was stress and anxiety really, thinking, if I didn't have money to replace it, what am I going to cut back on? Because if I'm going to cut back on food, I'm going to be hungry. If I cut back on my rent, I'm going to get in debt. I shouldn't smoke anyway, but... yeah, it was anxiety-provoking, definitely."*

In our workshops with magistrates, there was agreement that fines were not an appropriate disposal for those living in poverty. They felt it was pointless fining people in very low-income families, or those who were homeless, because they would not be able to pay.

“ | *How far do you go to enforce a fine for somebody that's got nothing or has got extremely limited means?*

In addition to their concerns that someone with no fixed abode would not be able to afford the fine, they also thought it would be impossible to enforce it, because they do not have a stable address.

“ | *When people are of no fixed abode, you can't fine them because they're always on the move.*

One magistrate believed that court fines worsened people's poverty and increased their likelihood of reoffending, as it compelled them to commit more offences to afford to live.

“ | *Are we going to be the straw that breaks the camel's back and is this going to push them over into more crime, as in they need to, because they can't get to a food bank?*

### Case study

Ellie\* loses her job and signs up to receive Universal Credit. She is a single parent and does not receive child maintenance from her ex-partner. Her benefits do not cover her living costs and mortgage payments. She takes on a job at a call centre, and is charged with committing benefits fraud. She pleads guilty to the offence, but feels that she is not given the opportunity to explain that she took on the job to afford food for her children.

At court, she completes a means form, and then receives a £1,000 fine. She agrees to pay her fine through deductions to her benefit entitlements, at £6 per month.

The deductions to her benefits means that she has even less money to pay her bills, mortgage and for food for her children. She engages in illegal activity to make ends meet. She feels that the small payments will never pay off the large fine total, which badly affects her mental health.

\*Names have been changed to protect privacy

## Experiences of the fines system

Our literature review found evidence, albeit from nearly a quarter of a century ago, on people's experience of the court process when being sentenced to a fine. It suggests that people who were in receipt of court fines often struggled to understand the court process and the sentence they had received, including the amount that needed to be paid, the payment deadlines and the consequences of non-payment.<sup>36</sup> This was particularly the case for people with additional communication and learning needs.<sup>37</sup> This accords with more general research on people's experience of the criminal court process, which is often reported as confusing and hard to engage with.<sup>38</sup>

Picking up that thread nearly 25 years later, this section illustrates the experiences people had of the fines process, from their appearance in court, how information about their financial circumstances was gathered and used through to how the payment and enforcement processes worked.

36 John Raine, Ellen Dunstan, A Mackie, (2004). 'Financial penalties: Who pays, who doesn't and why not?'. *Howard Journal of Criminal Justice*. 43(5), pp.518–538; John Raine, Ellen Dunstan, A Mackie, (2004). Robin James Moore, (2001). *The enforcement of financial penalties by magistrates' courts: an evaluative study*.

37 John Raine, Ellen Dunstan, A Mackie, (2004). 'Financial penalties: Who pays, who doesn't and why not?'. *Howard Journal of Criminal Justice*. 43(5), pp.518–538.

38 J Jacobson, (2020). 'Participation in courts and tribunals: Concepts, realities and aspirations.' *Bristol University Press*. Available at: <https://bristoluniversitypress.co.uk/asset/8895/policy-briefing-jacobson.pdf>; P Mullin, C Collins and K Savage, (2022). 'Understanding and improving defendant engagement'. *Revolving Doors Agency, HM Courts & Tribunals Service*. Available at: <https://revolving-doors.org.uk/wp-content/uploads/2022/07/Understanding-and-improving-defendant-engagement.pdf>

## Sentenced to a fine

In our workshops with magistrates, there was a majority consensus that fines do not act as a deterrent against further offending. We heard that magistrates felt that those with the means to pay their fine would not be impacted in any way that would deter them from similar future actions, while those on low incomes would not be deterred either, as their fines often do not get paid.

Yet many of those we spoke with also referenced the limited sentencing options for less serious offences other than a fine. Some of the magistrates acknowledged that they would often give an individual on a low income a fine because it is the lowest disposal they could give, despite knowing that they would struggle to pay it. Some magistrates highlighted that the support someone might get from a community sentence could be more beneficial but they had to give a fine because the offence did not warrant the severity of a community order.

*“ It’s not something that we’d want to do, but we lack any alternatives and I think that is a problem for the court.*

*“ Is it best to essentially pump up the charges to make it fit a community threshold when in reality if the person in front of you were a bit wealthier, you would just give a fine?*

Another magistrate said that they would be more likely to give a fine to a person on a low income who was displaying unmet needs, as they believed that person was less likely to complete a standalone unpaid work requirement.

*“ Our hands are tied. It’s a very uncomfortable feeling. Quite often, you know your options are a discharge, or unpaid work, which they quite often can’t do.*

## Determining the amount of fines and financial charges

### How are fine amounts supposed to be set?

The court sets the amount of a fine after considering how serious the offence is and how much money the offender can pay based on their income. The maximum fine allowed in both magistrates’ courts and the Crown Court is unlimited. A fine is usually based on one of six bands (A–F). The selection of the relevant fine band, and the position of the individual offence within that band, is determined by the seriousness of the offence. The starting point of the bands ranges from 50% to 150% of an offender’s weekly income. The offender’s financial circumstances are taken into account by expressing that position as a proportion of the offender’s relevant weekly income.<sup>39</sup>

### Perceptions of how fine amounts are set

Only a small minority of interviewees believed that their fine had been set in relation to their income. More frequently, people perceived fine-setting processes as an administrative procedure that did not deviate from person to person. People who felt this way typically believed those on high incomes would end up paying fine amounts similar to those on low incomes. Others perceived that the size of their fine was determined by minimum sentences, which restricted the capacity of sentencers to impose case-by-case discretion. This belief was particularly prevalent among the cohort of people we interviewed in Bristol, many of whom had been told by the court that it had to give the minimum fine amount. A significant proportion of people did not know how the fine had been set, and described the amount that they had been asked to pay as random.

*“ They never adapt the fines to people’s income, or outgoings, and it’s always, I think they’ve just got set markers for fines; it doesn’t matter if you’re on the dole or you’re a millionaire.*

<sup>39</sup> Sentencing Council, Explanatory Materials Fines and Financial Orders – Fine Bands. <https://www.sentencingcouncil.org.uk/explanatory-material/magistrates-court/item/fines-and-financial-orders/approach-to-the-assessment-of-fines-2/2-fine-bands/>

## Assessing financial means

### How is means information supposed to be collected?

Sentencing legislation and guidelines emphasise that courts must take into account the financial circumstances of offenders when determining the size of fines and the amount of prosecution costs to be paid. Relevant financial details are commonly collected via the MC100 “means form”, which collects information about income and outgoings. Where an offender does not provide financial information, the court may make its own judgement as to their financial circumstances and may rely on the default income figure of £440 per week (equivalent to roughly £23,000 per year).<sup>40</sup>

The people we interviewed reported varying approaches to courts collecting financial information. A number of people we spoke to could not recall there being any discussion of their financial circumstances in setting their fine, while those that had financial information collected recalled a wide range of practices. While the majority of the people that we spoke to perceived the assessment of their ability to pay to be inadequate, a small cohort of people felt the court had taken into account their finances. This sense of proportionality tended to result in people feeling that they had been fairly treated.

The most common procedure for collecting financial information reported by those we interviewed was via the standard means form. Variations in the level of detail and type of information about people’s finances were still cited, with some asked to enter only basic information about their employment status, their income, and whether they were in receipt of benefits. The limited levels of details gathered left many feeling that important information had been omitted that was relevant to their ability to pay the fine, such as being in debt, being on long-term sick leave from work, being self-employed or being semi-retired. A few people were asked to enter more detailed information about their outgoings and daily living expenses, and even more infrequently, some had been told to bring payslips and documentation about their benefits entitlements to court in advance of their hearing. Just one person told us they were asked if they had any dependants.

*“ You get your means form. As soon as you go to court, the first thing you’re handed is a means form. That’s the first thing they do, is, a woman will come out and hand you a means form to fill in, saying what you get, and, do you know what I mean? And what your incomes and outcomes are. So, you tell them, ‘I’m on benefit, I get nowt, really’, do you know what I mean? And what I do get covers whatever my bills and my food are, just for that month.*

Interviewees who had completed a means form generally believed the court did not check the validity of the information submitted about their finances, as most were not asked for any proof of what they had included, nor were they told to bring documentation to their hearing. A few people admitted to having entered inaccurate information on the form to misrepresent their financial circumstances to the court. In one case, it was alleged that a solicitor exaggerated a person’s lack of finances in an attempt to reduce their fine. This should be held in balance with many more people who told us that they had overstated their ability to pay the fine, as they believed that it would reduce their risk of receiving a custodial sentence.

*“ You do it before you go into court. They give you a form – ‘Fill this in’ – see how much your outgoings are. Rent, toiletries, cigarettes, all that stuff. And you always – you’re probably not meant to – bulk it out, to let them think you’ve got no money, so hopefully the fine will be lower.*

In a significant minority of cases, people reported that they had not been asked to complete a means assessment form, and instead the court had sought information about the person’s financial circumstances in more informal ways, for example, asking them during their hearing about their finances and how much they could afford to pay. In these instances, people typically described discussions as

40 Sentencing Council, Explanatory Materials Fines and Financial Orders – Approach to assessment of fines. <https://www.sentencingcouncil.org.uk/explanatory-material/magistrates-court/item/fines-and-financial-orders/approach-to-the-assessment-of-fines-2/1-approach-to-the-assessment-of-fines-introduction/>

being limited to employment status and salary. One person who had been to court multiple times for different offences told us that the level of detail discussed depended on the presiding magistrate.

“ *When they came back in the second time they asked how much I earned to work out the fine, I'm assuming, based on what I earned, yeah. But obviously they don't know how much I was paying out at the time, they just, they don't ask you anything. The only thing they go off is your salary, but they don't know if you're in debt or they don't know if you're struggling to get by. They literally don't know anything.*

This approach particularly affected those who were self-employed, who generally felt a fine amount set according to their annual earnings failed to acknowledge that their income was liable to change each month.

“ *When you're self-employed, sometimes you've got money, sometimes you haven't. That's the thing with the form, 'How much do you earn a year?' It's irrelevant if you're a self-employed person. I could work seven days a week for a month and have good earnings and then not have or not do much for two months.*

Several people said that their solicitor facilitated this discussion or negotiated the amount on their behalf. Yet a small portion of this group felt that their solicitor had not had an accurate or comprehensive understanding of their finances and, as a result, the information that was relayed consisted of vague estimates and lacked detail. A smaller but worrying fraction of interviewees reported having had no discussions about their financial circumstances before receiving their fine at court. One person said that they had tried to bring to the court's attention that they were in receipt of benefits, but they were told to be quiet by the court staff.

“ *I think they should have asked what my financial situation was before, or at least, enquired. I don't know how much of a difference it would have had, but definitely, if you're going to impose a fine such as that, or any fine, you need to know that someone can pay it off.*

### **Case study**

John\* is summonsed to court and found guilty for not wearing a seatbelt, speeding and using his phone while driving. He tells his duty solicitor that he is unable to work because of a health condition and is in receipt of Universal Credit. Despite this, he isn't asked for any information about his financial circumstances and does not fill in a means form. He receives a total to pay of £1,600, which he understands to be the minimum permissible fine. His solicitor asks him how much he can afford to pay each month, and agrees to a payment plan of £5 per week via a direct debit.

John feels that the instalments take a large percentage of his income. He struggles to pay for his energy bills and the petrol for his car, which have gone up in price because of high inflation. He worries every month that there will not be enough money in his account for the fine payment and that he will be charged overdraft fees by his bank. He also worries about the criminal consequences of missing a payment, particularly the prospect of being sent to prison.

*\*Names have been changed to protect privacy*

Our roundtables with magistrates support the findings from our interviews with people who have lived experience. The approach taken by the different magistrates to collect means information varied greatly. Some said that they verbally asked the person in court about their general income. Some used means forms to collect financial information, but many did not.

“ *I think that's our paranoia with not touching paper these days.*

“ *I'm in [a specific court], I've only once ever seen a means form.*

Two magistrates said that there was not enough time in the court hearing to conduct a thorough enough assessment of the person's finances.

“ If you had more time you, you could look at, you know, that person's circumstances, but it's really about the incomes and the outgoings and what's really going on in their lives. And again in a busy court, you won't have time to really dig into that.

“ If we have a means form, we absolutely can ask for evidence, but practically, practically it is not something we do because it would simply jam up the wheels of justice.

The roundtables also reflect our lived experience findings, which suggest that the court process insufficiently determines people's financial situation. Several magistrates said that they did not have sufficient information, or documentation, to determine if people were on benefits or of low means. One magistrate criticised the means form for failing to provide important details about a person's finances, such as whether there are other deductions being made to their benefits or what other loans they are paying off. Another said that the court staff entered means information into the online system, but this information did not reach them when they were deciding the fine amount.

“ We get very little information, any fines, information, any financial information.

“ 99.9% of the time we use some rule or fairy stories.

Some magistrates felt that there was no way to validate what people told them about their finances. They had to take their word for it, and trust that it was correct. A couple of magistrates believed that some people exaggerated their inability to pay their fine to try and reduce the amount, but they had no way of proving this.

## Financial charges

### How are financial charges meant to be imposed?

There are a number of additional financial charges that the courts are able to impose alongside the fine,<sup>41</sup> including the surcharge (often known as the victim surcharge), discretionary prosecution costs, and compensation orders.<sup>42</sup> We will refer to these collectively as court charges.

The sentencing guidelines state that prosecution costs should not exceed the offender's means when added to other financial charges that are imposed.<sup>43</sup> There is no limit on the size of the compensation order, but the court is required to take into account the offender's means, and they are empowered to scale down the amount or allow additional time to pay (up to three years) if the offender has “little money”.<sup>44</sup> There is less flexibility over the surcharge amount, which is always 40% of the fine.<sup>45</sup> When the offender has insufficient means to pay both the surcharge and compensation, the total can be adjusted, but the compensation must always be prioritised.<sup>46</sup>

Nearly every person that we spoke to was aware that other financial charges had been added to their fine total, though there was much less understanding about how they had been calculated. People often recalled how these “hidden costs” made the overall amount impossible to pay. In some cases, the financial charges doubled or tripled the amount that was owed to the court.

41 Sentencing Council, *Fines and Financial Orders*. <https://www.sentencingcouncil.org.uk/explanatory-material/magistrates-court/item/fines-and-financial-orders/prosecution-costs/>

42 In this document we use the term “financial imposition” to refer collectively to these additional financial penalties.

43 Sentencing Council, *Prosecution Costs*. <https://www.sentencingcouncil.org.uk/explanatory-material/magistrates-court/item/fines-and-financial-orders/prosecution-costs/>

44 Sentencing Council, *Compensation Orders*, <https://www.sentencingcouncil.org.uk/explanatory-material/magistrates-court/item/fines-and-financial-orders/compensation/>.

45 Sentencing Council, *Victim Surcharge*. <https://www.sentencingcouncil.org.uk/explanatory-material/magistrates-court/item/fines-and-financial-orders/victim-surcharge/>

46 Sentencing Council, *Compensation Orders*, <https://www.sentencingcouncil.org.uk/explanatory-material/magistrates-court/item/fines-and-financial-orders/compensation/>

*“ It’s just everything sort of roller-coastered; they added more and more and more. What would have been a fixed penalty of £100 [was then] plus the towing of the car and storage and then probably a ban. It was just not being explained.*

In addition to making payments feel less manageable, most people reported they were unsure what the additional charges were for, and this created feelings of mistrust towards the courts. For example, a handful of people expressed confusion and anger over paying the surcharge, either because they knew the money did not go to the victim that was involved in their case or because they had committed offences that did not involve a victim at all.<sup>47</sup> These additional charges imposed by the court added to people’s sense of injustice. It was acutely felt that they had been rightly punished and financially disadvantaged by paying the fine, but that these extra charges felt overly punitive. These financial charges were frequently described as disproportionate to the offence that had been committed, and many people stated that the amount greatly exceeded the fine itself. This caused diminished feelings of trust in the justice system, and the notion that additional charges were driven by extracting as much money as possible, rather than seeking justice for the offence committed.

*“ I thought it was quite extreme, because the actual fine itself was only £60. But then with all the interest on top and the court fees and all that, that’s what it adds up to. But yes, it’s quite steep really. It’s quite a lot of money if you don’t have it.*

In our magistrates’ roundtables, a few of the magistrates (though not a majority) said that financial charges were often greater than the fine, which they attributed to the lack of discretion they had over setting the amounts, in contrast to the fine itself. In particular, a large number of magistrates were frustrated that they do not have discretion as to whether to impose the surcharge. They also spoke about how they are even obligated to add a surcharge to a custodial sentence.

*“ Even if you go to custody, it’s a three-figure victim surcharge.*

*“ What you’re really doing putting a surcharge on somebody that’s going into custody is they’re going to have a debt when they come out. I thought the whole concept was that when you sent somebody to custody, when they come out, they needed to be cleaned. They give them the best opportunity. What will happen is they’ll need to go out and commit more crime in order to pay the debts. So you know, it’s a full circle. Catch 22 situation.*

Many magistrates believed that the surcharge is often set too high for people on low incomes. One magistrate believed that the surcharge was pushing people into debt and driving them into bankruptcy. This in part is due to recent changes made to how the surcharge is calculated. Previously, the surcharge was set at 10% of the fine, and this proportion has now increased to 40%. Another issue was raised about how the surcharge is not means tested, and therefore is not set in relation to people’s financial means.

*“ If there is a way of having a sliding scale of that surcharge depending on people’s means, then I think that would be a little bit fairer.*

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<sup>47</sup> Revenue raised from the surcharge is used to fund victim services through the Victim and Witness General Fund. <https://www.sentencingcouncil.org.uk/sentencing-and-the-council/types-of-sentence/other-orders-made-on-sentencing/what-is-the-victim-surcharge/>



## Arranging payment

### How is arranging payment meant to work?

All fines and court charges are, by default, payable in full on the day they are imposed. The Sentencing Council's Explanatory Materials on Fines and Financial Orders encourages the courts to ask for immediate payment of the fine. If that is not possible, both the magistrates' and the Crown Courts have the power to order payment in instalments, typically up to 12 months, although this period can be up to three years. The guidelines state that when allowing payment by instalments, payments should be set at a realistic rate, taking into account the offender's disposable income.<sup>48</sup>

The 2003 Courts Act enables magistrates' courts to agree, with the offender's consent, to an attachment of earnings order being made, which deducts payments for the unpaid sums from the employee's pay, and via a deduction from benefits.<sup>49</sup> A fixed amount is deducted from benefits until individuals have paid off the debt they owe. Money can be deducted to pay off up to three debts at once (for example, court fines, rent, council tax or energy payments). If an individual receives Universal Credit, up to 5% can be deducted from benefit payments for each debt owed. For rent, between 10 and 20% will be deducted. If individuals receive other benefits, £4.25 a week will be deducted for each debt. If individuals want to pay more than the fixed rate towards their debts, they must arrange this with the organisation they owe money to.<sup>50</sup>

A small cohort of people we spoke to paid their fine off in one single payment. The majority of this group did so because they were financially in a position to pay the full amount straight after their court hearing. A smaller number of people could not comfortably afford to pay their fine in full, but did so anyway, as they preferred to be in debt to their friends, family or private companies (for example using a credit card) as it enabled them to end their contact with the justice system, and move on from their offence.

*" I wanted to pay straight, well, again on the credit card though. I couldn't really afford to pay it all. But I think it was that idea of I just wanted it done. I had the opportunity to discuss payment method afterwards, but I just declined that and said, I'll just pay it.*

We also heard from a few people who had paid their fine in one lump sum, but did not do so out of choice. While it is common for courts to make orders arranging for fines to be paid in instalments, this is at their discretion – the default is that fines must be paid in full within 28 days.<sup>51</sup> It is worth noting that the sentencing guidelines on employing this discretion are distinctly more limited than the guidance on setting the size of the fine to reflect people's financial circumstances.<sup>52</sup> A small number of people had been told in the courtroom, or by letter after their hearing, that they had to pay their fine in full within a set deadline. Deadlines ranged from two, three or four weeks. In some cases, people had expressed concerns over their ability to pay to the court and requested to pay in instalments, but had been told that this was not possible. Some were warned that if they did not pay, the amount that they owed would increase. These people left court either worried about how they would find the money to pay their fine in such a short deadline, or certain that they would not be able to pay it.

*" I got my letter saying, 'You've been fined.' So, I rang up saying, 'That's fine. I can pay it. Can I pay in instalments?' They're like, 'No, you can't.' So, I said, 'Well, I haven't got the money.' So, they were like, 'It's going to go up even more.' So, I said, 'I can't afford this which is a lower price; how am I going to afford that?' And she was quite arsy, if I'm honest, on the phone.*

48 Sentencing Council, *Fines and Financial Orders*. <https://www.sentencingcouncil.org.uk/explanatory-material/magistrates-court/item/fines-and-financial-orders/approach-to-the-assessment-of-fines-2/12-payment/>

49 Schedule 5, para 9, Courts Act 2003.

50 Manage deductions from your benefits to pay debts and bills. [https://www.gov.uk/bills-benefits#:~:text=If%20you%20owe%20money%20\(for,Universal%20Credit](https://www.gov.uk/bills-benefits#:~:text=If%20you%20owe%20money%20(for,Universal%20Credit)

51 Sentencing Council, *Explanatory Materials: Fines and Financial Impositions – Payment*. <https://www.sentencingcouncil.org.uk/explanatory-material/magistrates-court/item/fines-and-financial-orders/approach-to-the-assessment-of-fines-2/12-payment/#:~:text=if%20periodic%20payments%20are%20allowed,of%20up%20to%20three%20years.>

52 Ibid.

The majority of those unable or unwilling to pay their fine in one payment were given the option to set up a payment plan and elected to pay their fine through monthly instalments. Fine instalments were largely paid in one of three ways. Most commonly people we spoke to set up a direct debit, which automatically deducted the money from their bank account. However, a smaller group of people were required to manually make the payment each month. These people were given a card with payment details and the option of paying via an automated phone service or online. In some cases, this was by choice, while others had been refused the opportunity to set up a direct debit, though it was not clear why this might have been the case. Some found this process easy to manage and felt like it was just another bill to pay each month, while others described it as overly complicated. Some people suggested that using manual rather than automated payments raised the risk that the payment would be missed. A common criticism of the online payment system was that it did not keep track of how many payments had been made or how many were left, leaving many unsure as to how much longer they would be paying off their fine. A couple of people recalled paying their fines by physically attending court and putting cash payments into a box, which they were happy to do.

*“ You just go [to pay your fine at court], you get it done, you get yourself a receipt and you go on your way. Like, yeah, it’s not difficult. Like, town, from my house, is about 20 minutes to the court, so it’s not that bad. It gets me out, a bit of exercise as well.*

Others had payments deducted from their benefits or wages. The various outcomes of these different methods of payment are discussed in the following paragraphs, but it is worth highlighting that the approach taken to determine whether someone paid through monthly instalments or deductions tended to mirror practices on how means information is collected in court – it is a messy, inconsistent and unreliable process, in part due to the information available to the court and in part due to the process and procedures by which this information is gleaned.

*“ I think they deduct about £18 to £25 roughly out of each month, you’re paying that. And I didn’t even get a say in it. They never asked me if it was affordable. They went to the benefit system and then they decide what you can afford, without knowing anything about your situation, your lifestyle, or anything.*

For the small proportion of interviewees who left court without a payment arrangement in place, most were instructed during their hearing to contact the court’s fine office, with a few people being told to await further instructions in the form of a letter. However, a couple of people had not been told to expect this letter and were unsure how to pay their fine. They described feeling in a state of limbo and unaware of who they should speak to, which caused anxiety and stress.

The payment of court fines is dealt with by dedicated fines officers, who are located within the court, or by a regional fines enforcement team, who have the same powers as fines officers.<sup>53</sup> Of those that arranged their payment plan by calling the fines office, a small number described their experience positively, and said the process was quick and easy. The predominant experience of this interaction, however, was that of incompetence and unhelpfulness. Similar to the majority of those who gave means information in court, most felt the conversations with the fines officers around finances were limited to basic information. Many shared concerns that this had not sufficiently captured their financial situation.

*“ It was just a woman saying, ‘Look, can I, is there any chance I pay this?’ She might have said to me about, ‘What’s your finances?’ and that’s maybe why I said £50 a month. But then, there wasn’t much else, really.*

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<sup>53</sup> National Debt Fines office, *Magistrates’ courts fines*. <https://nationaldebtline.org/fact-sheet-library/magistrates-court-fines-ew/>

### Impact on wellbeing: Means of payment

Many of those who elected to pay their fine in one payment expressed feelings of relief. Even those who borrowed money to enable this preferred to be indebted to friends and family rather than the court. However, those who felt forced to pay in one lump sum described feeling worried about obtaining the money required to make this payment within the given deadline. Others felt fearful of further consequences as they knew they would be unable to pay.

*I did think, 'Oh my God', like things in my head, I was just thinking, 'How am I going to pay that?'*

For those able to make monthly payments, the means by which people did this had varying impacts on their wellbeing. Some of the people who were unable to set up direct debit payments expressed feeling stressed about having to navigate the online system, while others were fearful they would forget and miss a payment that was required to be paid on a specific date. Those who paid in person at the court reported finding the process straightforward and easier than having to use the online system. These people said it made them feel more in control of the payment process.

### Payment plans exceeding affordability

#### How is setting payment plans meant to work?

Sentencing council guidelines suggest that when fines and charges are to be paid in instalments, the fine should normally be payable within 12 months, though this might rise to 24 months for more serious band E and F fines. However, payments should be set at a realistic rate taking into account the offender's disposable income. It offers a suggested starting point of 5% of the offender's net weekly income each week but notes if the offender has dependants or larger than usual commitments, the weekly payment is likely to be decreased.<sup>54</sup>

Through our interviews, we learned that payment, whether through payment plans or benefit or wage deductions, often required people to pay more each month than what they could afford to pay. For a significant minority of people, monthly payments for court fines and charges not only exceeded what felt affordable, but went beyond what people were able to pay at all. When people were unable to pay or fell behind on payments, enforcement action escalated quickly. In addition to the negative impacts this has on people already struggling financially, enforcement that is referred to a private debt company incurs large administrative costs.

#### Setting the payment schedule

Whether arranging payment plans in court, or through calling the fines office, the process for setting instalment amounts felt ad hoc to many of the people we interviewed. Payment amounts proposed by the fines officers and magistrates felt random for many, with one person reporting that the amount the court felt "comfortable" accepting each month seemed to carry more weight than a person's ability to pay. Some expressed the pressure they felt at being responsible for suggesting an amount that they could afford, and found this difficult to accurately do on the spot. As a result of these issues, many people faced monthly payment amounts they could not reasonably afford. A few people in this situation regretted not suggesting, or being more persistent about needing to pay, a lower amount. A couple of people told us they had overstated their ability to pay their monthly instalments, as they believed that if they convinced the court they had access to money to pay their fine quickly, they would avoid receiving a prison sentence. Consequently, they left court with a payment plan they knew they would not be able to pay.

*" I was trying to get off the prison sentence. So, when they said, 'Oh, how much can you afford a month?' I was saying, 'Yes, £200 a month is fine.' I didn't even have a job.*

54 Sentencing Council, *Explanatory Materials Fines and Financial Impositions*. <https://www.sentencingcouncil.org.uk/explanatory-material/magistrates-court/item/fines-and-financial-orders/approach-to-the-assessment-of-fines-2/12-payment/>

## Paying through benefit or wage deductions

A small subset of people we spoke with had paid their fine through automatic deductions to their benefit entitlements, and an even smaller group paid through automatic deductions from their wages. For both deduction methods, a handful felt positive about the arrangement as they felt the automatic nature removed the worry of remembering to make the payments each month and it felt simple to manage. This cohort typically found the deductions were proportionate to their benefit entitlements or wages, and left them with enough money to afford their basic living costs.

“ *Same with Universal Credit. It's taken away before I even got it. So it guarantees to get paid and keeps the wolf away from the door, and gives me that freedom, like peace of mind. Yes, it's just one less stress taken away from me.*

However, this was generally a minority view among people who had paid their fine in this way. Most people felt dissatisfied that they had not been given a choice about how they would pay. We frequently heard how, once the court found out that a person was receiving benefits, often during the assessment of their means, arrangements for deductions were made without their consent. One person was in a position to pay a proportion of the fine upfront, which they would have preferred, but were told by the court that the only option was to pay through monthly deductions.

“ *So, 'It was just because you're on benefits,' they told me, and I said, 'No, I want to pay a little bit more. So, I can just get it done and dusted.' But they wouldn't let me. So, they take it, because I said I'll set up a direct debit. And they said, 'No, we'll just knock it off your benefit.' So, that was fine. But like I said, I did want to pay that bit more to get it paid quicker.*

For a very small number of people, they only found out that deductions were being made from their benefits when they received less money than they expected in their account and had contacted the Department for Work and Pensions (DWP) for an explanation. Similarly, for those with wage deductions, a minority had not consented or been informed that the deductions would be made, and they only found out when they received their payslip.

“ *I remember once when I was working on the railway, and I got a train fine, to be fair. I didn't even know. And they took me to court without me knowing, and they charged me £500, and they took £190 a week out of my wages until I paid it, without me saying that. That's what they can do, can't they?*

The perceived lack of communication from either HMCTS or the DWP meant many people were unsure about how much would be deducted each month and when the deductions would be made. A common theme for those on benefit deductions was not knowing how long their benefits would be reduced for, as they had not been given a deadline or payment schedule by either department. This heightened people's sense of powerlessness over paying their fine, and made managing their budgets each month challenging.

“ *I don't know how much they're taking each month. I don't even know how much I've got left to pay. They don't notify me on anything really [...] I don't know how much I've got left to pay at all.*

Many experiencing benefit or wage deductions felt there was a lack of discussion about their financial circumstances, and that the decision around how much they could afford to pay was made by the court. As a result, many felt that the fine deductions took a large percentage of their entitlements or wages, leaving them without enough money to pay for basic living costs. Challenges with budgeting were further exacerbated by fluctuating amounts being deducted each month in an unpredictable manner. This also made it harder for people to keep track of how much of the fine had been paid, and how much was left outstanding.

“ *They didn't give an option to pay a different amount. They just said, 'This is what's going to happen.' So maybe they'd spoken to somebody and discussed the amount. It wasn't discussed with me. It was just sent to me.*

### Impact on wellbeing: The stress of automated deductions

The automated payments made many feel powerless and not in control of their own finances. People who had money taken directly from their wages without prior consent described feeling violated that the deductions had been made without their knowledge. Many considered this to be an overreach of the state's powers.

*"It made me feel a little bit, I don't know, like a child, as if I couldn't have done it myself. Like, it was done above my head really. I didn't have any say in the matter."*

The inconsistent amounts deducted from wages and benefits each month made it difficult for people to budget and plan their finances. For some, the uncertainty created anxiety over how much money they would be left to live on each month. People explained that this also made it harder to keep track of how much they had paid off.

*"It's just a bit stressful; every month comes and then a little bit could have been taken out or £80 could have been taken out."*

### Case study

Jenny\* is charged with driving under the influence and required to attend court. She had crashed her car while fleeing an incident of domestic violence. She believes that her partner had cut the brakes on her car, but she is not able to prove this, and is found guilty of the offence. She tells the court that she is not in employment and is in receipt of benefits. She receives a £346 fine. She agrees to a payment plan of £22 per month, and arranges to make the payments manually.

After the court hearing, Jenny is living between different safe houses across the country. She finds making the online payments challenging because some of the safe houses do not have internet, some of the areas are rural and have limited telephone signal, and she is sometimes afraid to leave. She has limited access to money and has to use food banks. She is late making every fine payment because she does not have enough money. She explains her situation to the court and asks to reduce the payment instalments, but is told that they cannot reduce the amounts. Her case is referred to a debt company, which incurs extra fees. She rings the debt company helpline, who are sympathetic and refer her case back to the court.

\*Names have been changed to protect privacy

### Increased debt

Many of the people experiencing financial worries relied on bank loans or credit cards to either cover the costs of the fine payment or for everyday necessities. A smaller group of people had chosen to pay the full amount of their fine, and then used credit cards to pay their bills and living costs. For a couple of people, this was the first time they had gone into debt, but more frequently fines tended to worsen existing debt. One person told us that their fine had increased their debt to such an extent that they were considering making a debt relief order, which would write off their debt, while significantly impacting their credit rating. Some people spoke about balancing bills with fine payments, with one person describing how they opted to fall behind on council tax in order to cover their fine payments as they felt that the local authority was more accommodating in adjusting payment plans.

*"If I hadn't have paid [the fine] then I'd have got more charges, so basically [I] didn't pay other stuff and then just did it between them both [...] I think it might have been council, I didn't pay council tax, something like that [...] I paid the fine off and then I think it was council tax and then they added it on, something like £10 a month, something extra until it went back level again."*

Others borrowed money from their friends and family to pay their fine. Some felt fortunate to receive this financial support, as the only way to avoid more serious consequences from the court. For instance, one person told us about the constant cycle of borrowing money from their daughter to cover the fine instalments each month, repaying this debt every payday, and then borrowing the daughter's money again to get through the month. Another person borrowed money from their family to prevent them being arrested for non-payment.

“ So a fiver a month out of £1,700; you're going to be on for 30 years. But my family stepped in fortunately, because there was a police officer and there was a warrant out for my arrest for fines.

### Impact on wellbeing: Tension with families and friends

Borrowing money from family or friends was seen by some as offering more flexibility than paying off commercial creditors. However, it was still experienced by many as a form of debt and therefore still caused feelings of stress and worry about finding the money in strained budgets to repay friends and family each month. Moreover, people expressed feeling shame and embarrassment about needing to borrow money from their loved ones to pay a fine that they had incurred as a result of committing an offence. In some cases, borrowing the money caused tension in their relationships, such as family members feeling angry about being financially impacted by their actions or their own guilt over financially impacting their family as a result of their offending.

*“It made me even more stressed because then it was like even though they were paying off my fine, it was just someone else I had to pay. So, not only did I have the courts – I had my parents, and then I had my wife, so it was like my action has sucked in everyone else around me, and everyone else had to suffer.”*

### Very long payment timelines

For the majority of people we spoke to, fine payment felt like a never-ending process. Many people making small monthly payments felt that the amount was so minimal compared to the total they owed that it would take them years to pay off in full. This view was particularly pronounced among those required to pay multiple fines from the court for different offences. While this only affected a minority of people we spoke with, they expressed how costs had snowballed to a total amount that felt unpayable. These people typically felt the court had not taken into account their outstanding fines when setting the next one, and many voiced concerns that each new fine decreased the likelihood that the total would ever be paid, leaving them with, in effect, a permanent reduction in income.

“ They'll fine you, even though you owe them loads. They don't look into that. They don't think, 'Oh, this guy might need some help, he's constantly getting fined.' But they never do, it's just a revolving door – in, fine, out.

### Case study

Paul\* is charged in court for theft and ordered to pay a compensation order of £12,000 to the business that he stole from, alongside being sentenced to a community order. Paul is 17 years old, he does not have a job and is homeless, living between friends' sofas. He has spent all of the money that he took. He completes a means form at court, and is asked what he can afford to pay each month. He worries that the court will send him to prison if they think he cannot pay the compensation order, and tells them he will pay £200 per month.

Over the next ten years, Paul receives a number of short-term prison sentences for various offences. Each time he is sentenced for a new offence, he receives additional court costs to pay, which increases the debt that he owes the court. At one point, he believes the amount reaches £30,000.

He leaves prison for the final time and sets up a payment plan for deductions to be made from his benefit entitlements. He is able to consolidate all his fines into one total, and reduces the total

amount to £11,000. During this period, he struggles with his mental health and feels overwhelmed about the amount that he owes the court. He believes this is a contributing factor in an attempt to take his own life and a period of time spent in a psychiatric hospital.

\*Names have been changed to protect privacy

Some of those who felt unable to pay the instalments of their payment plan reached out to the fines office, but most said that their request to amend the plan was ultimately denied. One person was told by a fines officer that the decision and payable amount were final, despite them being unemployed and lacking the money for the payments. A less common experience, but one that carried significant influence over whether someone was able to pay their fine payments, was the failure of courts to take into consideration additional penalties that implicated a person's employment. For example, for many of those who received a driving ban alongside their fine, it meant they also lost their job, and as a result, upon leaving the courtroom, they would be without an income. Yet the court was described as being unresponsive to their situation, and insistent that their fine would be set according to their current financial situation.

“ But it was a case of, ‘Well, you’ve got a job so you can pay it.’ I’m like, ‘But I won’t have a job the minute I step out of this room.’ ... There’s no asking... They don’t want to know how much your gas and electricity is, do they? They don’t want to know how much you are paying off on other things and whatever. They didn’t care.

### Impact on wellbeing: Injustice

People who were left with payment plans they were unable to meet overwhelmingly expressed feelings of injustice. They cited feelings of despair and anger at the large proportion of their monthly income that was taken for fine payment. It was commonly believed that they were being penalised more than a wealthier person would be for the same offence.

“For some people it probably doesn’t sound a lot. But for someone like myself that doesn’t work and has three children, it can make a difference whether or not, you know, I’m feeding my kids for a few days or not. It’s massively different. You know, £25 could do a lot for me if I needed it financially for my children, yes.”

## Enforcement action

### How is enforcement action meant to work?

Failure to make payments due to the court can trigger enforcement action. Enforcement powers available to the court to recoup unpaid fines include making an attachment of earnings or deduction from benefit order, if this was not already in place,<sup>55</sup> and issuing a warrant of control, which authorises a commercial enforcement agency – bailiffs – to secure payment or confiscate goods that can be resold to cover the amount owed.<sup>56</sup> The bailiffs will charge a fee, which is added on to the offender's total payment amount. Bailiffs enforcing magistrates' court fines and charges have greater powers than those enforcing commercial debts, including the power to break into homes and other premises to secure goods in certain circumstances. Courts also have the power to order immediate imprisonment, but this should be treated as a last resort when all other methods have been “considered or tried”, and it has been determined that the default is a result of “wilful refusal or culpable neglect”.<sup>57</sup>

55 Sch 5, para 8 Courts Act 2003.

56 Sch 5, para 37 and 38, Courts Act 2003.

57 Sentencing Act 2000, Powers of Criminal Courts, s108.

The most common reason identified for missed payments was lacking the funds to pay. However, a few people experienced enforcement action being taken against them due to administrative issues that were outside of their control. This was most prevalent among people who paid their fine via benefit deductions, which stopped suddenly without them being notified. In these instances, people were only made aware of this issue because they were contacted by the bailiffs. One person said that they had multiple bailiff visits to their home throughout the year as a result of this problem. Similarly, some people were still waiting to receive their payment card from the court in the post, when enforcement action was taken against them.

“ They were meant to send me a payment card out. I still haven’t received one to this day. Rang them [the fines office] back, I’ve been getting letters saying that I owed them this money and they’re still pursuing me. I keep ringing them every time I get a letter, tell them my circumstances.

In a very small number of cases, people were unaware that they had been charged with an offence and had received a fine. As a result, these people had not made the payments and subsequently only discovered they owed money when they were contacted by a debt collection company. A couple of people expressed frustration that the court’s warnings had not reached them, and the first contact that they received over their fine arrears were from the bailiffs, who were perceived to be more effective at locating a person than the courts themselves.

“ If you can text me, if you can send me an automated text and send a warrant out for my arrest, then give me a phone call. That to me is ridiculous. They could give me a phone call. Check that phone is even still in service.

Most people who experienced enforcement action felt it escalated from their non-payment very quickly, and was not proportionate to their level of arrears. A few people believed that enforcement action had been triggered after missing just one or two payments, and one person told us how bailiffs had visited the day after missing a payment. This is in contrast with the experience of another person who missed a payment and was able to pay double the amount the following month without any consequences. The court’s approach to enforcement was frequently described as unfair and failing to provide any breathing space in months when budgets were tighter. People who had not paid due to a lack of funds described the other financial charges added as a result of enforcement action as stress-inducing and futile, since adding more costs did not change their ability to make the payments.

“ Obviously you miss it, your fine can triple and double, and then the next minute, you know you’ve got bailiffs or you’re back in court again for another fine, and it just escalates.

A widespread perception of court enforcement action was that it felt more drastic and punitive in comparison to other types of creditors. People reflected on the degree of flexibility that consumer debt, or unpaid arrears to the council, offered, such as being allowed to pay off small amounts at their discretion, which was seen to contrast with the approach taken by the courts.

“ You might have a credit card. You could pay, like, the tiniest minimum balance and you can still survive, but because it has gone as far as court, it definitely feels different and it does feel like, ‘Right, you missed one payment. That’s it, you’re back to square one’.

### **Wellbeing impact: Fear of the consequences**

Many spoke about how fearful they were of the repercussions if they missed a payment, particularly the prospect of the fine increasing to an amount that they would struggle even more to pay, or the prospect of bailiffs showing up at their house to take their belongings. Several people said that they lived in fear of receiving further criminal sanctions as a result of not being able to pay their fine, particularly of being sent to prison.

*“It was just making me feel anxious because I, and especially after I missed that one payment, because she told me that, I thought, ‘Oh, no, what if they [the bailiffs] come now?’ So then made me think, ‘Oh, no, maybe I need to pay it,’ but then I literally couldn’t so then just ended up going round in a circle.”*



Several magistrates we spoke to talked about using their powers to adjust payment plans when they became unmanageable for offenders on a low income.

“ *She had £2,300 worth of outstanding fines for not paying a TV licence. She had been in court and never before. So we remitted all of those fines. Seven of them were down to £40 each. So she came to court and with her new fine, which was about £1,200, I think she walked away £2,000 pounds better off than she did when she arrived. So we do have that discretion.*

One magistrate said that they made the offender aware of this when they gave them their initial fine. He emphasised the importance of reaching out to court if payment became challenging, and warned about the enforcement consequences that would happen if they did not.

“ *If it is a large fine and they are going to struggle, I always say come back to court and it's, you know, don't put your head in the sand; come back if you can't pay it. Rather than allowing the bailiffs to come and knock on your door. Which will then increase your costs. [...] you need to come back and discuss it, and then we can review it.*

### **Experiences of bailiffs**

Our literature review found substantial research into people's experiences with bailiffs following non-payment of government debt. This research indicates significant emotional and financial distress caused by bailiff firms threatening to seize property, particularly for people with complex needs and mental health issues. While this was not necessarily specific to criminal court fine enforcement, it was helpful in providing background to our enquiries in this area.

Bailiff action typically began with letters, text messages and phone calls demanding payment, and warning that continued non-payment would result in the seizing of belongings. The letters were described as threatening and aggressive. The small number of people that had bailiffs come to their house also described the experience in this way. For those unable to make their payments, the involvement of bailiffs did not change this. One person had received multiple fines over a period of several years and felt that bailiff action was inevitable each time, as they knew they would not have the money to pay in the time that they had been given. They described this process as cyclical and stressful.

“ *You just think, 'Here we go again.' You know the stress kicks in [...] if you can't afford to pay it, because there's only so many days from when you get to court to pay it [...] If you're on benefits and that, you only get paid monthly, you only get £200. You can't do it. It's impossible, do you know what I mean?*

A commonly held perception of bailiffs was that of being unsympathetic and lacking in compassion. When people tried to discuss their financial situation or agree payment arrangements, they mostly recalled how bailiffs did not provide help or support with paying the fine, and instead demanded payments be made in full. This often resulted in people borrowing money from family or friends to prevent bailiffs from taking their possessions. One young person lived with their parents, and borrowed money from a number of different people to prevent the bailiffs taking their family's property.

“ *They won't say, 'There's this option' or whatever; they just say, 'We want our money, what are you going to do about it?' I don't think it's the courts that are the problem; I think it's the bailiff people, that's the problem.*

Conversely, a small proportion of people found the involvement of bailiffs helped them resolve the issues they had with paying their fine. These people found the bailiffs to be understanding of their financial problems, and showed a willingness to help them. A couple of people described the bailiff they spoke with as “problem-solving”, while others recalled how the bailiff helped them resolve system errors, such as incorrect benefit deductions. One of the people who was not aware they had received a court fine in the first place explained how the debt company passed the fine back to the court to resolve the situation, and annulled the extra costs that they had incurred.

*" I didn't receive any letters and then I received, I want to call it a bailiff letter, obviously passed onto a debt company. I rang up the debt company and I just explained the situation and I said, 'This is my first payment, I've just missed it.' I explained the situation and they just said, 'We're going to hand the debt back to them.*

### **Impact on wellbeing: Distress and fear of bailiffs**

Interviewees who had experienced the prospect of bailiffs coming to their home and taking their possessions unanimously agreed that this put a strain on their mental health. People expressed how encounters with bailiffs left them feeling harassed and anxious. One person told us that they worried every time their phone rang, that it was the bailiffs. The majority of people used words like "distressing" and "upsetting" to describe their experiences with bailiffs.

*"I've got nothing for you [the bailiffs] to take, so if you come in, what are you going to actually take? There's nothing here.' But it's still, 'Well, what if they take-?' I can remember thinking at the time, 'What if they take my bed? What if they take my TV?'"*

This tended to be further heightened for those who had not paid their fine because they could not afford to.

*"It's quite scary to think if you did miss one, would they make you pay the amount in full and give you so long to pay it. But my outcome is that I still would struggle to find the money, no matter what. I don't think I would just have the money just to go, 'Okay, I'll settle this.' Because I wouldn't."*

Many people in this situation explained how feelings of stress, anxiety and fear resulted in them ignoring bailiffs' letters, avoiding their calls or answering the door. This avoidance reflects the literature on how people with mental health challenges struggle with debt and financial difficulty.<sup>58</sup>

*"Unfortunately, with things going on generally with life and my financial situation and debts and so on and so forth, you could say I buried... Well, I did bury my head in the sand and ignored the letters; there was a reminder letter and I was, 'I'm sure it will go away'."*

### **Case study**

Tom\* receives a letter informing him that he has received a £60 penalty notice fine for littering, as a result of dropping a cigarette. He is in receipt of Universal Credit, in a high level of debt and cannot afford to pay the fine. He rings the local authority, as instructed by the letter, and asks to set up a payment plan, but he is told that he will have to pay the amount in full. He is not able to afford to make the full payment and, as a result of his chronic anxiety, ignores the reminder letters that he receives.

Tom is summonsed to court over the unpaid fine. At his hearing he is asked about his financial situation, and he tells them about receiving benefits and being in debt. The magistrates sentence him to another fine, which now includes court fees, and totals £500. The court tells him that paying his fine should be a priority over his other debts or he risks going to prison. He agrees with the courts to pay the fine through deductions to his benefit entitlements, at £5 per week, which he is told is the lowest amount he can pay.

He now has a criminal conviction on his record and struggles to afford food and paying his bills as a result of the deductions to his benefits. He goes some days without eating, and constantly worries about how he will pay his bills each month, which are increasing as a result of high inflation. This impacts his mental health and leaves him feeling in a constant state of anxiety.

\*Names have been changed to protect privacy

58 Holkar M. Money and Mental Health Policy Institute, (2017). "Seeing through the fog": How mental health problems affect financial capability. <https://www.moneyandmentalhealth.org/wp-content/uploads/2017/02/Seeing-through-the-fog-Final-report-1.pdf>

## Accessing support

As with all aspects of the court fines processes, people's experiences of receiving support also varied greatly. The difference in levels of support were pronounced and ranged from a lack of help in accessing support, to permitting people to adjust payments to more manageable amounts. Most of the people we spoke to who encountered financial difficulties in paying their fine told us that they did not receive sufficient support or advice from the court, nor were they signposted to an organisation or service that could help them. Many left court with a fine they believed they could not pay, uncertain about who to contact for debt advice.

“ | *There's no other help out there, is there, to actually put you on the right track.*

The lack of advice was particularly challenging for those whose circumstances changed while they were paying back their fine and charges in instalments. Several people told us that they had lost their job but did not know who to contact for help. For some this led to their case being escalated to a bailiff firm. A few people also said that they did not know who to contact to resolve administrative errors affecting their fine payment, which was causing them financial hardship, such as benefit deduction amounts fluctuating each month.

### Experiences of contacting the courts

While many told us that they did not know how to contact the court for support, we heard that a few people had contacted the court's fines office for debt advice or to adjust fine payments. Echoing people's experiences of engaging with the fines office to set up payments, the value of the advice and support provided by this service paints a mixed picture. Multiple people found making contact with the fines office in the first place challenging, describing long wait times or calls going unanswered. Those able to speak with someone frequently described the advice that they received as confusing, unhelpful, unrealistic and frustrating, and ultimately failing to resolve the issues they had with paying their fine and charges. With regards to debt advice, we repeatedly heard how the fines officers tended to prioritise court fine payments over paying off other debts. One person who was struggling financially due to the deductions taken from their wages was told that if they challenged the amount that was being deducted, they risked the amount increasing.

“ | *They said, 'Just remember that this is a priority, these court fines; you have to pay the court otherwise if you don't, you run the risk of going to prison for non-payment.' I was like... they're all priority to me because the electric will get cut off and all sorts.*

For those seeking to amend their payment plans, a considerable challenge they faced was the court's lack of flexibility around adjusting payments. Despite people struggling to afford their current payment amounts, most found the court unresponsive to their financial difficulty. Many had their requests refused, either because they were told it was not in the court's powers to change a plan, or they were told that the payment plan was within their means to pay.

“ | *It [the fines payment] just comes out. And when I clock on, I realise, I phone them [the fines office] up and have an anxiety attack over the phone. They said, 'I can't lower it [...] By law, you can't lower it'.*

A couple of people had been told by the fines office that they would need to write to the court with more proof about their income if they wished to reduce the payments. Neither did this as they felt the process sounded too stressful and time-consuming to pursue.

“ | *The original payment plan that it was, it was £20 and I was struggling to pay that because I was out of work. I came back and still offer that, when I was struggling; they told me I had to pay a minimum of £40 a week. I was like, 'Have you not listened to a word I've said? How can you come back with a higher figure?'*

As with all aspects of the court fines process, issues with the fines office were not a universal experience. A small number found the fines office a useful source of support when they encountered financial difficulties and were able to set up a new payment schedule or received valuable debt advice. One person was advised against taking out a payday loan, had their debt collection process halted and a new payment plan agreed. A few people who had become unemployed while they were paying off the fine were able to contact the fines office and set up deductions from their new benefit entitlements. The court was described as being responsive to their financial problems, and it was felt that support was there as long as they were proactive about asking for help. This stands in stark contrast to those who felt that the court's support was insufficient even after contacting the fines office for help.

*“ Actually the court did say as well if ever I'm in trouble and I can't make a payment make sure I tell them, which I have done in the past because I really struggled one month. I just could not afford the £20 so I spoke to them and they were, 'Okay, you have done the right thing, you have let us know. Try and make it up if you can by next month but if not continue to pay.' ”*

### **Other sources of support**

One strand of our interviewee recruitment strategy consisted of speaking to people who had received support from two separate independent advice and support services that operate within the court building, one based in London and the other in various courts in the South West. As a result, a small number of the people we spoke to had received individualised and long-term support with paying their fine, and with the wider challenges they were experiencing. Support included stopping bailiff action, helping to set up direct debit payments, and, in one case, reminding a client each month when they were due to pay their fine. People described this support as being invaluable, and many felt that their issues would not have been resolved if they did not have access to the service.

*“ There's no way on this earth that I firstly would have had had the capacity, the patience, the intelligence, the knowhow, the resources, to do what [she] did. ”*

Outside of these services, we did not hear of many people receiving support that was independent from the court system. A couple of people told us that they had contacted a debt advice charity, one of whom was supported in filling in a debt relief order.

# Conclusions

## The need for reform

If you browse through the newspapers on any given day, you will be sure to find reporting on the scandals of prison overcrowding, probation failures and Crown Court backlogs. But this report suggests that there are quieter injustices happening every day in our courts. Sentencing legislation and guidance includes a range of safeguards which seem to outline a system of fines and financial charges that ought to have an equitable effect on people of different means, and where no one is asked for more than they can afford.

However, our research strongly suggests that the system is failing to meet these aims. For some, fines and charges can be an inconvenience, and, for others, a manageable hardship. For those on the lowest incomes, the impacts of fines and charges can be disproportionately severe, pushing them into destitution or unmanageable debt, and taking a severe toll on their mental and physical health. This disproportionate impact on the most vulnerable leaves people feeling unfairly and inhumanely treated, and this runs the risk of undermining the legitimacy of the entire criminal justice system.

Our research suggests that the causes of these issues are many and varied. Some are operational errors when the system is not working as intended. We heard evidence that means information was not being properly collected or considered, that administrative errors were complicating people's attempts to pay and that practice around enforcement was inconsistent and unpredictable. We heard of processes and procedures that, while fine on paper, are experienced as messy, hard to follow, inflexible and seemingly inconsistent.

But our research also suggests that the issues go beyond operational errors, and have their roots in the design of the system itself. There are issues with the flexibility and discretion afforded to sentencers to ensure that fines and charges are affordable. People who struggle to pay face a system that lacks the flexibility to respond to changing circumstances and is quick to trigger expensive and threatening commercial collections processes when payments are missed. The imposition of other financial charges can far exceed the initial fine amount, and often makes the total amount owed feel unpayable.

It is clear that reform of the system of fines and charges is badly needed. But any reform must consider a more fundamental challenge: the question of whether some people are not in a position to pay a sum of any level. Against the backdrop of the cost-of-living crisis, debt charities are reporting increasing proportions of their clients who face negative budgets – whose income is not adequate to cover even their most basic needs.<sup>59</sup> For people in these circumstances, any financial imposition runs the risk of disproportionate hardship.

## What would a fairer, more effective system look like?

Our research has focused on how the system of fines and charges is working at present. Our findings have, however, led us to identify six key challenges that we believe must be met in order to ensure that we have a system that does not inflict disproportionate harm on the most financially vulnerable. A fairer and more effective system of fines and charges would consist of:

- 1. A consistent framework for setting the levels of fines and charges, which is responsive to the financial circumstances of individuals, and places considerations of affordability and proportionate impact at its centre.** The systems for determining the size of fines and charges vary considerably. Fines are based on income, with little scope to consider the full sum of other financial charges that is being asked for by the court. Prosecution costs are bounded by affordability, but with little guidance on how to secure this, while the surcharge offers almost no scope for discretion in response to personal financial circumstances. This plays a major role in imposing a total cost that is beyond the offender's means.

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<sup>59</sup> Money and Pensions Service, (2023), *Findings from call for evidence on debt advice clients with deficit budgets*. <https://maps.org.uk/en/publications/consultations-and-responses/2023/findings-from-call-for-evidence-on-debt-advice-clients-with-deficit-budgets#>

Sentencers need powers to ensure that total costs are affordable, as well as clear guidance on how to make those appraisals.

2. **An approach to collecting financial information which is fit for purpose and consistent with established practice in the financial advice sector.** A robust approach to affordability requires effective collection of financial information. The current model relies on a paper-based form, which places the onus on the individual to calculate their finances across a range of complex categories. The courts should learn from work done in the debt advice sector to create a financial statement that guides people through the process of accurately conveying the totality of their incomes and outgoings.<sup>60</sup> A more robust approach to collecting financial information can support work to centrally collect data on the financial circumstances of people being sentenced, filling the gap in socio-economic data and creating an important resource for further insights.
3. **A robust administrative and fines support function. The administration of fines and charges was a real source of difficulty.** Of those people we spoke to who had accessed, or tried to access, the fines “helplines” (in reality a mixture of court-based fines offices and central collections centres), they were experienced as hard to access, unhelpful and inflexible, and in some cases, people reported receiving advice that seemed to be out of line with legislation and guidance. A better service could help people overcome administrative barriers to payment and save court time by resolving issues earlier.
4. **A problem-solving approach to fine non-payment. Currently, courts lack tools to address the non-payment of fines, aside from issuing a summons back to court or bringing in expensive and sometimes threatening commercial bailiffs.** Courts should instead seek to ensure that systems for enforcement are transparent, staged and proportional, offering opportunities for people struggling to pay fines to engage and explain their difficulties and explore alternative arrangements.
5. **A clear alternative to fines and charges for people who cannot afford to pay any amount. As noted above, for the growing number of people in negative budgets, any financial imposition may be unaffordable.** In the past, sentencers were able to respond to these cases with the imposition of unpaid work, and it is worth revisiting this option. While concerns around unequal treatment in this arrangement should be taken seriously, they should be balanced with an awareness of the disproportionate impacts of fines on those with the lowest incomes.
6. **A more comprehensive court fine data system. Currently, some very basic questions about court fines simply can't be answered.** Are the people who don't pay their court fines disproportionately people on low and insecure incomes? How many people who receive fines are on some form of state benefit? We simply don't know this, even though there is a systematic process for courts to collect this information. We need to explore ways to ensure that the right data is collected at the right time, and that it is aggregated so it can inform wider system reform.

Achieving these goals will create a fairer system of fines and financial charges, reducing disproportionate harm on the most vulnerable and improving the legitimacy of the justice system. But it also has the potential to achieve financial gains, reducing the amount of unpaid fines and the administrative burdens and costs of fine enforcement. In the next phase of our work, we will be engaging with policymakers, frontline professionals and people with lived experience in order to identify practical steps that can be taken to bring about this vital reform to the court fines system.

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60 Money Advice Service, *Introducing the Standard Financial Statement* [https://sfs.moneyadviceservice.org.uk/en/#:~:text=The%20Standard%20Financial%20Statement%20\(SFS,providers%20and%20other%20relevant%20organisations.](https://sfs.moneyadviceservice.org.uk/en/#:~:text=The%20Standard%20Financial%20Statement%20(SFS,providers%20and%20other%20relevant%20organisations.)

# Annex –interview methodology

## Lived-experience interviews

We conducted interviews with 56 people in low-income households who had received fines in England and Wales. We sought to answer the following research questions:

1. How do people in low-income households who have received a court fine perceive the court process that resulted in their fine?
2. How do people in low-income households who have received a court fine perceive the fairness of: (i) receiving a fine for their offence; and (ii) the amount they were fined?
3. How are people in low-income households impacted by the imposition of a fine?
4. How do people in low-income households who have received a court fine experience the post-court fine payment and enforcement process?

## Recruitment

Our sample was restricted to participants who had met four key criteria:

- Over 18
- Residing in a low-income (C2, D or E) household
- Received a fine in the last five years
- Were negatively impacted by having to pay back the fine.

Our sample was recruited through two routes: 49 participants were recruited via a specialist research recruitment company who used locally based recruiters in eight towns and cities across England and Wales, to identify local participants who were on low incomes; a further seven participants were recruited through services providing advice and support to people attending criminal court.

## Sample characteristics

### Demographics

- 68% male, 32% female
- 82% White British, 2% white other, 5% Asian / Asian British, 5% Black / Black British, 7% Mixed / multiple heritage

### Social and economic circumstances

- 24% were in occupational class C2, 35% D and 38% E
- 44% of respondents reported caring for children and 3% reported caring for adults
- 45% of respondents reported not being employed
- 53% of respondents were in receipt of benefits
- 11% had used a food bank
- 53% had experienced debt.

### **Criminal justice experiences**

- 55% had had one conviction and 43% had had more than one
- 83% reported having had a fine imposed while they were present in the court
- 14% reported having had a fine imposed in their absence.

### **Interview approach**

Interviews were conducted face to face in either a recruiter's home or a local neutral venue such as a community centre. Participants were offered a £40 incentive for participating as well as £10 to cover their travel expenses.

Interviews were conducted using a hybrid approach, which combined a narrative element intended to allow participants to share their experiences, and a semi-structured follow-up to collect further details on key areas of interest.

### **Analysis approach**

Interviews were audio-recorded and recordings transcribed through an external service. Interview transcripts were coded using thematic analysis, which takes a deductive approach based on a coding frame derived from our research questions.

### **Magistrate focus groups**

We conducted two focus groups with 14 magistrates, currently serving in a range of courts in England and Wales.

We recruited participants through the Magistrates' Association, and made a payment to their community engagement initiative Magistrates in the Community.

The two focus groups were held online via Microsoft Teams. The discussion was semi-structured, allowing for relevant follow up questions. The focus groups were audio-recorded and the recordings were transcribed, and analysed using a thematic approach.



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**Written by:**

Lucy Slade and Stephen Whitehead

**Thanks to:**

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**Authors**

Lucy Slade is a Policy Officer at the Centre for Justice Innovation. Lucy supports the Centre's policy and influencing work, and helps to develop the thinking on how to make a fairer and more effective justice system. She has previous experience working in third sector communications, including time spent in Brussels where she combined her passion for cycling and policy at a European cycling network.

Stephen Whitehead is the Head of Evidence and Data at the Centre for Justice Innovation. Stephen leads our research team, ensuring that our work is rigorous and provides insights that can have a real impact on the criminal justice system. He is particularly interested in the use of non-custodial sentences and has worked on the role of the probation service and problem-solving courts. He is currently leading a project on the use of court fines as well as co-ordinating our use of research evidence around Family Drug and Alcohol Courts.

**About the Centre for Justice Innovation:**

The Centre for Justice Innovation seeks to build a justice system which all citizens believe is fair and effective. We champion practice innovation and evidence-led policy reform in the UK's justice systems. We are a registered UK charity.



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