



Ministry
of Justice

Review of the Hardship Fund

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Review of the Hardship Fund

Basis of the Review

1. The Government agreed that a review of the Hardship Fund would be held one year after its implementation to check the extent to which the original policy objective is being achieved. This objective was to ease the immediate hardship endured by very low paid victims of violent crime with no recourse to other sources of financial assistance.

Review Approach and Rationale

2. This review of the Fund aims to assess whether the aims of the policy are being achieved and is based on qualitative feedback from the Criminal Injuries Compensation Authority (the Authority) and Victim Support. The review will be assessed against the following three criteria:
 - whether the Fund is targeted at the right victims;
 - whether the Fund eases the hardship of very low paid victims of violent crime; and
 - whether the Fund works efficiently and effectively and delivers within budget.

What were the policy objectives and the intended effects?

3. The Fund seeks to ease the immediate hardship endured by very low paid victims of violent crime in England and Wales who have no recourse to other sources of financial assistance. It intends to provide temporary financial support for victims with less serious injuries who are temporarily unable to work. It provides financial support from the fourth to the 28th day of absence, provided the applicant has been temporarily unfit for work for a period of 7 consecutive days.

Key Findings

Is the Fund targeted at the right victims?

4. **The Fund is certainly targeted at very low-paid victims of violent crime but only eight victims have received an award under the Fund since it was introduced suggesting that the criteria for applying to the Fund are very tightly drawn.**
5. Victim Support considered the Hardship Fund in 1,356 cases from November 2012 - February 2014 of which 16 applications were referred to the Authority. The Authority deemed eight of these applications to be ineligible for an award and eight to be eligible.

Which victims is the Fund targeted at?

6. The Fund is targeted at very low paid workers who are temporarily unable to work as a direct result of being a victim of a crime of violence (up to 28 days). The Fund provides a payment to victims whose injuries are not sufficiently serious to fall within the tariff of injuries in the Criminal Injuries Compensation Scheme 2012 who fall within the criteria. The Fund seeks to ease the financial hardship of those who have no other source of financial assistance - for example, those who earn less than the minimum amount needed to qualify for Statutory Sick Pay (SSP)¹ and are not in receipt of an equivalent employer-provided scheme.

Are all these victims eligible for the Fund?

7. No. Some victims are not eligible if they have unspent criminal convictions which under the Criminal Injuries Compensation Scheme 2012 would bar them from a payment. The Criminal Injuries Compensation Scheme 2012 prevents payments to anyone who, on the date they apply, has an unspent conviction which resulted in either a custodial sentence or a community order. In the case of other unspent convictions payment will be reduced or withheld unless there are exceptional circumstances. Payments will not normally be reduced if the victim committed motoring offences for which the only penalty imposed was an endorsement, penalty point or a fine under Schedule 2 to the Road Traffic Offenders Act 1988. The victim must also have reported their injuries to the police as soon as is reasonably practicable (but normally within 48 hours of the incident taking place).

¹ Statutory Sick Pay (SSP) is paid to employees who are unable to work because of illness. The current SSP rate is £87.55 a week for up to 28 weeks.

Are eligible victims aware of the Fund?

8. Victims of violent crime who may be eligible for the Fund are typically referred by police forces to Victim Support, the national charity that helps people affected by crime, by police forces. Under the Code of Practice for Victims of Crime², the police have a duty to conduct a “needs assessment” with all victims of crime to establish what support or information they need to help them cope and recover. This includes making referrals to victim services. Victims can also self-refer to Victim Support. A victim who might be eligible for the Fund might choose not to go to Victim Support. In this case, they may not be aware of the Fund because the information leaflet given to them by the police does not mention it.
9. When the Fund was created, Victim Support has included a page explaining the Fund on its website, (<http://www.victimsupport.org.uk/Help-for-victims/How-crime-can-affect-you/The-Hardship-Fund>) and also added a prominent link from the home page of its website to the relevant page.

Do eligible victims have sufficient opportunity to apply?

10. **Operational managers at Victim Support think that the time restriction for making an application is too restrictive and as a result many victims do not have sufficient opportunity to apply.** All applications must be received by the Authority within four weeks of the date of the incident.
11. While Victim Support does not have data to support this view, qualitative feedback from operational managers indicates that not all victims will report a crime immediately, and such delays are often for justifiable personal reasons. The period that follows a violent crime tends to be distressing and disorientating for victims. Their lives can be chaotic following a violent crime and it may take time before victims feel able to find the strength to complete applications, attend appointments etc.
12. Recovery from crime will vary. A victim may require time off work for a longer period than anticipated or they may take this straight after the incident or after a period of time has passed. By the point at which a victim has arranged a doctor’s appointment, contacted Victim Support, gathered the relevant evidence and attended an appointment, the time remaining to submit an application can be very limited.
13. When the Fund was being set up, the Ministry of Justice’s rationale for the restricted time frame was to limit applications to victims suffering immediate hardship who would need their applications to be processed in a very short timeframe. But for some victims, hardship might not be experienced until later. For example, some victims who are off work for a month may not realise they are in financial difficulty if they are paid in arrears. A balance however needs to be struck here between these aspects, the nature of the scheme in helping

² <https://www.gov.uk/government/publications/the-code-of-practice-for-victims-of-crime>

victims with the immediate hardship arising from their temporary being unable to work and the administrative certainty in having a clear timetable for application.

Recommendation 1: *To extend the time restriction for making an application to the Hardship Fund from initial incident to application from four weeks to eight weeks.*

Are applicants successful?

14. During the period of this review November 2012 – February 2014, 16 applications were referred to the Authority by Victim Support and eight out of these applications were considered to be eligible for an award under the Fund.

15. The reasons for refusals were:

- one outside the time limit to apply
- one not in employment at the time of the incident
- two earnings above the wage threshold
- four returned to Victim Support to reject due to lack of supporting documents.

Are victims for whom the Fund was intended missing out?

16. Feedback from Victim Support's Victim Care Unit managers was that many victims did not meet the eligibility criteria.

17. Feedback was obtained from Victim Support's Victim Care Unit (VCU) leads. Five VCU managers, two VCU Team Leaders and two Deputy Locality Directors (line managers of VCU managers) were consulted.

18. VCU managers agreed that the Fund was difficult to access, Victim Care Officers said that victims were often unable to provide the information to satisfy the criteria at the point of initial contact.

19. Victim Support thinks that the criteria to apply to the Fund are very restrictive. Victim Support data for November 2012 to February 2014 shows that the Hardship fund was considered in 1,356 cases. Victim Support does not have data on the number of victims who received the initial assessment of potential eligibility as this now forms part of its standard 'needs assessment' and separate data for potential applications under the Fund is not collected.

20. In January 2014 Victim Support completed the roll out of a new case management system. This will allow Victim Support to monitor the level of interest in the Fund, the number of initial conversations concerning the Fund and the number of potentially eligible victims applying to the Authority.

Recommendation 2: Victim Support to collect data on the breakdown of cases where the Fund is considered. This data to include:

- ***the number of applicants who were eligible for the Fund,***
- ***the number of applicants who were ineligible for the Fund and***
- ***the reasons for ineligibility.***

21. Victim Support also felt that the requirements for evidence were extremely difficult for the self-employed.

22. Victim Support has qualitative feedback from its VCU managers who have advised that this is a recurring issue. Victims are considering applications at a time of distress. Identifying, copying and submitting paperwork may require a level of effort which can be extremely difficult for a victim in the initial stages of coping with the impact of a violent crime. In particular, the Fund requires an applicant who is self-employed to provide a copy of their most recent tax returns to demonstrate their income is less than the amount to be eligible for SSP (before tax). Those who cannot provide this evidence would not receive a payment under the Fund. An extension to the timeframe for an applicant to make an application under the Fund as set out in Recommendation 1 above would help to alleviate this problem.

23. Victim Support is concerned that victims who receive SSP are not eligible for payments under the Fund. Victim Support argues that SSP does not often meet the cost of living. For the purposes of the Fund, we define low-paid employment as earnings below the minimum amount needed to be eligible for SSP. As the Fund was set up to make a contribution to fill the gap for very low paid workers who were not eligible for SSP, whether SSP is sufficient to cover the cost of living is out of scope for this review.

24. An applicant, who applies for an award under the Criminal Injuries Compensation Scheme and is deemed ineligible, may wish to apply for an award under the Fund. However they will have missed the four week deadline for applications to the Fund.

25. While an applicant to the Fund who is unsuccessful can subsequently apply to the Criminal Injuries Compensation Scheme 2012, this does not work in reverse. If an applicant made an application for a relatively minor injury to the Criminal Injuries Compensation Scheme 2012 and was deemed to be ineligible, the applicant would have missed the deadline for applying to the Fund.

26. Victim Support staff and volunteers may benefit from support and guidance on assessing how best to advise applicants on whether to apply to the Fund or the Criminal Injuries Compensation Scheme, particularly in borderline cases where Victim Support is uncertain whether the injury falls within the tariff of injuries in the Criminal Injuries Compensation Scheme.

Recommendation 3: *The Authority to provide training and guidance to Victim Support so that Victim Support staff and volunteers can give the best advice to applicants on whether to apply to the Fund or the Criminal Injuries Compensation Scheme. This should include guidance on borderline cases where Victim Support is uncertain whether the injury falls within the tariff of injuries in the Criminal Injuries Compensation Scheme.*

27. A victim who is not aware of the existence of the Fund may make an application under the Criminal Injuries Compensation Scheme without considering whether they are eligible instead under the Fund. This may happen particularly in cases where the victim has not contacted Victim Support and will not have been made aware of the Fund. Upon reporting a crime to the police a victim is provided with an 'Information for Victims of Crime' leaflet which sets out information about the Criminal Injuries Compensation Scheme but the leaflet makes no reference to the Fund.

Recommendation 4: *The Ministry of Justice to increase public awareness by ensuring that material describing the Criminal Injuries Compensation Scheme references the Fund and vice versa so that victims are better able to decide which fund they should apply to. The Ministry of Justice will review both the online guidance and information provided to victims by the police.*

Does the Fund ease the hardship for very low paid victims of violent crime?

Do successful applicants benefit from reduced hardship?

28. Victim Support has contacted four successful applicants to identify whether the payment they received under the Fund has eased their hardship. Victim Support was unable to contact the other four successful applicants. Three out of four recipients agreed that the money received under the Fund helped to ease their hardship. One recipient said the money received helped but only made a small difference.

29. The Authority does not collate data on how applicants spend their payments. Victim Support conducts a Service User Survey but this does not specifically identify hardship cases.

Recommendation 5: *Victim Support to establish a mechanism for contacting successful applicants to obtain feedback on the impact of payments made from the Fund and on the application process. This feedback to be used to consider any future changes to the Fund.*

30. Payments under the Fund are based on the weekly rate of SSP. It provides financial support from the fourth to the 28th day of absence provided the

applicant has been temporarily unfit for work for a period of seven consecutive days. The current SSP rate is £87.55 per week.

Do payments cover the period of hardship?

31. The Fund was set up to provide temporary relief from immediate hardship for very low paid workers and the premise for the Fund assumes such hardship is immediately apparent. However in some cases the hardship though incurred immediately may not be realised until a few weeks after the incident occurred. For example, a victim may be paid for their last month's work in arrears. It may only be when these funds run out a few weeks after the incident that the victim suffers financial hardship by which time they would be ineligible to apply for the Fund. An extension to the time restriction for making an application to the Fund from four weeks to eight weeks as set out in Recommendation 1 may help to alleviate this problem.

Does the Fund work efficiently and effectively and deliver within budget?

32. The Fund is administered efficiently and effectively. The fund is significantly under budget.

Is the application process quick and efficient?

33. After some initial teething problems and unfamiliarity with the Fund by both Victim Support and the Authority, the referral process has worked well. Applications submitted now are, in the main, complete and accompanied by the correct supporting evidence. All applications were either processed for payment or rejected within two days of the last piece of information being received by the Authority. In the early months of the Fund's implementation, four applications were returned to Victim Support by the Authority as they were submitted with incomplete evidence. Victim Support subsequently found these cases to be ineligible. Victim Support rolled out a checklist for volunteers to use when supporting applicants to complete their applications.

What resources do Victim Support and the Authority expend on administering the Fund?

34. Resource costs for administering the Fund are small.

35. For Victim Support, there has been no capital outlay. Staff time, preparation of training materials and briefing of staff and volunteers came from business as usual budgets.

The *operational* resource involved is:

- Time given from the VCU to assess victims for potential eligibility through the usual needs assessment process and the additional completion of the eligibility checklist; and

- Time from volunteers to provide support on the application process for example arranging appointments, meeting with victims to discuss their circumstances and endorsing applications and evidence. Before the Fund was launched, Victim Support expected that there would be fewer applications made under the Criminal Injuries Compensation Scheme 2012 so that there would be sufficient capacity to undertake this work. This has been reflected in practice with a reduction in time required by Victim Support volunteers providing support for applications under the scheme.

36. For the Authority, this work has been delivered as part of normal business with negligible staffing costs. Applications received by the Authority are dealt with by seven nominated staff (two case officers, two administrators, two decision makers and one team leader) with support from the Finance and Policy Teams. There has been no impact on either Operations or Finance due to the small number of applications and use of existing off-line systems.

Is it under budget?

37. Yes. The maximum level of funding available for the Fund each year is capped at £500,000. The Authority received a total of 16 applications under the Fund from November 2012 - February 2014. All applications were resolved with eight successful applications and eight refusals. Annex B shows the total amount awarded from November 2012 – February 2014 was £1999.08.

Appeals and complaints

38. Applicants to the Fund do not have a right to appeal against the decision, as they do under the Criminal Injuries Compensation Scheme 2012. The final decision is made by the Authority.
39. Under the Code of Practice for Victims of Crime³ an applicant is entitled to make a complaint to the Authority if they feel they have not received the information and services they are entitled to, and to receive a full response from the Authority. Neither Victim Support nor the Authority has received any complaints in respect of the Fund.
40. In accordance with our responsibilities under the Equality Act 2010 (and following on from the Equality Impact Assessment undertaken in 2012) we have considered the equalities implications of this review. Overall the Fund will continue to promote fairness and equality by making provisions for very low-earning victims of violent crime. The recommendations will advance equality of opportunity by supporting the fair application of the Fund for all those with protected characteristics. Victim support is looking at the most effective ways of capturing the equality characteristics of victims using the Fund.

³ The Code of Practice for Victims published in October 2013:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/254459/code-of-practice-victims-of-crime.pdf

Annex A – Background

What is the Fund?

41. The Fund was created on 27 November 2012. It is a discretionary fund which provides temporary relief from financial hardship for very low paid workers who are temporarily unable to work as a direct result of a being a victim of a crime of violence. The Fund provides a payment to victims whose injuries are not sufficiently serious to fall within the tariff of injuries set out in the Criminal Injuries Compensation Scheme 2012.
42. The Fund seeks to ease the financial hardship of those who have no other source of financial assistance – for example, those who do not receive Statutory Sick Pay (SSP). The payment is based on the weekly rate of SSP applicable during that financial year. The Fund provides financial support from the fourth to the 28th day of absence, provided the applicant has been temporarily unfit for work for a period of 7 consecutive days. The maximum payment is capped at the equivalent of four weeks SSP (less the first 3 days). As with SSP payment from the Fund is considered after the fourth day of absence.
43. The inability to work must be a direct consequence of an injury (physical or mental) sustained as a result of being the victim of a violent crime.
44. The Fund is capped at £500,000 per year. The Fund applies to injuries sustained in England and Wales. It is administered by the Authority following the referral of an application by Victim Support. The Authority will therefore only consider applications that are referred through Victim Support.

Why was the Fund introduced?

45. The Fund was introduced in response to concerns raised by MPs at the Delegated Legislation Committee on 10 September 2012 about the Government's reforms to the Criminal Injuries Compensation Scheme and, in particular, changes to tariff payments under the Scheme. Some MPs cited criticism by trade unions about the possible effects of the reforms on shop workers who may not have recourse to other financial support if they were a victim of violent crime and unable to work as a result.
46. The Government believes it is right to focus compensation on victims of more serious crime and that for victims with less serious injuries, prompt practical and emotional support is a more suitable response than relatively small amounts of compensation. However victims of violent crime endure both physical and emotional suffering and, in some cases, financial hardship due to being unable to work as a result of their injuries. Such financial hardship is particularly concerning for victims of violent crime who are in low-paid employment.

47. Some victims receive financial support from employers through SSP or an equivalent employer-provided scheme. In other cases, particularly where the victim is in low-paid employment or self-employed, no financial support may be available for this temporary period.
48. The Government believes that this latter group of victims should be given some financial support over a short period to relieve them of the immediate hardship that arises from their being temporarily unable to work. That is why the Government announced that a Fund would be set up for these victims.

Eligibility

49. Applicants may be eligible to apply under the Fund if they:
 - a. sustained an injury in England or Wales on or after 27 November 2012 as a result of being a direct victim of a crime of violence. A direct victim is someone who was directly injured by an assailant;
 - b. were unable to work for a period of at least seven consecutive days as a consequence of an injury (physical or mental) sustained as a result of being a direct victim of a crime of violence;
 - c. earn less than the minimum amount needed to qualify for Statutory Sick Pay (SSP);
 - d. are not in receipt of SSP or an equivalent employer-provided scheme;
 - f. do not have any unspent criminal convictions which under the Criminal Injuries Compensation Scheme 2012 would bar them from a payment;
 - g. report their injuries to the police as soon as is reasonably practicable (but normally within 48 hours of the incident taking place).

The Application Process: Role of Victim Support

50. Following referral to Victim Support by the police or self referral to Victim Support, Victim Support staff then attempt to contact the victim by telephone, email, text or letter, depending on the crime type and the victim's preference (if stated).
51. Once contact is established, a needs assessment takes place and considers the impact of the crime on the victim and what support should be offered. During this process Victim Care Officers will ascertain if an injury was sustained, the extent of this injury and the victim's current circumstances (signed off work, etc).
52. Once a Victim Care Officer has determined that there is a possibility that the victim may be eligible for the Fund they will complete an eligibility checklist. This checklist was developed by Victim Support during the establishment of the Fund.
53. If the checklist suggests the victim is eligible, the case is then allocated to a volunteer support worker who will then make contact with the victim as an urgent priority for the application to be completed.

54. As the Fund can take a number of days to process, Victim Support also considers the use of the Victim Support's Commissioned Service funds to meet any urgent needs (for example food vouchers).
55. Support with making an application to the Fund is always done in person with the applicant. This enables Victim Support to complete the form in its entirety and to check that the evidence supporting the application is available and correct. When an appointment for the Fund is booked, the potential applicant is advised of the need to have copy of the evidence that they will need to send with the application form to cut down on delays. On the form, it is necessary to identify the name of the volunteer who completed the form and the name and contact details of their Service Delivery Manager which enables the Authority to verify Victim Support's involvement and to make contact with the appropriate staff member if there are any queries.
56. Following the appointment and submission of the form, the Victim Support case management system is subsequently updated to show that the application has been submitted.

The Application Process: Role of the Authority

57. Once the Authority has received a fully completed application from Victim Support it contacts the police to confirm details of the incident and conduct a criminal records check to establish if the applicant has any unspent conviction which have to be taken into account.
58. Following receipt of all the information required to make a decision, the Authority aims to process applications within six working days of receiving all necessary documentation to ensure the provision of timely support to those who face immediate financial hardship following a criminal injury.

Joined up Working

59. Victim Support has an identified 'operational link' who works with the Authority. This link person worked with Victim Support's Head of Programme Management to develop their approach to the Fund.
60. The operational link attends a quarterly meeting with the Authority (Policy and Equality Forum) at which the Fund is a standing agenda item. In general they also meet with the Authority's Policy Manager and Relationship Manager separately to discuss any other Victim Support/the Authority activity or actions required.
61. The relationship is a positive one and allows for discussion and to identify and tackle any issues.
62. The Authority provides the Ministry of Justice with monthly reports showing top line figures for applications received including data on the number of

applications that were successful those refused and any outstanding applications.

Staff Training: Victim Support

63. Victim Support staff and volunteers have received guidance regarding the Fund from the Ministry of Justice and have produced a staff guidance document explaining how applications should be made and how referrals should be managed. This remains available via the Victim Support internal 'intranet' sites. In addition to raising awareness of the mechanics of the Fund, Victim Support acknowledged that victims may be identified by volunteers 'in the field' therefore Victim Support has highlighted the eligibility criteria via its internal communication channels and have reissued the criteria to make the language clearer. To raise victims' awareness of the Fund, Victim Support has produced a training package for volunteers and front-line staff.

Staff Training: The Authority

64. A member of the Authority's training team gave an overview of the fund to the original members of the Fund team. Subsequent desk/live case training took place with all members of the team when the first case was received in January 2013 and this has continued when new members joined the team.

Data Analysis

65. Data for this review (see Annex C) has been collected on:

- Cases where the Fund was considered by Victim Support
- Number of applicants referred to the Authority by Victim Support
- Number and value of awards per month made by the Authority
- Number of payments per month
- Total spend per month.

Equalities Considerations

66. We undertook an Equality Impact Assessment at the time of the Fund being established⁴. This showed that the Fund was particularly likely to benefit victims of violent crime with an income of less than £5,000 per year who are aged 16-29 and male.

⁴ www.gov.uk/government/uploads/system/uploads/attachment_data/file/217303/hardship-eia.pdf

Annex B – Data on Applications for the Hardship Fund received by the Criminal Injuries Compensation Authority November 2012- February 2014

	Nov 2012	Dec 2012	Jan 2013	Feb 2013	Mar 2013	Apr 2013	May 2013	Jun 2013	Jul 2013	Aug 2013	Sept 2013	Oct 2013	Nov 2013	Dec 2013	Jan 2014	Feb 2014
Monthly																
Applications Received	0	0	1	2	4	2	0	3	1	1	0	1	0	1	0	0
Applications Refused					1			2	1	1				1		
Number of Payments				2	2	2		1				1				
Total Spend £				515	368	515		294				307				
Cumulative																
Applications Received			1	3	7	9	9	12	13	14	14	15	15	16	16	16
Applications Refused					1	3	3	5	6	7	7	7	7	8	8	8
Number of Payments				2	4	6	6	7	7	7	7	8	8	8	8	8
Total Spend £				515	883	1,398	1,398	1,692	1,692	1,692	1,692	1,999	1,999	1,999	1,999	1,999

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