

“Where the hell am I going to get that money from?”

The impact of court fines on people on low incomes

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.

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.

Read the full report [here](#).