



Ministry of  
**JUSTICE**

# Hardship Fund

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## The Hardship Fund

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## The Hardship Fund

1. The Hardship Fund (the Fund) 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 in the Criminal Injuries Compensation Scheme 2012.
2. 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 will be based on the weekly rate of SSP. It will provide financial support from the fourth to the 28<sup>th</sup> day of absence, provided the applicant has been temporarily unfit for work for a period of 7 consecutive days.
3. The Fund applies to injuries sustained in England and Wales.
4. The Fund will be administered by the Criminal Injuries Compensation Authority ('the Authority') following the referral of an application based on an initial assessment of eligibility by Victim Support. The Authority will therefore only consider applications that are referred through Victim Support.
5. This Fund comes into force on 27 November 2012. An application for payment received by the Authority on or after the date on which this Fund comes into force will be determined in accordance with this Fund.
6. The Fund is capped at £500,000 per year.

### Eligibility

7. 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. Annex B of the Criminal Injuries Compensation Scheme 2012 describes the types of crimes of violence which can lead to an injury and is to be applied to this Fund.
  - b. were unable to work for a period of 7 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), i.e. less than £111 per week (before tax).
  - d. are not in receipt of SSP or an equivalent employer-provided scheme. This means that if an applicant is eligible for payment under

SSP or an equivalent employer-provided scheme they would not be eligible for payment under this Fund.

e. sustained an injury which is not eligible for compensation under the Criminal Injuries Compensation Scheme 2012.

f. do not have 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)

#### Grounds for withholding or reducing an award

8. A payment from the Hardship Fund will not be made to an applicant who on the date of application has an unspent conviction which resulted in either a custodial sentence or a community order (see further Annex D of the Criminal Injuries Compensation Scheme 2012). In the case of other unspent convictions a payment will be reduced or withheld unless there are exceptional circumstances. Applicants with motoring offences for which the only penalty imposed was one or more of an endorsement, penalty point or a fine under Schedule 2 to the Road Traffic Offenders Act 1988 are exempt from this provision and will not generally have their awards reduced.

#### Applications

9. As this Fund is to provide temporary relief from immediate hardship, all applications must be received by the Authority within 8 weeks of the date of the incident.
10. Applications to the Fund are by way of referral following an initial assessment of eligibility by Victim Support. The Authority will only consider applications that are referred by Victim Support.
11. It is the responsibility of the applicant to prove that they are eligible for payment.
12. The applicant must provide the following evidence to Victim Support to allow them to make an initial assessment of eligibility:
  - a. a crime reference number;
  - b. a pay statement or letter from their employer to demonstrate that their average weekly earnings are less than £111 per week (before tax) and are therefore not eligible for SSP;
  - c. if the applicant is self-employed, a copy of their most recent tax returns to demonstrate their income is less than £111 per week (before tax)

- d. a copy of a certificate (Fit Note) from their medical practitioner which shows they have been unable to work for at least 7 consecutive days as a direct consequence of being a victim of a crime of violence.<sup>1</sup>

#### Processing

13. Once Victim Support have conducted an initial assessment they will send all information and evidence to the Authority to process.
14. Once the Authority has received a fully completed application from Victim support they will contact the police to confirm details of the incident and conduct a criminal records check to establish if the applicant has any unspent conviction which will have to be taken into account.
15. Following receipt of all the information required to make a decision, the Authority will aim to process applications within 6 workings days of receiving all necessary documentation to ensure the provision of timely support to those who face immediate financial hardship following a criminal injury.

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<sup>1</sup> For absences of 7 consecutive days, an applicant will still need to provide a copy of their Fit Note from their medical practitioner. A copy of an applicant's self-certification form does not provide sufficient evidence for the purposes of assessing the eligibility of applicants to the Fund by Victim Support or the Authority.