



Date **18 September 2014**

Position statement **Fines enforcement**

Background

Fines enforcement is, obviously, vital to an effective system of justice, since about two thirds of magistrates' sentences are fines. The collection rates for fines have been a matter of ongoing concern, with over £2 million uncollected.

The Fines Enforcement Service is being contracted out. It is expected that the new contractor will be able to use their own systems at lower cost than would be required to create new ones within HMCTS, but that contractor will only be able to use Libra (the existing system) for up to a year.

MA position

The MA's focus is on ensuring that fines are appropriately enforced and promptly collected. The MA will be keen to work with the new contractor, where this is appropriate, to ensure this happens.

The MA asked its members for views on the key problems around fines enforcement, which are summarised below. These responses are not guaranteed to represent the whole of the magistracy, but they do give an idea of the key concerns raised by members who impose fines, and deal with breaches, on a regular basis.

Issues arising from magistrates

When the MA asked for views from magistrates, the following points arose:

- the importance of paying some or all of a fine on the day was emphasised
- a number of magistrates have raised concerns about losing Fines Officers—especially in terms of getting details from defendants and thus getting fines paid on the day
- magistrates who expressed an opinion felt that Fines Panels/Enforcement Panels were helpful
- the accuracy and usefulness of means forms were queried by a number of magistrates
- the inability to pay cash in paying a fine was raised, making it more difficult for people to pay on the day
- concerns were raised about outsourcing fines collection and the impact this would have on existing specialist panels set up by different benches
- a number of magistrates suggested more effective 'work instead of fines' systems were needed.

From the responses we received, both Fines Officers and Fines Panels—i.e. either groups or individuals focusing specifically on fines within the courtroom – were seen as useful and important by magistrates.

Possible avenues for further research

Magistrates clearly seemed to support the retention of Fines Support Officers. It would be possible to look into this further. Some possible avenues would include:

- looking at figures for fines enforcement in areas with and without Fines Support Officers (FSOs) over time
- identifying differences between these areas – have areas with FSOs historically had greater problems with fines collection, for instance?
- interviews with Fines Support Officers and with interested parties in the CJS.

It would also be possible to look into magistrates' views on the appropriate inputs into any replacement for Libra (the current case management system for HMCTS). Some possible avenues could include:

- asking magistrates their views on inputting relevant information
- comparing Libra with other systems where payments have to be enforced (e.g. HMRC)
- asking what might need to be done to facilitate cash payment.

Paying on the day was a key theme for magistrates. It would be possible to investigate the barriers to achieving this in more detail. We could look at:

- interviewing defendants
- interviewing FSOs
- interviewing CAB advisers, to get a debtor's perspective by proxy.

These are themes for wider discussion. We would welcome engagement with a new contractor on any or all of these points.