

## **Automatic Online Convictions and Penalties (AOCP) – Equalities Statement**

### **Introduction**

The AOCP procedure will provide a more efficient, quick and digitised service to defendants and prosecutors in low-level cases: this process will allow defendants to resolve their cases entirely online, faster and more easily, with certainty of the penalty imposed and the ability to pay it immediately. Consequently, magistrates and legal advisors will spend less time on this routine work, allowing their time and space in court buildings to be focused on more complex cases.

This procedure will introduce a new way of administering criminal justice, and constitute one of the initiatives which will contribute to modern, quick, digitised justice services. This procedure will provide a more proportionate way of dealing with the lowest level prosecutions, and are key in modernising the justice system and bringing it into line with an increasingly digital world.

### **Summary of proposal**

The following offences, and their respective penalties, will initially be available via the AOCP procedure:

| Offence                         | Fine | Victim surcharge | Compensation (up to) |
|---------------------------------|------|------------------|----------------------|
| Rail fare evasion               | £66  | 40% of fine      | £10                  |
| Tram fare evasion               | £80  | 40% of fine      | £10                  |
| Unlicensed rod and line fishing | £123 | 40% of fine      | £10                  |

Once specified in regulations, prosecutors and defendants will have the ability to proceed through the AOCP procedure in eligible cases.

### **Public Sector Equality Duty (PSED) aims**

We have considered the AOCP procedure in light of our Public Sector Equalities Duty obligations. Key considerations are listed below.

#### **Direct discrimination**

We consider that the AOCP procedure, and the offences and penalties specified in regulation, are not directly discriminatory within the meaning of the Equality Act 2010. These measures do not treat people less favourably because of their protected characteristics and they apply in the same way to all individuals who are in scope, regardless of their protected characteristics.

#### **Indirect discrimination**

The AOCP procedure is an entirely optional process and will only be available to adults who wish to plead guilty. It is likely that defendants with mental health and/or learning difficulties and/or those who are neurodivergent may be less likely to use the AOCP procedure as they may find proceeding through court or via the Single Justice Procedure (SJP) process more accessible and easier.

Those with disabilities are increasingly likely to use the AOCPP procedure. The number of disabled adults who were recent internet users reached almost 11 million (81% of disabled adults) in 2020; up from just over 10 million (78% of disabled adults) in 2019, showing an increase in internet usage and access amongst those with disabilities.<sup>1</sup>

In terms of age, younger defendants may be more likely to proceed through the AOCPP procedure than older defendants. In 2020, 99% of adults aged 16 to 44 years in the UK were recent internet users, compared with 54% of adults aged 75 years and over. These cohorts may be negatively impacted as they would not be able to digitally proceed through their cases as efficiently, however, they will continue to have the option to proceed with their case through the court or SJP.

In addition to the digital and automated nature of this process indirectly affecting users according to protected characteristics, it has another potential effect on those with protected characteristics with regard to income. The standardised nature of the penalties issued by this new process will mean that those on a higher income are likely to incur a lower fine via the AOCPP procedure than they would under the current procedure. This is because their means will not be taken into account. Equally, this means that those on a lower income may incur a higher fine through the AOCPP procedure than they would receive under the current procedure. This issue is likely to affect those with protected characteristics, such as disability, race and sex, who are disproportionately found to have lower incomes. However, the automatic online system will provide defendants with all the information they need in order to make an informed decision, which include full details of the prospective penalty. They will also be made aware that the penalty amount could be different if they were to opt out of this online system, and the factors that a magistrate would take into account when determining the penalty amount (such as the defendant's means) would also be made clear. As such, defendants on a lower income should be motivated to opt out of this new online system.

We also know that those from ethnic minorities may experience difficulties due to language barriers, making it more challenging for them to proceed through the AOCPP procedure. Support channels will however be available, including Assisted Digital support, and referrals to We Are Digital will be available to all users.

Overall, our assessment is that we consider the measure a proportionate means of achieving the legitimate policy aim and therefore do not consider it is likely to result in any unlawful indirect discrimination.

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<sup>1</sup> ONS Internet Users UK, 2020:  
<https://www.ons.gov.uk/businessindustryandtrade/itandinternetindustry/bulletins/internetusers/2020>