



Ministry
of Justice

Government response to Crime Lower Consultation

Criminal Legal Aid

This response is published on 14 November 2024

A decorative graphic in the bottom right corner consisting of a cluster of overlapping triangles in various shades of blue, forming a larger triangular shape.



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Criminal Legal Aid

Response to consultation carried out by the Ministry of Justice.

This information is also available at <https://consult.justice.gov.uk/>



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Introduction and contact details

This document is the post-consultation response to the Crime Lower consultation, which ran from 29 January 2024 to 28 March 2024.

It covers:

- the background to the consultation
- a summary of the responses to the consultation
- a detailed response to the specific issues raised in responses to the consultation
- the next steps following this consultation.

Hard copies of this document and the consultation paper can be obtained by writing to the **Criminal Legal Aid Team** at the following address:

Criminal Legal Aid Team

Ministry of Justice
102 Petty France
London SW1H 9AJ

Email: CrimeLower@justice.gov.uk

This response and the original consultation document are also available at <https://consult.justice.gov.uk/>

Alternative format versions of this publication can be requested from CrimeLower@justice.gov.uk

Complaints or comments

If you would like to make a complaint or have a comment about the consultation process, you should contact the Ministry of Justice at the above address.

Foreword



Criminal legal aid is essential for maintaining a fair and effective justice system. Making sure every person has access to proper police station advice is both consistent with the rule of law and underpins confidence in the validity and reliability of outcomes in criminal cases. It is therefore crucial that the criminal legal aid system is viable and sustainable – and that it properly values the contribution of practitioners to our justice system, which is currently challenged by a large and growing caseload.

The previous Government launched the Crime Lower consultation in January of this year as a second phase of reforms resulting from the Criminal Legal Aid Independent Review (CLAIR). The consultation focused specifically on improvements to the ‘crime lower’ fee structures – work done by criminal legal aid lawyers predominantly at the front end of the criminal justice system, including in police stations and the Youth Court.

CLAIR made clear that police station and youth court schemes created unfairness and perverse incentives that disincentivise practitioners from spending more time on cases where additional attention was appropriate. Fees were also governed through 245 different geographical schemes. This was despite the relative similarity of work being undertaken, particularly in neighbouring areas.

Given these findings, the previous Government allocated £21.1 million per year for longer-term reform towards standardising police station and Youth Court fees. Following the election in July of this year, this document outlines the new Government’s response to the Crime Lower consultation and how we will use the investment. Due to an increase in police station legal aid claims, alongside our commitment to implement the fee increases that were consulted on, as well as new travel time payments, the Government will invest an additional £2.9 million, bringing the total investment to £24 million.

Our starting principle is that we want to get the money to legal aid lawyers working at the earliest stage possible in the process – to support earlier engagement with all cases and incentivise early, high-quality advice. This clarity regarding payments will be a benefit for practitioners, but it could also lead to earlier resolutions of cases – meaning swifter justice for victims and defendants.

Of the total investment, £18.5 million will go into the police station fee scheme to begin the process of removing financial disparities and harmonising payments. This will uplift the lowest fees and mean many police station fee schemes within the same region will attract one fixed fee. The additional funding and uniformity of payments will put the market on a more sustainable footing for the future.

Following feedback from the legal aid sector, we will also introduce a separate Youth Court fee scheme into which £5.1 million will be invested. Under the new scheme there will be enhanced fees for the most serious offences, including indictable only and triable either way offences. Targeting funding in this way will help to reduce the disparity between Youth and Crown Courts by prioritising cases that would be paid at Crown Court rates if the defendant were an adult. It also recognises the gravity of these cases and the greater impact on a child's life if convicted, in line with CLAIR's recommendations for the importance of youth work to be reflected through increased fees.

Finally, we are implementing travel time payments for police station schemes with fewer than two providers and the Isle of Wight, as well as to providers from neighbouring schemes who do work within those same schemes. This should incentivise providers to pick up more cases in neighbouring areas where significant caseloads exist, which will support the sustainability of the market. This measure is expected to cost £0.4 million.

This response is a first but important step on the new Government's journey to delivering lasting change to the legal aid system. The changes are designed to recognise the huge contribution of practitioners in making sure every person who comes before the criminal justice system gets the fair hearing they deserve – and to safeguarding the rule of law in our country.

Heidi Alexander MP

Minister of State for Courts

Background

1. A Crime Lower consultation paper was published on 29 January 2024. It invited comments on the proposals and next steps for reform of the criminal legal aid fee schemes which fall under Crime Lower. Crime Lower covers work carried out by legal aid providers at police stations, in the magistrates' courts in relation to people accused of, or charged with criminal offences, prison law and work completed by the Criminal Cases Review Commission.
2. In December 2020, the then Government commissioned the Criminal Legal Aid Independent Review (CLAIR), which considered criminal legal aid provision in England and Wales. The Review began in January 2021 and was undertaken by Lord Bellamy KC, a former judge. The final report was published in December 2021 and the government response was published alongside a consultation on the response in March 2022.
3. As part of the response to CLAIR, an additional £21.1m was allocated to solicitors undertaking criminal legal aid work. £16m was allocated to police station fee schemes and £5.1m towards Youth Court fees. The Crime Lower consultation addressed how the allocated £21.1m would be distributed within these fee schemes. It also invited views on fees for prison law and the Criminal Cases Review Commission.
4. For the police station schemes, there were two options in the consultation, both taking a step towards harmonising the 245 different fee schemes. CLAIR recommended that any reformed police station scheme should be designed on a harmonised basis, phasing out the 245 different rates as it is practical to do so. A summary of the two consultation options is provided on page 7.
5. For the Youth Court, the consultation paper set out a new fee scheme that would be separate to the magistrates' court scheme. It included an enhanced fee for the most serious offences (all indictable only and triable either way cases). The proposal to develop a new Youth Court fee scheme was first set out in the CLAIR consultation in 2022. A summary of the proposal in the Crime Lower consultation is provided in below on pages 11-12.
6. The consultation period closed on 28 March 2024 and this report summarises the responses, including how the consultation process influenced the final shape of the policy consulted upon.

7. The Impact Assessment accompanying the consultation has been updated to take account of evidence provided by respondents during the consultation period. The updated Impact Assessment has been published alongside this consultation response.
8. In June 2024, published legal aid statistics¹ showed an annual increase in police station case volumes (around 13% for attendances). The proposed fee levels set out in the original consultation were derived using 2022-23 data, which was the latest available at the time. Given a new year of data has now been published, the analysis of impact of the proposed fees has been updated to 2023-24. This analysis shows an increase from £16m to £18.5m in annual spend based on the proposed fees and the 2023-24 data.
9. A Welsh language version of this response and the Impact Assessment will be published at <https://www.gov.uk/government/consultations/crime-lower-consultation>.
10. A list of respondents to the consultation can be found at Annex A.

¹ (Legal aid statistics quarterly: April to June 2024 - GOV.UK)

Responses to the consultation questions

Overview

1. A total of 38 responses to the consultation were received. Of these, 13 responses were from representative bodies, charities and organisations.
2. The responses were analysed to help inform the Government's decision on how the previously allocated £21.1m, now rising to £23.6m, could be distributed within the police station and Youth Court fee schemes. Below is a summary of the consultation responses and the government response.

Investment into the Police Station Fee Schemes

3. The consultation included two options for the police station fee schemes, with both taking a step towards harmonising the 245 different schemes.

Option 1: Use the £16m (now £18.5m) to harmonise fees by uplifting the lowest fees

4. 174 non-London schemes would see the fixed fee they receive increased to £225.63 (excluding VAT) under this option. It would bring around 70% of the 245 different fee schemes to the same level. All schemes with a fee above £225.63 would not have their fees increased. As all London schemes are above this amount, London fee schemes would not see an increase.

Option 2: Use the £16m (now £18.5m) to harmonise both the lowest non-London fees and the lowest London fees.

5. 173 non-London schemes (out of 213) would have their fixed fee increased to £223.52 (excluding VAT) and 26 (out of 32) London schemes would have their fixed fee increased to £264.45 (excluding VAT) under this option. In total, 199 of the 245 fee schemes would see an increase to their fees, which is around 80%.

Question 1: Which option (1 or 2) do you think would be best to implement during the next financial year (2024/25)? Please explain the reasons for your answer.

6. Half the respondents (50%) were in favour of option 2, while 34% supported option 1 and 16% did not address this question. For those who were in favour of option 2, comments were made that London had higher costs and therefore should be included in the uplift. Others also preferred this option as it benefited more police station areas.

7. Those in favour of option 1 felt that it would be fairer to focus on the lowest fees with some highlighting that London currently has a disproportionate number of providers compared to the rest of England and Wales.
-

Question 2: Which option (1 or 2) do you think would better achieve meeting CLAIR's recommendations as set out in the consultation document Please explain the reasons for your answer.

8. 45% of the responses supported option 2 but there was an increase in the number of respondents who did not answer this question (29%) compared to question 1. Some of the respondents who did not answer this question stated that they felt that neither options would achieve CLAIR's recommendations. Those who supported option 1 or option 2 gave similar reasons to those stated in response to question 1. Some respondents also mentioned that option 2 would allow the greatest number of schemes to be harmonised.
-

Question 3: Do you agree with our approach to amending the escape threshold for the affected schemes? Please explain the reasons for your answer

9. The majority of respondents (47%) agreed with the escape fee threshold being adjusted for the police station proposals and believed it was an appropriate adjustment. 24% disagreed and 29% did not address this question. Some of the respondents who answered no to this question expressed that they would prefer to see the escape fee completely reformed. Many respondents used this question to express their views that the current escape fee threshold was not fit for purpose.
-

Question 4: Are there any other views or observations you would like to share?

10. In addition to responding to question 4, many respondents shared views and observations as part of their responses to questions 1-3. Therefore, the summary below encompasses all comments made from question 1 to question 4.
11. Comments were made that the current funding was not sufficient to address the issues of retention, recruitment, and that the funding was below the level of investment needed to create a sustainable future for criminal legal aid.
12. Some respondents emphasised that they felt inflation and other economic factors like the cost of living crisis had not been considered when looking at what funding is required.
13. Respondents also raised concerns that the escape fee threshold was not being reformed. Comments were made about the threshold being too high, and that only a low number of cases are able to reach it. The argument that there is an unpaid gap

between the fixed fee and escape fee threshold was also made. Some respondents raised concerns that police station work had changed over the years and that the current fee schemes did not reflect this. Some of the examples shared include having more than one attendance at the police station for the same case and a greater use of electronic/video evidence.

14. A few respondents expressed concerns around custody consolidation where there have been police station closures leading to police station work moving to another area which may have a lower fixed fee.
15. Some respondents also expressed a concern that not all the police station schemes were going to benefit from the allocated funding.

Government Response

16. Taking account of the views expressed by respondents to the Crime Lower consultation, the Government will take forward option 2 to harmonise both the lowest non-London fees and the lowest London fees. These changes will come into force on 6 December 2024. Option 2 enables the greatest number of fee schemes to be harmonised. This was also the option that most consultation respondents supported. The new fees are set out at Annex B.
17. The implementation of option 2 will help address some of the custody consolidation issues raised by consultation respondents by harmonising many police station fee schemes within the same region.
18. The Government recognises that the schemes with the highest London and non-London fees will not benefit from the funding and that this will be disappointing to firms working in those areas. The original police station fee scheme reforms proposed in the 2022 CLAIR consultation were cost neutral. However, several respondents to that consultation, including the Law Society, Criminal Law Solicitors Association (CLSA) and the Legal Aid Practitioners Group emphasised that any changes in regard to harmonisation should not lead to a reduction in any of the fees. In light of those concerns a decision was taken to move away from a cost-neutral approach and £16m (now £18.5m) was reallocated to police station fee schemes. This led to the options in the Crime Lower consultation where we proposed harmonising the police station fee schemes by uplifting the lowest fees.
19. It would not be possible to use the available funding to harmonise all police station fee schemes, unless some of the highest fees were reduced. This is not an approach that has been pursued.

20. In June 2024, published legal aid statistics² showed an annual increase in police station case volumes (around 13% for attendances). The proposed fee levels at the time of the original consultation were derived using 2022-23 data, which was the latest available at the time. Given a new year of data has now been published, the analysis of the impact of the proposed fees has been updated to use 2023-24 data. This analysis shows an increase from £16m to £18.5m in annual spend based on the proposed fees.

Pre-Charge Engagement

21. Pre-charge engagement (PCE) refers to voluntary engagement between the parties to an investigation after the first police interview and before a suspect has been formally charged. It can result in several benefits, including better-informed charging decisions; identifying and resolving issues in relation to evidence; narrowing the issues in dispute; and reducing anxiety and uncertainty for suspects.

22. The provision for remunerating PCE was implemented in 2021 and it only allowed payment to be available from the date of the agreement between the relevant parties. This meant that preparatory work conducted prior to the agreement was not remunerated.

23. CLAIR concluded that for PCE to be meaningful, the defence needs to know the prosecution case, to study the evidence and to take instructions before deciding whether it is in the client's best interests to engage. The report recommended that the defence be funded to examine the evidence provided by the police before deciding whether engagement is appropriate or not. The previous Government widened the scope of PCE to allow payments for preparatory work in October 2022.

24. The Crime Lower consultation sought feedback on PCE to gain a better understanding of how it is currently operating.

Question 5: Have you previously claimed for pre-charge engagement work? Please state yes or no.

25. 13% of the respondents answered yes to this question while 55% answered no and 32% did not address this question. As this question was posed to individuals taking up work in police stations, representative bodies, charities and organisations could not address this question directly.

² <https://www.gov.uk/government/statistics/legal-aid-statistics-quarterly-april-to-june-2024>

Question 6: If no, please explain why?

Question 7: If yes, please share your experience of engaging with this work including:

- a) your experience of engaging with the police and prosecution; and**
- b) your experience of claiming payment.**

Question 8: Have you experienced or witnessed any limitations in carrying out this work?

26. As many of the answers given in response to questions 6-8 overlapped, we have provided a summary below combining the three questions.

27. Several respondents argued that the fee was too low and that the work was not financially worthwhile. Some respondents raised the point that the administrative and regulatory burden of claiming was too high in order to provide any incentive to make claims. It was suggested that the auditing process acted as a deterrent to claiming for PCE. Respondents also mentioned that the process for claiming PCE was too complicated with some stating that they were unaware of how to claim.

28. Many respondents made the point of either the police or the Crown Prosecution Service (CPS) not being engaged on PCE to allow it to effectively take place. Some indicated that there needed to be a cultural shift amongst the police and CPS.

Government Response

29. The Legal Aid Agency has issued further communications on how to claim for PCE to raise awareness among practitioners and to explain the process.

30. The Ministry of Justice is working with the Home Office and Attorney General's Office, the CPS and police to consider whether additional steps can be taken to make PCE more effective.

31. At this stage, we are not planning to review the current PCE fee levels but will keep this decision under review.

A Separate Youth Court Fee Scheme

32. The Crime Lower consultation proposed a new Youth Court fee scheme which would include an enhanced fixed fee for the most serious offences (all indictable only and triable either way cases). The fee consulted on was £658 (including VAT) or £548.33 (excluding VAT). This would be paid in addition to the current fees paid for Youth Court cases under the magistrates' fee scheme (Table 1 below).

33. This enhanced fixed fee would apply to lower and higher standard fee cases. Non-standard fees, which exceed the standard fee threshold, are paid at an hourly rate. The enhanced fee amount would be paid in addition to the non-standard fee paid at hourly rates.
34. There is currently an enhanced hourly rate available under the non-standard fee claims in certain circumstances. Solicitors' firms will continue to be able to claim this, where appropriate, and receive the enhanced fixed fee for the most serious offences.
-

Question 9: Do you agree with having a separate Youth Court fee scheme outside of the current magistrates' fee scheme? Please explain your answer.

35. The majority of respondents (66%) agreed with the proposal to have a separate Youth Court fee scheme. Many responses agreed that the Youth Court required specialist knowledge and had its own challenges separate to the magistrates' court. 18% of the respondents disagreed with there being a separate Youth Court fee scheme with some stating that there should be no difference between the magistrates' and Youth Court. 16% of the respondents did not address this question.
-

Question 10: Do you agree with the enhanced fee proposal for the Youth Court? Please explain your answer.

36. The majority of respondents (71%) agreed with the enhanced fixed fee proposal and generally welcomed the proposed change. Some respondents also emphasised that the Youth Court involved additional complexities in relation to working with child defendants as compared to cases in the magistrates' court.
37. 11% of respondents disagreed with the proposal, with some respondents stating that the enhanced fixed fee should be linked to training/accreditation. 18% of respondents did not address the question.
-

Question 11: Do you agree with the enhanced fee being targeted towards the most serious offences (i.e. indictable only and triable either way offences)? Please explain your answer.

38. 45% of the respondents agreed with the enhanced fee being targeted towards the most serious offences while 39% disagreed. Some of the respondents who agreed indicated that the most serious offences required more work and expertise while others mentioned that the most serious offences had more gravity and implications if the individual were convicted, justifying a higher fee.
39. The respondents who disagreed with targeting the enhanced fee at the most serious offences argued that working with children was the factor that made a case complex

and that child defendants were generally vulnerable. For this reason, some respondents indicated that an enhanced fee should be applied to all offences.

40. 16% of respondents did not answer this question.

Government Response

41. The Government will introduce a separate Youth Court fee scheme with enhanced fixed fees for the most serious offences. This includes indictable only and triable either way offences, but not summary offences. This helps to reduce the disparity between the Youth and Crown Courts by prioritising cases which would be paid at Crown Court rates if the defendant were an adult. It also recognises the gravity of these cases and the greater impact on a child's life if they are convicted.
42. While we have targeted the funding mainly towards indictable only and triable either way offences, we have treated one summary offence as falling within the serious category, and one either way offence as falling within the summary offence category for the purposes of respectively applying and disapplying the new enhanced fixed fee, to allow the fees to be consistent with the current fee scheme. The offences are proceedings relating to either way offences which must be tried in a magistrates' court in accordance with section 22 of the Magistrates' Court Act 1980 (certain offences triable either way to be tried summarily if the value involved is small).
43. Some respondents raised concerns about the quality of advice in the sector. This echoes the findings of the CLAIR report and the Government agrees that this is an area which requires further investigation. Ministry of Justice (MOJ) provided grant funding for legal training pilots in three locations in early 2024 (London, Manchester and the South West region). Government will continue to work with the legal sector through the Quality of Advice Working Group to encourage the development and uptake of youth-specific training for criminal lawyers working with children.
44. For summary offences that may be more complex, and will not receive the enhanced rate applied to indictable offences, the non-standard fee level and existing enhanced hourly rate can continue to be paid, where appropriate.
45. It should be noted that the enhanced fee we consulted on has increased from £548.33 (excluding VAT) to £598.59 (excluding VAT). This is due to methodological improvements to the way youth volumes are counted and the availability of 2023 data. Table 1 below provides an illustration of the new enhanced fees for the Youth Court.
46. The Youth Court legal aid spend based on 2023 baseline is around £6.3m, excluding disbursements. This means that the allocated £5.1m will increase Youth Court spend by around 80% which is a substantial increase. This addresses the CLAIR report

recommendation which called for the importance of youth work to be reflected through increased fees above the current magistrates' court fee level.

Table 1 - Youth Court Fee Scheme (excluding VAT)

Designated Area Standard Fees

	Lower Standard Fee Limit (£)	Lower Standard Fee (£)	Enhanced Fee (£)	Total Fee (£)	Higher Standard Fee Limit (£)	Higher Standard Fee (£)	Enhanced Fee (£)	Total Fee (£)
Category 1A	313.19	286.02	£598.59	884.61*	542.63	542.58	£598.59	1,141.17*
Category 1B	313.19	232.53		232.53	542.63	500.99		500.99
Category 2A	538.02	397.14	£598.59	995.73*	896.59	831.85	£598.59	1,430.44*
Category 2B	538.02	397.14		397.14	896.59	831.85		831.85

Undesignated Area Standard Fees

	Lower Standard Fee Limit (£)	Lower Standard Fee (£)	Enhanced Fee (£)	Total Fee (£)	Higher Standard Fee Limit (£)	Higher Standard Fee (£)	Enhanced Fee (£)	Total Fee (£)
Category 1A	313.19	822.47*	£598.59	822.47*	542.63	1,072.74*	£598.59	1,072.74*
Category 1B	313.19	182.01		182.01	542.63	437.81		437.81
Category 2A	538.02	919.96*	£598.59	919.96*	896.59	1,335.67*	£598.59	1,335.67*
Category 2B	538.02	321.37		321.37	896.59	737.08		737.08

* Category 1A and Category 2A refer to indictable only and triable either way offences where the fee enhancement is applied. For non-standard fee cases, (i.e. those that go above the higher standard fee limit) the enhanced fee amount for would be claimed separately.

Police Station Travel Renumeration

47. During consideration of the consultation responses, a number made reference to the challenges some providers experienced in travelling long journeys to police stations and how this time was not adequately remunerated. The issue was also raised in judicial review proceedings by the Law Society. Following further consideration, the Government will introduce a scheme that provides for the payment of travel in a small number of schemes across the country. This will provide for payment for travel time in relation to schemes with fewer than two providers and the Isle of Wight (IoW), as well as to providers from neighbouring schemes who do work within those scheme areas. It will help support the sustainability of those schemes, over and above the existing arrangements for the police station attendance fixed fee scheme which includes travel time as part of the fixed fee.
48. This will apply to the Barnstaple, Skegness, Berwick & Alnwick, Dolgellau and Newark schemes as they currently have fewer than two duty providers.
49. Although it currently has more than two providers, the Government believes the IoW scheme should also benefit from payment of travel time to support mainland providers to provide advice there. As the IoW scheme is the only scheme where it is not possible to drive to and from neighbouring schemes, we believe offering payment for travel time to be justified.
50. The rates that will be paid (on top of any other fee earned for advice and assistance at the police station) are the same as those currently already prescribed for the purpose of working out if an escape fee is payable and will be paid for travel time to / from / within the single provider schemes and the IoW. This intervention is estimated to cost around £400k (including VAT) per annum, based on 23-24 data.

Prison Law and Criminal Cases Review Commission (CCRC)

51. The Crime Lower Consultation also invited views on Prison Law and CCRC, specifically on the proposed plan to not make changes at this point, instead focusing investment on reforming and improving engagement in the initial stages of criminal cases, helping divert people out of the criminal justice system, supporting early case resolution, and reducing backlogs.

Question 12: Do you agree with our proposal to not make changes to the Prison Law and Criminal Cases Review Commission fee scheme at this stage?

52. The majority of respondents (61%) disagreed with the proposal. Those that disagreed felt that funding should be allocated to prison law and CCRC and that the changes recommended in CLAIR should be made. 13% of respondents agreed with the proposal and 26% did not address the question. Some of the respondents who agreed or did not address the question mentioned that their firm did not cover this area of work.

Government Response

53. The Government appreciates the concerns that were raised as part of the consultation response and that it may be disappointing that additional investment is not going into these areas at this time. Government will keep the position under review. The funding that was set aside for the proposals in the Crime Lower consultation is designed to support reform and improve engagement in the initial stages of the criminal justice system, helping support early case resolution. Putting money towards the earlier stages of the criminal justice system was part of CLAIR's wider objectives to encourage early engagement between the Police, CPS and defence practitioners.

Equalities Impacts

Police Station Proposals (Paragraphs 29–34 of the Crime Lower Consultation)

Question 13: From your experience are there any groups or individuals with particular protected characteristics who may be particularly affected, either positively or negatively, by the proposals in this paper? Please include which groups/individuals and explain your reasons. We would welcome examples, case studies, research or other types of evidence that support your views.

Question 14: What do you consider to be the equalities impacts on individuals with particular protected characteristics of each of the proposals? Are there any mitigations the government should consider? Please provide evidence and reasons.

54. The majority of respondents did not address these questions. For respondents who did, a small number mentioned that we should consider those who may have learning disabilities, language barriers and mental health conditions. A couple of respondents highlighted that black and ethnic minority children are overrepresented in the criminal justice system.

Youth Court Proposals (Paragraphs 53–58 of the Crime Lower Consultation)

Question 15: From your experience are there any groups or individuals with particular protected characteristics who may be particularly affected, either positively or negatively, by the proposals in this paper? Please include which groups/individuals and explain your reasons. We would welcome examples, case studies, research or other types of evidence that support your views.

Question 16: What do you consider to be the equalities impacts on individuals with particular protected characteristics of each of the proposals? Are there any mitigations the government should consider? Please provide evidence and reasons

55. These questions also received very few responses, many of which were similar to the responses received for previous questions. The respondents highlighted that children with mental health conditions, learning disabilities, as well as a disproportionate of number of black and ethnic minority children are overrepresented in the criminal justice system. A couple of respondents also mentioned the consideration of children in the care system.

56. An updated Equality Statement has been published alongside this response which takes account of the views expressed.

Impact Assessment and Equalities

Impact Assessment

57. An Impact Assessment has been published alongside this response.

Equalities

58. An updated Equalities Statement has been published alongside this response.

Conclusion and next steps

59. A Statutory Instrument to bring the fee increases set out in this response is being laid to come into force from 6 December 2024.

Consultation principles

The principles that Government departments and other public bodies should adopt for engaging stakeholders when developing policy and legislation are set out in the Cabinet Office Consultation Principles 2018:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/691383/Consultation_Principles__1__.pdf

Annex A – List of respondents

- Appeal
- Association of Prison Lawyers (APL)
- Criminal Appeal Lawyers Association (CALA)
- Criminal Law Solicitor Association (CLSA)
- Criminal Legal Aid Advisory Board
- Joint Bar Council BC/Criminal Bar Association (CBA)
- Legal Aid Practitioners Group (LAPG)
- London Criminal Court Solicitors' Associations (LCCSA)
- Positive Steps - Youth Justice Service
- The Chartered Institute of Legal Executives (CILEX)
- The Law Society
- Young Legal Aid Lawyers (YLAL)
- Youth Practitioners' Association (YPA)

There were a further 25 responses from individual respondents.

Annex B: Fixed Fees and Escape Fee Thresholds for the Police Station Measure (excluding VAT)

Criminal Justice System Area	Police Station Scheme Name	CWA Police Station Scheme Code	Current Fixed Fee (£)	Current Escape Threshold (£)	Option 1 Fixed Fee (£)	Option 1 Escape Threshold (£)
Cleveland	Hartlepool	1001	151.11	466.21	223.52	588.99
Cleveland	Teeside	1002	156.35	479.58	223.52	588.99
Durham	Darlington	1003	177.72	533.16	223.52	588.99
Durham	South Durham	1004	175.25	538.52	223.52	588.99
Durham	Durham	1005	204.63	637.65	223.52	588.99
Durham	Derwentside	1006	197.37	592.14	223.52	588.99
Durham	Easington	1007	192.04	589.42	223.52	588.99
Northumbria	South East Northumberland	1008	170.58	511.73	223.52	588.99
Northumbria	Newcastle upon Tyne	1009	158.46	487.61	223.52	588.99
Northumbria	Gateshead	1010	164.34	492.99	223.52	588.99
Northumbria	North Tyneside	1011	161.61	495.67	223.52	588.99

Criminal Justice System Area	Police Station Scheme Name	CWA Police Station Scheme Code	Current Fixed Fee (£)	Current Escape Threshold (£)	Option 1 Fixed Fee (£)	Option 1 Escape Threshold (£)
Northumbria	South Tyneside	1012	153.21	471.56	223.52	588.99
Northumbria	Sunderland / Houghton Le Spring	1013	171.05	527.82	223.52	588.99
Northumbria	Berwick & Alnwick	1014	203.58	626.95	223.52	588.99
Northumbria	Tynedale & Hexham	1015	177.34	546.57	223.52	588.99
Avon and Somerset	Avon North & Thornbury	2001	204.63	645.71	223.52	588.99
Avon and Somerset	Bath	2002	222.38	667.12	223.52	588.99
Avon and Somerset	Mendip & South Somerset	2003	249.17	747.52	249.17	747.52
Avon and Somerset	Bristol	2004	183.98	551.93	223.52	588.99
Avon and Somerset	Sedgemore / Taunton Deane	2005	208.83	707.32	223.52	588.99
Avon and Somerset	Weston-Super-Mare	2006	209.09	624.28	223.52	588.99
Dorset	Central Dorset	2007	209.88	629.63	223.52	588.99

Criminal Justice System Area	Police Station Scheme Name	CWA Police Station Scheme Code	Current Fixed Fee (£)	Current Escape Threshold (£)	Option 1 Fixed Fee (£)	Option 1 Escape Threshold (£)
Dorset	Bournemouth & Christchurch	2008	167.00	501.02	223.52	588.99
Dorset	Poole East Dorset	2009	176.30	541.19	223.52	588.99
Dorset	Bridport / West Dorset	2010	167.90	503.70	223.52	588.99
Wiltshire	Salisbury	2011	200.43	616.22	223.52	588.99
Wiltshire	Chippenham / Trowbridge	2012	216.13	648.39	223.52	588.99
Wiltshire	Swindon	2013	197.28	608.19	223.52	588.99
Gloucestershire	Cheltenham	2014	181.54	559.96	223.52	588.99
Gloucestershire	Gloucester	2015	178.40	549.25	223.52	588.99
Gloucestershire	Stroud	2016	204.63	629.63	223.52	588.99
Devon and Cornwall	Barnstaple	2017	200.05	600.16	223.52	588.99
Devon and Cornwall	Exeter	2018	177.72	533.16	223.52	588.99
Devon and Cornwall	Plymouth	2019	206.31	618.92	223.52	588.99

Criminal Justice System Area	Police Station Scheme Name	CWA Police Station Scheme Code	Current Fixed Fee (£)	Current Escape Threshold (£)	Option 1 Fixed Fee (£)	Option 1 Escape Threshold (£)
Devon and Cornwall	East Cornwall	2020	228.77	776.99	228.77	776.99
Devon and Cornwall	Carrick / Kerrier (Camborne) / Penwith	2021	204.63	648.39	223.52	588.99
Devon and Cornwall	Teignbridge / Torbay	2022	187.65	562.64	223.52	588.99
Staffordshire	Stoke on Trent / Leek	3001	204.63	648.39	223.52	588.99
Staffordshire	Stafford / Cannock & Rugeley	3002	204.63	629.63	223.52	588.99
Staffordshire	Lichfield & Tamworth / Burton Upon Trent / Uttoxeter	3003	198.33	610.86	223.52	588.99
Warwickshire	Leamington / Nuneaton / Rugby	3004	205.40	616.22	223.52	588.99
West Mercia	Hereford / Leominster	3005	178.62	535.84	223.52	588.99
West Mercia	Kidderminster / Redditch	3006	228.63	685.88	228.63	685.88
West Mercia	Shrewsbury	3007	190.99	586.75	223.52	588.99
West Mercia	Telford	3008	198.33	610.86	223.52	588.99
West Mercia	Worcester	3009	208.09	624.28	223.52	588.99

Criminal Justice System Area	Police Station Scheme Name	CWA Police Station Scheme Code	Current Fixed Fee (£)	Current Escape Threshold (£)	Option 1 Fixed Fee (£)	Option 1 Escape Threshold (£)
West Midlands	Sandwell	3010	202.53	621.60	223.52	588.99
West Midlands	Wolverhampton & Seisdon	3011	202.53	621.60	223.52	588.99
West Midlands	Dudley & Halesowen	3012	199.16	597.48	223.52	588.99
West Midlands	Walsall	3013	204.63	632.30	223.52	588.99
West Midlands	Birmingham	3014	204.63	651.06	223.52	588.99
West Midlands	Solihull	3015	215.23	645.71	223.52	588.99
West Midlands	Coventry	3016	176.84	530.50	223.52	588.99
Dyfed Powys	Amman Valley	4001	204.63	656.42	223.52	588.99
Dyfed Powys	Carmarthen East Dyfed	4002	232.21	696.61	232.21	696.61
Dyfed Powys	Llanelli	4003	204.63	656.42	223.52	588.99
Dyfed Powys	Brecon & Radnor	4004	233.99	701.97	233.99	701.97
Dyfed Powys	Mid Wales	4005	178.62	535.84	223.52	588.99
Dyfed Powys	North Ceredigion / South Ceredigion	4006	234.88	704.64	234.88	704.64
Dyfed Powys	Pembrokeshire	4007	192.04	592.14	223.52	588.99
Gwent	East Gwent	4008	195.19	600.16	223.52	588.99

Criminal Justice System Area	Police Station Scheme Name	CWA Police Station Scheme Code	Current Fixed Fee (£)	Current Escape Threshold (£)	Option 1 Fixed Fee (£)	Option 1 Escape Threshold (£)
Gwent	Newport	4009	192.04	589.42	223.52	588.99
Gwent	Lower Rhymney Valley / North Bedwellty / South Bedwellty	4010	204.63	640.33	223.52	588.99
North Wales	Bangor & Caernarfon	4011	217.91	653.74	223.52	588.99
North Wales	Colwyn Bay	4012	199.39	613.54	223.52	588.99
North Wales	Denbighshire	4013	217.02	651.06	223.52	588.99
North Wales	Dolgellau	4014	217.02	651.06	223.52	588.99
North Wales	Mold & Hawarden	4015	204.63	637.65	223.52	588.99
North Wales	North Anglesey	4016	226.85	680.54	226.85	680.54
North Wales	Pwllheli	4017	153.61	460.83	223.52	588.99
North Wales	Wrexham	4018	185.76	557.28	223.52	588.99
South Wales	Cardiff	4019	204.63	675.18	223.52	588.99
South Wales	Vale of Glamorgan	4020	239.35	718.06	239.35	718.06
South Wales	Cynon Valley	4021	204.63	648.39	223.52	588.99
South Wales	Mid Glamorgan & Miskin	4022	204.63	675.18	223.52	588.99
South Wales	Merthyr Tydfil	4023	204.63	669.83	223.52	588.99

Criminal Justice System Area	Police Station Scheme Name	CWA Police Station Scheme Code	Current Fixed Fee (£)	Current Escape Threshold (£)	Option 1 Fixed Fee (£)	Option 1 Escape Threshold (£)
South Wales	Port Talbot	4024	251.85	852.01	251.85	852.01
South Wales	Newcastle & Ogmore	4025	204.63	685.88	223.52	588.99
South Wales	Neath	4026	207.78	704.64	223.52	588.99
South Wales	Swansea	4027	197.28	608.19	223.52	588.99
Merseyside	Bootle & Crosby	5001	186.79	573.37	223.52	588.99
Merseyside	Southport	5002	156.30	468.88	223.52	588.99
Merseyside	Liverpool	5003	206.31	618.92	223.52	588.99
Merseyside	St Helens	5004	176.30	543.90	223.52	588.99
Merseyside	Knowsley	5005	189.93	584.07	223.52	588.99
Merseyside	Wirral	5006	181.54	557.28	223.52	588.99
Cheshire	Crewe & Nantwich / Sandbach & Congleton / Macclesfield	6001	202.53	621.60	223.52	588.99
Cheshire	Warrington / Halton	6002	177.72	533.16	223.52	588.99
Cheshire	Chester / Vale Royal (Northwich)	6003	184.87	554.61	223.52	588.99
Cumbria	Barrow In Furness	6004	176.84	530.50	223.52	588.99

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Cumbria	Kendal & Windermere	6005	210.77	632.30	223.52	588.99
Cumbria	Penrith / Carlisle	6006	199.16	597.48	223.52	588.99
Cumbria	Whitehaven / Workington	6007	165.22	495.67	223.52	588.99
Greater Manchester	Manchester	6008	204.63	675.18	223.52	588.99
Greater Manchester	Stockport	6009	192.90	578.71	223.52	588.99
Greater Manchester	Trafford	6010	204.63	643.03	223.52	588.99
Greater Manchester	Salford	6011	204.63	656.42	223.52	588.99
Greater Manchester	Bolton	6012	189.34	568.02	223.52	588.99
Greater Manchester	Bury	6013	183.98	551.93	223.52	588.99
Greater Manchester	Wigan	6014	195.58	586.75	223.52	588.99

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Greater Manchester	Rochdale / Middleton	6015	194.70	584.07	223.52	588.99
Greater Manchester	Tameside	6016	179.45	551.93	223.52	588.99
Greater Manchester	Oldham	6017	158.08	474.24	223.52	588.99
Lancashire	Burnley / Rossendale	6018	186.66	559.96	223.52	588.99
Lancashire	Blackburn / Accrington / Ribble Valley	6019	204.63	667.12	223.52	588.99
Lancashire	Blackpool	6020	145.57	436.71	223.52	588.99
Lancashire	Fleetwood	6021	149.14	447.44	223.52	588.99
Lancashire	Lancaster	6022	183.08	549.25	223.52	588.99
Lancashire	Chorley / Ormskirk / South Ribble & Leyland	6023	200.94	602.83	223.52	588.99
Lancashire	Preston	6024	164.34	492.99	223.52	588.99
Kent	Dartford & Gravesend	7001	267.93	803.78	267.93	803.78
Kent	Ashford & Tenterden / Dover / Folkestone	7002	236.11	801.10	236.11	801.10

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Kent	Medway	7003	235.77	707.32	235.77	707.32
Kent	Swale	7004	279.53	838.60	279.53	838.60
Kent	Maidstone & West Malling	7005	249.17	747.52	249.17	747.52
Kent	Canterbury / Thanet	7006	204.63	693.94	223.52	588.99
Kent	West Kent (Tonbridge)	7007	239.35	718.06	239.35	718.06
Surrey	Guildford & Farnham	7008	206.72	701.97	223.52	588.99
Surrey	North West Surrey (Woking)	7009	225.62	766.26	225.62	766.26
Surrey	South East Surrey	7010	238.21	809.13	238.21	809.13
Surrey	Epsom	7011	241.36	819.87	241.36	819.87
Surrey	Staines	7012	277.04	937.73	277.04	937.73
Sussex	Brighton & Hove & Lewes	7013	210.92	715.35	223.52	588.99
Sussex	Chichester & District	7014	186.79	573.37	223.52	588.99
Sussex	Crawley / Horsham	7015	262.57	787.69	262.57	787.69
Sussex	Hastings	7016	163.70	503.70	223.52	588.99

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Sussex	Worthing	7017	188.89	581.39	223.52	588.99
Sussex	Eastbourne	7018	199.16	597.48	223.52	588.99
Derbyshire	East Derbyshire (Ripley) / Ilkeston	8001	237.56	712.68	237.56	712.68
Derbyshire	Ashbourne / Matlock / High Peak (Buxton)	8002	218.81	656.42	223.52	588.99
Derbyshire	Chesterfield	8003	204.52	613.54	223.52	588.99
Derbyshire	Derby / Swadlincote	8004	204.63	656.42	223.52	588.99
Leicestershire	Ashby & Coalville / Loughborough / Melton Mowbray	8005	208.98	626.95	223.52	588.99
Leicestershire	Leicester	8006	204.63	634.97	223.52	588.99
Leicestershire	Hinckley / Market Harborough	8007	232.21	696.61	232.21	696.61
Lincolnshire	Boston / Bourne / Stamford	8008	199.39	613.54	223.52	588.99
Lincolnshire	Skegness	8009	179.50	538.52	223.52	588.99
Lincolnshire	Lincoln / Gainsborough	8010	185.76	557.28	223.52	588.99

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Lincolnshire	Grantham & Sleaford	8011	183.64	565.31	223.52	588.99
Nottinghamshire	Mansfield	8012	184.69	568.02	223.52	588.99
Nottinghamshire	Newark	8013	207.20	621.60	223.52	588.99
Nottinghamshire	Nottingham	8014	206.31	618.92	223.52	588.99
Nottinghamshire	Worksop & East Retford	8015	196.24	602.83	223.52	588.99
Northamptonshire	Corby (Kettering) / Wellingborough	8016	181.30	543.90	223.52	588.99
Northamptonshire	Northampton	8017	196.48	589.42	223.52	588.99
Bedfordshire	Bedford	9001	193.09	594.80	223.52	588.99
Bedfordshire	Luton	9002	204.63	691.23	223.52	588.99
Cambridgeshire	Cambridge	9003	186.79	576.05	223.52	588.99
Cambridgeshire	Ely	9004	204.63	661.77	223.52	588.99
Cambridgeshire	Huntingdon	9005	199.16	597.48	223.52	588.99
Cambridgeshire	March & Wisbech	9006	197.37	592.14	223.52	588.99
Cambridgeshire	Peterborough	9007	164.34	492.99	223.52	588.99
Essex	Basildon	9008	204.63	632.30	223.52	588.99

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Essex	Brentwood	9009	286.48	972.58	286.48	972.58
Essex	Braintree	9010	228.77	774.32	228.77	774.32
Essex	Clacton & Harwich / Colchester	9011	204.63	648.39	223.52	588.99
Essex	Grays	9012	267.59	908.27	267.59	908.27
Essex	Harlow & Loughton	9013	267.59	908.27	267.59	908.27
Essex	Stansted	9014	295.93	1,004.72	295.93	1,004.72
Essex	Rayleigh / Southend On Sea	9015	192.02	576.05	223.52	588.99
Essex	Chelmsford / Witham	9016	202.53	624.28	223.52	588.99
Hertfordshire	Dacorum (Hemel Hempstead)	9017	241.36	817.16	241.36	817.16
Hertfordshire	Bishop's Stortford / East Hertfordshire	9018	292.78	993.99	292.78	993.99
Hertfordshire	Stevenage & North Hertfordshire	9019	271.79	921.68	271.79	921.68
Hertfordshire	St Albans	9020	246.61	807.59	246.61	807.59
Hertfordshire	Watford	9021	242.41	822.54	242.41	822.54

Criminal Justice System Area	Police Station Scheme Name	CWA Police Station Scheme Code	Current Fixed Fee (£)	Current Escape Threshold (£)	Option 1 Fixed Fee (£)	Option 1 Escape Threshold (£)
Norfolk	Cromer & North Walsham	9022	211.98	718.06	223.52	588.99
Norfolk	Great Yarmouth	9023	193.80	581.39	223.52	588.99
Norfolk	Kings Lynn & West Norfolk	9024	189.34	568.02	223.52	588.99
Norfolk	Norwich & District	9025	194.70	584.07	223.52	588.99
Norfolk	Diss / Thetford	9026	201.48	618.92	223.52	588.99
Norfolk	Dereham	9027	227.71	771.64	227.71	771.64
Suffolk	Lowestoft / Beccles & Halesworth / Aldeburgh	9028	194.70	584.07	223.52	588.99
Suffolk	Felixstowe / Ipswich & District / Woodbridge	9029	198.27	594.80	223.52	588.99
Suffolk	Sudbury & Hadleigh / Bury St Edmunds / Haverhill / Newmarket	9030	204.63	634.97	223.52	588.99
Thames Valley	Abingdon, Didcot & Witney (South Oxfordshire)	1131	240.30	814.49	240.30	814.49
Thames Valley	Aylesbury	1132	228.63	685.88	228.63	685.88

Criminal Justice System Area	Police Station Scheme Name	CWA Police Station Scheme Code	Current Fixed Fee (£)	Current Escape Threshold (£)	Option 1 Fixed Fee (£)	Option 1 Escape Threshold (£)
Thames Valley	High Wycombe & Amersham	1133	219.32	744.84	223.52	588.99
Thames Valley	Milton Keynes	1134	189.93	584.07	223.52	588.99
Thames Valley	Bicester / North Oxon (Banbury)	1135	223.51	758.23	223.52	588.99
Thames Valley	Oxford	1136	223.51	758.23	223.52	588.99
Thames Valley	Reading	1137	217.02	651.06	223.52	588.99
Thames Valley	Slough (East Berkshire)	1138	240.30	814.49	240.30	814.49
Thames Valley	West Berkshire (Newbury Etc)	1139	200.94	602.83	223.52	588.99
Hampshire	Aldershot / Petersfield (North East Hampshire)	1140	229.82	779.67	229.82	779.67
Hampshire	Andover / Basingstoke / Winchester (NW Hants)	1141	242.03	726.09	242.03	726.09
Hampshire	Isle Of Wight	1142	197.37	592.14	223.52	588.99
Hampshire	Portsmouth / Waterlooville (South East Hampshire)	1143	202.73	608.19	223.52	588.99
Hampshire	Gosport & Fareham	1144	247.38	742.14	247.38	742.14

Criminal Justice System Area	Police Station Scheme Name	CWA Police Station Scheme Code	Current Fixed Fee (£)	Current Escape Threshold (£)	Option 1 Fixed Fee (£)	Option 1 Escape Threshold (£)
Hampshire	Southampton (South West Hampshire)	1145	228.63	685.88	228.63	685.88
Humberside	Grimsby & Cleethorpes	1201	154.50	463.50	223.52	588.99
Humberside	Scunthorpe	1202	165.81	511.73	223.52	588.99
Humberside	Hull	1203	176.30	541.19	223.52	588.99
Humberside	Beverley / Bridlington	1204	204.63	675.18	223.52	588.99
Humberside	Goole	1205	209.88	710.00	223.52	588.99
North Yorkshire	Northallerton & Richmond	1206	220.59	661.77	223.52	588.99
North Yorkshire	Harrogate & Ripon	1207	211.66	634.97	223.52	588.99
North Yorkshire	Skipton, Settle & Ingleton	1208	204.63	629.63	223.52	588.99
North Yorkshire	Scarborough / Whitby	1209	175.25	538.52	223.52	588.99
North Yorkshire	Malton & Ryedale	1210	168.80	506.38	223.52	588.99
North Yorkshire	York / Selby	1211	183.64	565.31	223.52	588.99
South Yorkshire	Barnsley	1212	182.60	562.64	223.52	588.99
South Yorkshire	Doncaster	1213	176.30	541.19	223.52	588.99

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South Yorkshire	Rotherham	1214	186.79	576.05	223.52	588.99
South Yorkshire	Sheffield	1215	192.04	592.14	223.52	588.99
West Yorkshire	Halifax	1216	200.05	600.16	223.52	588.99
West Yorkshire	Huddersfield	1217	168.80	506.38	223.52	588.99
West Yorkshire	Dewsbury	1218	183.08	549.25	223.52	588.99
West Yorkshire	Bradford	1219	156.35	482.26	223.52	588.99
West Yorkshire	Keighley & Bingley	1220	176.30	541.19	223.52	588.99
West Yorkshire	Leeds	1221	165.81	509.05	223.52	588.99
West Yorkshire	Pontefract & Castleford	1222	162.54	487.61	223.52	588.99
West Yorkshire	Wakefield	1223	160.55	492.99	223.52	588.99
London	Barking	1301	258.15	876.13	264.45	852.79
London	Bexley	1302	230.86	782.35	264.45	852.79
London	Bishopsgate	1303	269.69	913.62	269.69	913.62
London	Brent	1304	251.85	852.01	264.45	852.79
London	Brentford	1305	256.05	868.07	264.45	852.79
London	Bromley	1306	243.46	825.22	264.45	852.79

Criminal Justice System Area	Police Station Scheme Name	CWA Police Station Scheme Code	Current Fixed Fee (£)	Current Escape Threshold (£)	Option 1 Fixed Fee (£)	Option 1 Escape Threshold (£)
London	Camberwell Green	1307	251.85	854.68	264.45	852.79
London	Central London	1308	272.84	924.35	272.84	924.35
London	Clerkenwell/Hampstead	1309	255.00	862.71	264.45	852.79
London	Croydon	1310	248.70	841.27	264.45	852.79
London	Ealing	1311	264.44	897.77	264.45	852.79
London	Enfield	1312	250.80	849.33	264.45	852.79
London	Greenwich/Woolwich	1313	240.30	814.49	264.45	852.79
London	Haringey	1314	259.20	878.80	264.45	852.79
London	Harrow	1315	251.85	854.68	264.45	852.79
London	Havering	1316	235.06	795.75	264.45	852.79
London	Heathrow	1317	315.86	1,071.72	315.86	1,071.72
London	Hendon/Barnet	1318	253.95	860.04	264.45	852.79
London	Highbury Corner	1319	264.44	894.88	264.45	852.79
London	Kingston-Upon-Thames	1320	262.35	889.50	264.45	852.79
London	Newham	1321	252.90	857.36	264.45	852.79
London	Old Street	1322	251.85	854.68	264.45	852.79

Criminal Justice System Area	Police Station Scheme Name	CWA Police Station Scheme Code	Current Fixed Fee (£)	Current Escape Threshold (£)	Option 1 Fixed Fee (£)	Option 1 Escape Threshold (£)
London	Redbridge	1323	259.20	878.80	264.45	852.79
London	Richmond-Upon-Thames	1324	277.04	937.73	277.04	937.73
London	South London	1325	264.44	894.88	264.45	852.79
London	Sutton	1326	250.80	849.33	264.45	852.79
London	Thames	1327	250.80	849.33	264.45	852.79
London	Tower Bridge	1328	267.59	908.27	267.59	908.27
London	Uxbridge	1329	242.41	822.54	264.45	852.79
London	Waltham Forest	1330	235.06	798.42	264.45	852.79
London	West London	1331	270.74	918.97	270.74	918.97
London	Wimbledon	1332	257.09	870.77	264.45	852.79

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