

# Guide to the 2001 Compensation Scheme



INVESTOR IN PEOPLE

**cica** criminal injuries  
compensation authority

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# Part 1: An introduction to the Criminal Injuries Compensation Scheme

## Purpose of this guide

- 1 We have written this guide to help people who have applied, or are thinking of applying, for compensation under the Criminal Injuries Compensation Scheme which was amended for all applications we received after 1 April 2001. The guide explains what the Scheme says and how it works. It should help you decide whether to apply for compensation. If you do decide to apply, it should help to make the application process as clear and simple as possible.
- 2 If you are thinking of applying for criminal injuries compensation, you will need:
  - this guide;
  - a copy of the Scheme; and
  - an application form.
- 3 We also produce a simple information leaflet giving a basic summary of the Scheme. You can ask for a copy of these documents by phoning our freephone number 0800 358 3601. Or you can write to us at:

Criminal Injuries Compensation Authority  
Tay House  
300 Bath Street  
Glasgow  
G2 4LN.

You can download these documents (as pdf files) from our website at [www.cica.gov.uk](http://www.cica.gov.uk) or you can send us an e-mail at [enquiries@cica.gsi.gov.uk](mailto:enquiries@cica.gsi.gov.uk) to ask for more information.

- 4 This guide, together with the Scheme and the basic application form, should give you most of the information you need to apply for compensation for personal injury or distress resulting from a violent crime. **There are a number of more specialised guides (and more specialised guides and application forms) if you want extra compensation, such as compensation for lost earnings or special expenses, or compensation following the violent death of a close relative.**

The following guides and application forms are available.

### Guides

- TS3 – Guide to loss of earnings and special expenses
- TS4 – Guide to applicants for compensation in fatal cases

**If you are thinking of applying for criminal injuries compensation, you will need this guide, a copy of the Scheme and an application form.**

**There are a number of more specialised guides and application forms.**

- TS9 – Arrangements for administration of awards to applicants under the age of eighteen
- TS10 – Child abuse and the Criminal Injuries Compensation Scheme
- TS8 – Guide to review procedures
- R13 – Guide to appeal procedures

### Application forms

- TS14 – Personal injury
- TS15 – Fatal injury
- TS16 – Supplementary application form for loss of earnings and special expenses
- TS17 – Additional compensation in respect of dependency and/or loss of parental services
- TS18 – Supplementary compensation under paragraph 44 of the Scheme (cases where the victim has died but not as a result of the injury)

**In all cases you will need to use either the personal-injury or the fatal-injury application form. The others are relevant only if you are applying for that particular sort of additional compensation.**

- 5 You should let us know by phone, by e-mail or in writing if you need a copy of the guide or application form to use in cases where someone has died. If you want compensation for lost earnings or special expenses, you should fill in the ordinary application form first. We will consider these other elements at a later stage, and you can ask for the extra forms and guides or we will send them out to you while we are dealing with your application.
- 6 You must give us all the information we ask for on the application form, except where a question does not apply to you. The information you provide must be complete, accurate and clear – for example, in the account of what happened and in other details such as the police crime reference number and the name and address of any hospital where you were treated. This will help us to deal with your application more quickly. You must apply only once for any incident. If you deliberately apply more than once, you may be prosecuted for attempted fraud.
- 7 We want this guide to be as useful as possible. Please contact us if you have any comments or suggestions. The contact details are in paragraph 3 above.

## Background to the Scheme

- 8 The Criminal Injuries Compensation Scheme allows financial awards to be made:
  - to recognise physical and mental injuries caused by a violent crime;
  - in certain circumstances, to compensate for past or future lost earnings or special expenses caused by a violent crime; and

**In all cases you will need to use either the personal-injury or the fatal-injury application form.**

**The information you provide must be complete, accurate and clear.**

- for the death of a close relative as a result of a violent crime, including, in some cases, compensation for the lost earnings of the person who was killed.

**9** The Scheme deals with injuries suffered in Great Britain – that is, England, Scotland and Wales. Northern Ireland has its own Scheme. The Criminal Injuries Compensation Authority and the organisation it replaced (the Criminal Injuries Compensation Board) have run the Scheme since the first version was introduced in 1964. This makes the British system of criminal injuries compensation the oldest in the world. It is also the largest, with awards totalling more than £200 million every year.

**10** For applications made before 1 April 1996, the Scheme was based on the common law. Cases were assessed in the same way that personal injury claims were dealt with in the civil courts. In 1996, the system changed when the tariff of injuries was introduced. The tariff is a list of fixed compensation payments for each injury. The 1996 Scheme was changed in 2001, but the new Scheme continues to use a tariff of injuries.

**11** We are responsible for running the Scheme, but not for the rules it contains. The Scheme was developed by the Home Secretary and approved by Parliament, and both the 1996 and 2001 Schemes were set up under an Act of Parliament – the Criminal Injuries Compensation Act 1995.

**12** In general, you do not need legal advice or representation to apply for compensation. If you do decide to get legal or other paid advice to help with your application, we cannot pay the costs of this. If you are considering getting a solicitor they need to be a reputable one, and there are costs to think about, particularly on complex claims. The independent charity Victim Support, which provides services to victims throughout Great Britain, can provide free, confidential emotional and practical support. Victim Support can provide information about the Scheme, and can help you to fill in the application form. The phone number of your nearest Victim Support branch will be in The Phone Book, or you can get it (and other information) by:

- phoning the Victim Supportline on 0845 30 30 900;
- visiting the website at [www.victimsupport.org](http://www.victimsupport.org); or
- e-mailing [supportline@victimsupport.org.uk](mailto:supportline@victimsupport.org.uk)

Victim Support cannot provide legal advice.

**13** You can also get advice from your local Citizens Advice Bureau or law centre, or from a welfare rights organisation. If you belong to a trade union, they may be able to help.

## The main rules of the Scheme

**14** The main rules of the Scheme are set out in the following paragraphs but this is a very brief statement of them. You will find a more detailed explanation in the later parts of this guide, which you should read with the Scheme.

**The Scheme deals with injuries suffered in Great Britain – that is, England, Scotland and Wales. Northern Ireland has its own Scheme.**

**In general, you do not need legal advice or representation to apply for compensation.**

**We cannot pay the costs of legal advice.**

**15** We will consider your application if you:

- have been physically or mentally injured (or both) as a direct result of a violent crime, or of some other incident covered by the Scheme (it is not necessary for an offender to be convicted of, or even charged with, the crime);
- were in Great Britain (England, Scotland or Wales) when you were injured; **and**
- have been injured seriously enough to qualify for at least the minimum award that we will pay under the Scheme. (The tariff levels are set out in full at the end of the Scheme and details are given in part 5 of this guide.)

**These rules are explained in more detail in part 3 of this guide.**

**16** We cannot consider your application under this Scheme if:

- you were injured before 1 August 1964;
- you have already applied for compensation for the same criminal injury, whether under the 2001 Scheme or under any earlier Scheme operating in Great Britain; or
- the injury happened before 1 October 1979 and you and the person who injured you were living together at the time as members of the same family in the same household.

**We must follow these rules and cannot take account of individual circumstances.**

**17** Even if you meet the tests above, we have to consider whether to refuse or reduce an award because of:

- your behaviour before, during or after the incident in which you were injured;
- your criminal record; or
- your failure to co-operate with the police or with us.

**These rules are explained in more detail in part 4 of this guide.**

**18** You should also have:

- reported the incident personally to the police as soon as you were able to do so; and
- sent us your application so that we received it within two years of the date of the incident which caused the injury.

If you can show good reasons why you have not met one or both conditions, we may still be able to accept your application.

**19** If your application and our enquiries show that you are entitled to an award, we will assess the size of that award by using the tariff of injuries. **Part 5 of this guide explains the tariff and how we apply it.**

**20** You may also be able to get additional compensation if, as a result of a violent crime, you have lost earnings or the ability to earn for

**You should report the incident to the police yourself, within 48 hours if possible.**

longer than 28 weeks. In these circumstances, you may qualify for compensation for the earnings you have lost and for any special expenses – for example, medical, dental or eye treatment. (We cannot pay lost earnings for the first 28 weeks of loss. We can pay special expenses from the date of the injury, but only if you have lost earnings or the ability to earn for more than 28 weeks). You should let us know if you think you qualify for additional compensation, and we will send you separate guides and application forms.

- 21** You may also be eligible for compensation if you were a dependant or a close relative of a victim of a violent crime in Great Britain who has since died. The rules for this are explained in a separate guide and you will need to fill in a separate fatal-injury application form.

## Making an application

### **22 General**

The personal-injury application form contains notes to help you fill it in. You can also fill in the form online at [www.cica.gov.uk](http://www.cica.gov.uk). The online version provides prompts and advice to help you fill it in. It is important that you give us all reasonable help and information that is relevant to your application. You can help us to process your claim quickly and efficiently if you provide full information (such as the police crime reference number and the correct name and address of your GP and any hospital where you were treated). We may have to return the form to you if it is not complete or accurate, which will slow the whole process down considerably. And, if you fail to provide full or accurate information, we may have to reduce or refuse any award because you failed to co-operate with us.

- 23** By signing the application form, you are giving us permission to receive all the records, evidence and other information about you and the circumstances of your injury which will help us to make the right decision about your application. This includes information on your medical condition, the evidence you have given the police, a criminal records check and may also include (if you are claiming for lost earnings or special expenses) information about your income, tax and benefits situation. Sometimes, we may ask you for permission to collect specific confidential information which we need. This may arise if, for example, a doctor who has treated you wants to be sure that you have agreed to them giving us certain information. Naturally, we keep all the information we receive strictly confidential.

### **24 Applying on behalf of a child**

If the application arises from child abuse, ask us for the separate leaflet '*Child Abuse and the Criminal Injuries Compensation Scheme*'. More generally, **if you are applying on behalf of someone who is under 18, you should normally be an adult with parental responsibility for the child** (that is, the natural or adoptive parent or another person with legal parental responsibility). You *must* enclose the child's original birth certificate with the application form. You must send us a *full*, original birth certificate if your surname is different to that of the child, unless you are a representative of a

**By signing the application form you give us permission to ask for and receive information about you.**

local authority. (The full birth certificate is the long, A4-sized version which names the parents. You can get it from the Registrar of Births, Deaths and Marriages.) We recommend that you send the full version even if your surname is the same as that of the child.

- 25** If the child is in care, we will expect the local authority to apply for compensation if they have parental responsibility. The application (and any later applications for review or appeal) should be signed by someone who is authorised to do so on behalf of the local authority, and a copy of the care order should be provided. In other cases, we will expect the person who has parental responsibility for the child to apply and sign the application.
- 26** If no-one is legally entitled to act for the child, you should get help from the Official Solicitor to apply in England and Wales. If you are in Scotland, a tutor or guardian may need to be appointed. We do not make these arrangements ourselves. Wherever possible, all necessary formalities should be completed on the child's behalf before an application is made, so that there are no delays later on. But if the incident that you are claiming for happened some time ago, you should send us the application as quickly as possible.
- 27** You should get advice if you are not sure who is responsible for the child, for example from your local Citizens Advice Bureau.

## **28 Adults who cannot manage their own affairs**

If you are applying on behalf of an adult who is legally not capable of managing his or her own affairs, we may appoint you to act as their representative for the purpose of the application if we think you are suitable. This will allow you to:

- authorise all our enquiries;
- decide whether to accept an award;
- ask for a review; or
- appeal to the Criminal Injuries Compensation Appeals Panel.

Before we do this, we will need medical evidence that the person you are representing is 'incapable by reason of mental disorder', as defined in the Mental Health Act 1983, of managing his or her property and affairs.

## **How we will deal with your application**

- 29** When we receive your filled-in application form, we will give you a personal reference number which will help us to identify it quickly if you need to contact us. If you apply online, as well as your personal reference number we will send you a signature authorisation page to print, sign and return to us. We cannot deal with your claim until we receive this signed page. We will then contact the police and, if we need to, your doctor or the hospital that treated you, and any other organisations or people with relevant information about your claim.
- 30** We will deal with the case in what is called the 'claims assessment section' of the Authority. The person at the Authority who you are likely to deal with most is your caseworker.

**Once we have received your application we will work closely with the police, medical and other relevant authorities where appropriate to gather more information about your case as quickly as possible.**

- 31** We will start making enquiries before we pass your case to a caseworker. For example, as soon as your case is registered we immediately start gathering information from the police and medical authorities to check whether you are eligible for an award.
- 32** It may take some time to gather this information but we work closely with the police and medical authorities to get this as quickly as possible. In certain circumstances this may involve asking for information several times but we are always working to reduce the time it takes to get the information we need.
- 33** At the moment, reaching a final decision on your claim can take a year or more depending on how complex your case is. In most cases, this will be a decision about whether or not you are eligible for an award plus, as appropriate, the amount of the award. Some cases, for example, those involving future loss of earnings or future medical expenses, will usually take longer than a year to settle. This is because of the difficulty of gathering information from employers and medical specialists, and the difficulty of predicting future career prospects and medical needs. However, where appropriate, we will try to make interim payments. If we have made such payments, we will take them off the final award.
- 34** When your case is ready to be decided, the caseworker will pass it to a more senior officer, called a 'claims officer'. Claims officers are responsible for assessing whether an award should be made and, if so, the amount and how it should be paid. As soon as the decision has been made, the claims officer will write to tell you or your representative what it is. If we have reduced or refused an award, we will tell you why.
- 35** If you disagree with our decision, you are entitled to ask for a more senior officer within the Authority to review it. We send applicants a review form and a guide to review procedures when we issue the original decision. The review procedures are set out in paragraphs 58 to 60 of the Scheme. Please also see paragraph 17 of part 2 of this guide.
- 36** If you want to appeal against the review decision, you are entitled to appeal to the Criminal Injuries Compensation Appeals Panel, which is independent of the Authority. We will send you an appeal form and a guide to appeal procedures when we issue the review decision. Paragraphs 61 to 82 of the Scheme deal with the appeal system. Please also see paragraph 18 of part 2 of this guide.
- 37** We may sometimes need to make special arrangements for paying an award, to take account of the circumstances of the victim or other relevant issues. For example, if the victim is a child and there is a risk that any award paid to his or her parents would not be used for the child's benefit, to protect the child's interests we may set up a trust, or invest the money in an account that earns interest until he or she reaches 18.

**Reaching a final decision on your claim can take a year or more depending on how complex your case is.**

**If you disagree with our decision, you can ask us to review it.**

**If you disagree with the review decision, you can appeal to the independent Criminal Injuries Compensation Appeals Panel.**

## Our standards of service

- 38** You can expect us to deal with your application politely and confidentially. We will write to you with our decision as quickly as possible. We do rely on other organisations to reply to our enquiries and we work closely with them to get the information we need as quickly as possible.
- 39** In particular, we aim to do the following.
- Acknowledge your application and send out routine enquiry forms to the police within seven days of receiving your application (as long as it is complete).
  - To find out, as soon as possible, if you are eligible for an award. This will usually be when we receive police information about your case. Then, if we need to, we will send out routine enquiry forms to the medical authorities.
  - In complex cases, where it may take some time to decide the final amount of compensation, we will look to make interim payments as soon as we can.
  - If you decide to ask for a review of our decision, we will acknowledge your application for a review within seven days of receiving it.
  - Once we have received your application for a review, we will look at your claim again and where appropriate, make further enquiries. Reaching a decision generally takes many months and more complex cases can take over a year to decide.
  - If you appeal against the decision made at review, the appeals process usually takes a year or more depending on how complex your claim is.

## Complaints

- 40** If you are not satisfied with the decision in your case, you may apply for a review or appeal as appropriate.
- 41** We aim to offer you a high standard of service. If at any time you are not satisfied with the way in which we have dealt with your application we would like to hear from you so that we can put things right if possible.

To make a complaint, please contact our Customer Care Team. In all cases you should quote your **case reference number**.

- Phone them on 0845 602 3890. (Your call will be charged at the local rate.)
- E-mail them at [customer care@cica.gsi.gov.uk](mailto:customer care@cica.gsi.gov.uk).
- Write to them at:

Customer Care Team  
Criminal Injuries Compensation Authority  
Tay House  
300 Bath Street  
Glasgow  
G2 4LN.

- Minicom users please call 0141 331 5441.

**42** When the Customer Care Team receive your complaint they will confirm this by phone, e-mail or letter.

Your complaint will then enter a formal procedure designed to settle any issues as soon as possible. We will treat each complaint individually and aim to settle it with the minimum of fuss and bureaucracy.

**Stage 1: Section Manager**

The Customer Care Team will first ask the Section Manager handling your case to provide a response so that, if possible, the matter can be settled by those actually working on your case. At present we aim to respond fully within **28 days**.

**Stage 2: Formal complaint to the Customer Care Team**

We hope that most complaints can be settled by the section handling the case. However, if you are not satisfied with the response from the Section Manager, the Customer Care Team will investigate your complaint independently.

**Stage 3: Contacting the Director of Corporate Services**

If, after the investigation by the Customer Care Team you feel the complaint still has not been dealt with satisfactorily, you can ask the Director of Corporate Services to review the case.

**Stage 4: Parliamentary Ombudsman**

Our work falls within the authority of the Parliamentary Commissioner for Administration (the Ombudsman) and the equivalent in Scotland, the Scottish Public Services Ombudsman (SPSO). The Ombudsman is responsible for investigating complaints of poor management. Once you have gone through our complaints process, if you have still not received a satisfactory response, you can ask for your complaint to be referred to the Ombudsman.

**43** Complaints to the England and Wales Ombudsman must be put through a Member of Parliament, so you will have to write to your MP. You can get more details from:

The Parliamentary and Health Service Ombudsman  
Millbank Tower  
Millbank  
London  
SW1P 4QP.

Phone: 0845 015 4033  
E-mail: [physio.enquiries@ombudsman.org.uk](mailto:physio.enquiries@ombudsman.org.uk)  
Fax: 020 7217 4000  
Website: [www.ombudsman.org.uk](http://www.ombudsman.org.uk)

Complaints to the Scottish Public Services Ombudsman do not have to be made through your MP or MSP, but the SPSO will need to be satisfied that you have been through our complaints process. You can get more details from:

SPSO  
Freepost EH641  
Edinburgh  
EH3 0BR.

Phone: 0800 377 7330  
E-mail: [ask@spsa.org.uk](mailto:ask@spsa.org.uk)  
Fax: 0800 377 7331  
Text: 0790 049 4372  
Website: [www.spsa.org.uk](http://www.spsa.org.uk)

## Part 2: Structure and layout of the Scheme

- 1** The Criminal Injuries Compensation Scheme is a legal document and is fairly complicated – it sets out the rules under which large amounts of public money are paid out. But its basic structure is not difficult. We have briefly described it in the following paragraphs and more detailed explanations of particularly important or complicated areas of the Scheme are in the following parts of the guide.
- 2 Paragraphs 1 to 5 of the Scheme are introductory.** They will not generally be crucial to people applying, but it is worth noting the phrase ‘claims officer’ in paragraphs 2 and 3. Claims officers are the people in the Authority who assess applications and decide on awards.
- 3 Paragraphs 6 to 12 of the Scheme set out the main types of incident and injury for which we may be able to award compensation.** The injury may be mental as well as physical. You should read these paragraphs carefully if you are thinking of applying for an award. Part 3 of this guide explains them in more detail.
- 4 Paragraphs 13 to 17 of the Scheme set out the circumstances in which, even if the conditions in paragraphs 6 to 12 of the Scheme are met, we may refuse or reduce an award.** The paragraphs cover issues such as the behaviour and criminal record of the person applying, his or her level of co-operation with the police, and whether there is a danger of an offender benefiting from an award. These paragraphs are very important. Part 4 of this guide explains them in more detail.
- 5 Paragraphs 18 to 22 of the Scheme describe how and when you should apply for compensation and how claims officers must decide them.** Part 5 of this guide explains the main points on the time limit for applications and on the ‘standard of proof’ which claims officers must look for.
- 6 Paragraph 23 of the Scheme summarises the types of compensation which people may apply for.** The various types are described in more detail in paragraphs 26 to 44 of the Scheme. **Paragraphs 24 and 25 of the Scheme set out the upper and lower limits of compensation for a particular incident – £500,000 and £1,000.** These paragraphs, along with paragraphs 26 to 29 of the Scheme, are also explained in more detail in part 5 of this guide.
- 7 Paragraphs 26 to 29 of the Scheme set out the formula for working out awards for injuries under the tariff. The tariff lists injury descriptions and the levels of compensation we can pay for each of them. Compensation ranges from £1,000 to**

**Paragraphs 6 to 12 of the Scheme set out the main types of incident and injury for which we may be able to award compensation.**

**Awards may range from £1,000 to £500,000.**

**£250,000, depending on how serious the injury is.** (The upper limit of £500,000 for a total award includes compensation for financial loss on top of the tariff award.) The tariff is set out in full at the end of the Scheme.

- 8 Paragraphs 30 to 36 of the Scheme set out the conditions under which you may claim additional compensation if you have lost earnings or the ability to earn (paragraphs 30 to 34 of the Scheme) or for other special expenses due to the criminal injury (paragraphs 35 and 36 of the Scheme).** These conditions are explained in separate guides, which also provide information on how these losses should be worked out and claimed. The basic rule is that we cannot award compensation for lost earnings or special expenses (including, for example, the cost of dental work if your teeth or mouth have been injured) unless your injury means that you have not been able to work for at least 28 weeks. There are also separate application forms for compensation under these headings. Please let us know if you think that you may be eligible for these types of compensation and we will send you a copy of these guides and forms.
- 9 Paragraphs 37 to 44 of the Scheme set out the conditions under which compensation may be applied for and paid when the victim of a crime has died after receiving a criminal injury.** There is also a separate guide and application form for these cases. You should let us know if you are thinking of applying under this heading and we will send them to you.
- 10 An injury may lead to you becoming entitled to receive more state or other benefits.** We will pay the tariff part of the award – the award simply for having suffered the injury – even if you are entitled to other benefits. **But we will reduce any additional compensation, such as loss of earnings or care costs, to take account of other relevant payments that you may be entitled to.** This is to avoid the possibility of you receiving two payments from public funds. **Paragraphs 45 to 47 of the Scheme set out how we do this.** These paragraphs are explained in more detail in the separate guides mentioned above.
- 11 Under paragraphs 48 and 49 of the Scheme, we will reduce the full award, including the tariff award, to take account of all payments of compensation or damages that a court awarded for the same injuries.** If you receive payments from a court after receiving our award, you must pay us back the amount we awarded to you.
- 12 Paragraphs 50 to 52 of the Scheme contain important technical rules about deciding applications and paying awards,** including the circumstances in which we may pay awards in the form of a trust, a lump sum or an annuity (that is, a regular payment from an insurance policy bought with the award). Under paragraph 50 of the Scheme, we must tell you our decision in writing, including the reasons for reducing or refusing an award.

**We cannot pay compensation for lost earnings and expenses unless you have not been able to work for at least 28 weeks.**

- 13** Wherever possible, we settle applications by offering a single payment of compensation – a final award. But we can do this only if your medical condition and financial losses are clear. **If there is likely to be a long delay in getting this information, but it is clear that you are eligible for compensation, we may make one or more interim payments** (paragraph 51 of the Scheme).
- 14** If it is likely that we will award you a lot of money, you may choose to receive the award in the form of an annuity or annuities. These are commonly known as structured settlements and can provide tax-free payments that keep pace with inflation. You or your representatives can tell us which annuity policy to buy and we will take our expenses for doing this from the award (paragraph 52 of the Scheme).
- 15 Under paragraphs 53 to 55, claims officers may reconsider their decisions at any time before a final award has been made.**
- 16 Paragraphs 56 and 57 of the Scheme deal with the separate issue of reopening cases, after a final decision has been made and accepted, for medical reasons.** This is rare, and can happen only if:

- your medical condition has substantially deteriorated in a way that was not expected when we made the decision; and
- it would be unfair for our decision to stand.

Also, if it is more than two years since we made the decision, we can reopen the case only if we can do so without needing to carry out thorough new enquiries. We may agree to reopen a case if:

- injuries which seemed to be minor at the time are now serious enough to qualify for an award;
- you would now qualify for an award from a higher tariff band; or
- your medical condition has become so much worse that you can no longer work.

We will not reopen a case if there is no chance of the result being a higher award.

We will usually expect you to provide medical evidence to support the request to reopen the case.

- 17 Paragraphs 58 to 60 of the Scheme set out what happens if you disagree with the original decision and want us to review it.** We can review any of the main decisions that a claims officer made (paragraph 58 of the Scheme). We must receive a written application for a review within 90 days of the date of the original decision, unless you have asked us to extend this period within the 90 days and it is in the interests of justice to grant an extension (paragraph 59 of the Scheme). A claims officer who is more senior than the one who made the original decision will review the decision, and will look at the whole application again. This means that **the reviewed decision can be more favourable or less favourable than the original decision, or the original decision may not be changed**

**If it is clear that you are eligible for compensation, we may make one or more interim payments.**

**If you think a decision is wrong, you may ask us to review it.**

**A reviewed decision can be more favourable or less favourable than the original decision.**

(paragraph 60 of the Scheme). So, we may withdraw or reduce an award that we previously offered if, for instance, we have new information (such as a new criminal conviction) at the review stage, or if the officer carrying out the review thinks that the earlier decision was wrong.

**18 Paragraphs 61 to 82 of the Scheme set out what happens if you disagree with a review decision. In these cases, you may appeal to the independent Criminal Injuries Compensation Appeals Panel.** When we send you the review decision, we will send you a form to use to ask for an appeal. You will need to fill in the form, including reasons why you are appealing and any extra material, and send it to the **Appeals Panel** (not to us) so that they receive it within 90 days of the date of the review decision. As with the review, you may ask the Appeals Panel to extend this period and it may be granted if it is in the interests of justice to do so. The address of the Appeals Panel is:

Criminal Injuries Compensation Appeals Panel  
11th Floor  
Cardinal Tower  
12 Farringdon Road  
London  
EC1M 3HS.

Phone: 020 7549 4600

**19** At appeal hearings, one of our presenting officers presents the case but the Appeals Panel makes the decision. The members and staff of the Appeals Panel are entirely independent of us and consider the whole application again. The Appeals Panel may make a decision which is more favourable or less favourable than the review decision, or the review decision can stay the same. The Appeals Panel's decision is final.

**20** This part of the Scheme sets out important details of the appeal process, including rules governing oral hearings, the role of the Panel chairman and single adjudicators, and the types of decision which you can appeal against. These procedures are explained in more detail in the separate guide to appeal procedures which we send out with the review decision and appeal application form. The Appeals Panel also gives people who have appealed a guide called *'Your Panel Hearing'*.

**21 Paragraphs 83 to 86 of the Scheme cover how and when the 2001 Scheme came into force. In general, we deal with all applications which we received on or after 1 April 2001 under this Scheme.** The main exceptions are as follows:

- In cases where the victim of the crime has died and the person applying is the victim's same-sex partner, the 2001 Scheme will apply if the injuries were suffered on or after 1 April 2001, rather than if the application was received on or after that date.

**If you disagree with the review decision, you may appeal to the independent Criminal Injuries Compensation Appeals Panel.**

**The Appeals Panel is independent of us. It considers applications again.**

- If a case which has already been settled is reopened for medical reasons (paragraph 56 of the Scheme), we will deal with the case under the Scheme which was in force when the original case was settled. So, for example, if your case was originally settled in 1994 under the terms of the 1990 compensation Scheme, we will reassess it under the terms of the 1990 Scheme.

**22 The Scheme itself is followed by three notes.** As explained above and in part 4 of this guide, paragraph 8 of the Scheme says that compensation may be paid if the criminal injury was suffered in Great Britain. **Notes 1 and 2 define Great Britain for the purposes of the Scheme.**

**23 Note 3 is relevant if we are going to make a lump-sum award covering future loss of earnings, future care costs or future dependency (the last of these applies when the victim has died from a criminal injury and his or her dependants want compensation for loss of financial support). We use the tables shown in the note to work out the size of this lump sum.** The tables are explained in the separate guide which we will send to you if you ask us.

**24 Note 3 is followed by the table showing the levels of compensation, ranging from Level 1 (£1,000) to Level 25 (£250,000).** Every type of injury listed in the tariff of injuries attracts one of these levels of compensation.

**25 The tariff of injuries follows this at the end of the Scheme.** Appendix 1 to this guide is a glossary of some of the medical terms used in the tariff. The tariff includes 11 self-explanatory notes – **notes 4 to 14.**

## Part 3: Defining ‘criminal injury’ and ‘crime of violence’ (paragraphs 6 to 12 of the Scheme)

### Where and when did the incident happen?

- 1 The phrases ‘criminal injury’ and ‘crime of violence’ are central to the Scheme, but both are more complicated than they appear to be at first. This part of the guide sets out some of the issues involved.
- 2 To qualify for compensation under this Scheme, you must have suffered the injury in Great Britain or one of the other places set out in notes 1 and 2 of the Scheme (pages 18 and 19 of the Scheme). We cannot pay compensation for injuries you suffered elsewhere, for example on holiday abroad, although compensation may be available under a similar Scheme that is in force in the country concerned. (If you have access to the internet, you can find a list of countries which have a crime victim compensation Scheme at [www.ojp.usdoj.gov/ovc/intdir/intdir.htm](http://www.ojp.usdoj.gov/ovc/intdir/intdir.htm)). If you suffered the injury in Northern Ireland, you are not eligible to apply under this Scheme. Northern Ireland has its own Scheme and you should get details from:  
  
The Compensation Agency  
Royston House  
34 Upper Queen Street  
Belfast  
BT1 6FD.  
  
Phone: 02890 249944
- 3 We may pay compensation even if the offender is not convicted of the crime causing your injury – and even if the offender is not identified or caught.
- 4 We cannot pay compensation if you:
  - were injured before 1 August 1964;
  - have previously applied for compensation for the same injury under this or any earlier Scheme operating in Great Britain; or
  - were injured before 1 October 1979 and you and the person who injured you were living together at the time as members of the same family in the same household (paragraphs 6 and 7 of the Scheme).
- 5 The reason for the 1964 rule is that the first Scheme came into force then so it has never been possible to pay compensation for injuries suffered earlier. The reason for the 1979 rule is rather similar. Until 1979, it was not possible to receive any compensation for injuries suffered if you and the person who injured you were living together

**We cannot pay compensation for injuries suffered abroad.**

**We may pay compensation even if the offender is not convicted and, in some cases, even if the offender is not caught.**

at the time as members of the same family. This was mainly to prevent the possibility of the offender benefiting from compensation in these circumstances. The rule was changed in 1979, but only for injuries suffered from 1 October 1979.

## The nature and circumstances of the criminal injury

- 6 To qualify for compensation, you must have suffered a physical or mental injury (or both) that is serious enough to be included in one of the tariff bands attached to the Scheme. Any criminal injury will be serious to the person who suffered it. But the lowest level of compensation we can award is £1,000, which means that we cannot provide compensation for less serious injuries, such as scratches or bruises. **On the other hand, you may qualify if you have suffered a combination of minor injuries (as shown in note 12 in the tariff) from which you did not recover for at least six weeks and which caused you to visit your doctor at least twice during that six-week period.** Paragraphs 26 and 27 of part 5 of this guide explain this rule more fully.
- 7 The tariff award for the physical injury includes an element of compensation for the mental injury which you would normally experience as a result of suffering that physical injury. If you are to receive a separate award for mental injury, you must show that the mental injury you suffered was clearly greater than would normally be expected. In most circumstances, you can receive compensation for mental injury only if you also suffered a physical injury.
- 8 Also, in all cases where you are applying for compensation for mental injury, it will need to be properly diagnosed by:
  - a doctor (such as your GP) if you want compensation for shock (what the Scheme calls ‘temporary mental anxiety’); or
  - a psychiatrist or psychologist if you want compensation for a more serious mental injury.
- 9 There are two situations in which you might qualify for an award arising from mental injury alone, without a physical injury. The first is if you suffered a mental injury because you were reasonably in fear of immediate physical harm to yourself. The second is if your mental injury was caused by someone very close to you suffering a criminal injury.
- 10 In the second case, you will need to show that you suffered the injury because you either ‘witnessed and were present’ at an incident, or were ‘closely involved in the immediate aftermath’ of an incident, where a person with whom you had a ‘close relationship of love and affection’ was physically or mentally injured (paragraph 9 of the Scheme). ‘Witnessed and were present’ should be fairly simple to decide. But it is not possible to set definite rules on the meaning of the alternative ‘immediate aftermath’ test or what is a ‘close relationship of love and affection’. We have to look at each case individually.

**The lowest level of compensation we can award is £1,000.**

**11** We may offer you compensation even if the injuries were caused by someone who could not be held responsible under criminal law, for example, because he or she was mentally ill or too young (paragraph 10 of the Scheme). Also, it is not necessary for the person who injured you to be convicted or even caught. But we need reliable evidence, on the balance of probabilities (that it is more likely than not), that you suffered a criminal injury. The meaning of ‘criminal injury’ and ‘crime of violence’ is considered in the paragraphs below. The issue of the balance of probabilities is considered in part 5 of this guide.

**12** We can offer you compensation only for injuries *directly* resulting from a violent crime or threat of violence. This means we must be satisfied that the incident caused your injury, and that the injury was not due to some other event. You will not qualify for an award if your only injury is a mental injury resulting from the loss of or damage to belongings following a crime, such as burglary, which did not involve violence.

## The meaning of ‘criminal injury’ and ‘crime of violence’

### **13 Introduction**

The main rules on what counts as a criminal injury or a crime of violence are in paragraph 8 of the Scheme, with further points in paragraphs 9 to 12 of the Scheme.

**14** There is no legal definition of the term ‘crime of violence’. It will usually involve a physical attack on the person, for example, an assault, a wounding or a sexual offence. However, this is not always so and we judge each case individually. In some circumstances, we may also consider the threat of violence to be a violent crime.

**15** The following paragraphs in this part of the guide discuss what is and what is not covered by the phrases ‘crime of violence’ and ‘criminal injury’.

### **16 Arson**

If you were injured as a direct result of a crime of arson, you may be entitled to an award. If you were accidentally injured while fighting a fire resulting from an arson attack, or dealing with the consequences of it, you may qualify if you were taking an ‘exceptional risk’. If, for example, you are a firefighter who attended a fire resulting from an arson attack and you tripped over a hose, you are not likely to receive any compensation. But if you were injured in dangerous circumstances inside a burning building and your behaviour was justifiable, we may consider this to be an exceptional risk for which you may receive compensation (paragraphs 8(a) and 12 of the Scheme, and see paragraphs 18 and 19 below about the meaning of ‘exceptional risk’).

### **17 Preventing an offence**

If you were injured while you were trying to catch an offender or a suspected offender, or were helping a police officer to catch an offender, you may be entitled to an award. The conditions on ‘exceptional risk’ apply in this case too – see below (paragraphs 8(c) and 12 of the Scheme).

**We need reliable evidence that you suffered a criminal injury.**

**We cannot compensate you for the trauma of burglary.**

**18 'Exceptional risk'** (paragraph 12 of the Scheme)

If you were injured while you were dealing with an arson attack or preventing an offence, we can pay compensation only if, at the time you were injured, you were taking a risk which was both exceptional and justified in all the circumstances. Whether the risk was **justified** will depend on the circumstances of the incident – for example, how serious the situation that you were dealing with was and how immediate the threat was. Whether the risk was **exceptional** will depend on the circumstances in which it was taken – for example, the weather and the time of day or night, and whether you were equipped to deal with it.

**19** For example, if you are a police officer who had tripped in the street in broad daylight when chasing an offender, you are not likely to receive compensation. Similarly, climbing over a wall or a fence would not usually be considered an exceptional risk. But an action which we would not consider to be an exceptional risk in daylight might be so in darkness. And an action which might not be an exceptional risk for a police officer or a firefighter might be so if you are an ordinary member of the public. Because of their training and experience, police officers or firefighters should be in a better position to assess the risks. We believe that it would be unfair to apply the same tests to 'civilians'. Police officers injured in traffic accidents during car chases are not usually considered to be eligible for compensation unless there was another exceptionally risky factor, such as very bad weather conditions.

**20 Accidental injury**

In general, you cannot receive compensation if you were injured accidentally. But there are some exceptions. If you were accidentally injured while trying to prevent or deal with an offence, or if you were an innocent bystander during an attempt to catch a suspected offender and were accidentally knocked over, you may be entitled to an award. This applies even if the suspected offence was not a violent crime (paragraph 8(c) of the Scheme).

**21 Poisoning**

If you have been injured as a direct result of a crime of poisoning, you may be entitled to an award (paragraph 8(a) of the Scheme).

**22 Injuries caused by animals**

You may be injured by an animal, for example, if a dog attacks you. But even though these attacks can be savage and very distressing, we can make an award only if the attack was a violent crime.

**23** We will consider making an award for an injury caused by a dog (or other animal) only if:

- a the person in charge of the dog **deliberately** set it on you; or
- b the attack was a result of the dog owner failing to control an animal **which was known to be vicious towards humans**, and the lack of control can be shown to be reckless. If, for example, a dog with a previous history of vicious behaviour towards humans was allowed out without suitable restraint or in the charge of a child, this would probably be reckless behaviour.

#### **24 Injuries caused by vehicles** (paragraph 11 of the Scheme)

The *general* rule is that we cannot pay compensation for injuries caused as a result of traffic accidents. The only exception is if the vehicle was used as a weapon. In general, we have to be satisfied that the driver of the vehicle deliberately drove it at you to injure you. If you are injured by a motor vehicle in normal circumstances on a public road, you may receive compensation through the driver's insurance company or, if the driver was not insured or identified, through the Motor Insurers' Bureau. Their address is:

Linford Wood House  
6-12 Capital Drive  
Linford Wood  
Milton Keynes  
MK14 6XT.

Phone: 01908 830001

#### **25 Trespass on a railway**

If you are employed by a railway and see another person injured or killed as a result of trespassing on the railway, you may be entitled to compensation for the mental injury you suffer. You may also be compensated if you discover a body on or next to the track, or are involved in the immediate aftermath of the incident. To receive an award, the mental injury must be serious enough to qualify for at least the lowest tariff level of award (paragraph 9(d) of the Scheme).

## Part 4: Why an award may be reduced or withheld (paragraphs 13 to 17 of the Scheme)

### The applicant's or victim's behaviour, co-operation and criminal record (paragraphs 13 to 15 of the Scheme)

#### 1 Introduction

Compensation for an injury caused by a violent crime is an expression of public sympathy and support for innocent victims. The original Scheme, introduced in 1964, said that people with significant criminal records, or whose own behaviour led to them being injured, or who failed to co-operate in bringing the offender to justice, would not receive compensation from public funds. These conditions have continued in each Scheme since then.

2 So, we have to consider whether one or more of the reasons set out in paragraphs 13 to 15 of the Scheme apply to the application. If so, we may have to withhold or reduce an award, even if it is clear that you suffered a criminal injury as a result of a crime of violence.

#### 3 Telling the police (paragraph 13(a) of the Scheme)

An offender does not have to have been convicted or even charged before we can make an award. Some offenders are never found. If you are the victim of a crime, it is very important that you tell the police what happened as soon as you can, and co-operate with their enquiries and any prosecution. 'Telling the police' will generally involve more than just making a phone call. In most cases it will involve making a **formal** report about the incident that the police can use.

4 One reason why it is important for you to report the incident to the police is that it is our main protection against fraud. If you have not reported the incident to the police, and have no good reason for not doing so, you should assume that we will reject any application for compensation. If you fail to tell the police about the incident, we will not accept the excuse that you feared a revenge attack, did not recognise your attacker, or saw no point in reporting it. Reporting these incidents can help the police prevent more offences against other people.

5 You must report the incident **personally** unless your injuries prevent you from doing so. You must not assume that someone else has reported the incident, and even if they have, they may not have known the full facts. We will not accept reports by friends, relatives or workmates unless there was a good reason for you not telling the police as well.

**In most cases, telling the police will involve making a formal report about the incident that the police can use.**

**We cannot award compensation if, without good reason, you failed to report the incident to the police.**

- 6 You must report all the relevant circumstances. If you deliberately leave out any important information or mislead the police in any way, we will reject an application for compensation.
- 7 You should report the incident to the police **as soon as possible**. If you do not tell them immediately, it may be very difficult for the police to find your attacker. But we treat every case individually and we will take account of all good reasons for the delay in reporting the incident to the police – for example, if it was clearly due to age (either young or old), or to some physical or mental injury, or to the psychological effects of the crime. We may also be sympathetic if you were unaware that your injury was due to a violent crime, or only discovered there was a connection long after the event.
- 8 If you do not report the incident to the police immediately and only report it later to make a claim for compensation, we are likely to turn down your application.
- 9 **Telling other organisations or people in authority**  
We will not usually accept reports of crimes made to employers, trade-union officials or social workers rather than to the police. But we may make exceptions in the case of injuries suffered, for example, in schools, residential homes, psychiatric hospitals and prisons, as long as you made an official report to someone in authority and were willing to have the matter formally investigated.
- 10 In the case of a child, the person in authority will often be the child's parents, carers or guardians. If parents fail to tell the police, the child's claim will still continue if it is unreasonable to expect the child to have taken the matter any further. But we must be able to investigate and gain evidence of the incident for which you are applying for compensation. If a parent or guardian does not report an incident involving a child to someone in authority, we are unlikely to have enough information to make an award.
- 11 There may be cases involving children where it is reasonable not to involve the police. Minor incidents at school are examples of this. In these cases, it may be in the child's best interests for disciplinary action to be taken within the school, so we might accept a report to the school authorities. There are also behaviour issues which arise if the injury is caused by children playing dangerous games (see paragraph 18 of this part of the guide).
- 12 **Helping the police to prosecute** (paragraph 13(b) of the Scheme)  
We may reduce or refuse compensation if, after reporting the incident to the police, you then fail to co-operate in bringing the offender to justice. There are two different situations which come under this heading.
  - We will not normally award you compensation if you *refuse* to co-operate with the police, for example, by refusing to make a statement, go to an identity parade or go to court, or by making a statement which you later withdraw.

**If you do not report the incident to the police immediately, and only report it later to make a claim for compensation, we are likely to turn down your application.**

- If you were clearly willing to co-operate but the police or the prosecuting authorities decided that no further action should be taken, we will make an award if you meet all the other requirements of the Scheme.

**13** If you refused to co-operate with the police at first but then changed your mind and helped them in every way, we will consider whether it would be right to make an award despite your initial refusal to co-operate.

**14 Co-operating with us** (paragraph 13(c) of the Scheme)

We are likely to refuse or reduce an award if you fail to help us or any other relevant authority in connection with your application. For example, we will probably refuse an award if you:

- fail, without a good excuse, to go to medical examinations or inspections that are needed to help us reach a decision in your case;
- persistently fail to respond to our requests for information;
- fail to tell us about important circumstances; or
- make false statements about the incidents or your injuries.

If there is evidence that you have tried to defraud us, we will report the matter to the police and work closely with them to support any prosecution.

**15 Behaviour before, during or after the event** (paragraphs 13(d) and 14 of the Scheme)

Under paragraphs 13(d) and 14 of the Scheme, if your own behaviour caused or significantly contributed to the incident in which you were injured, we will normally refuse or reduce an award.

**16** These are some examples of situations where we may refuse or reduce an award:

- if your injury was caused in a fight in which you had voluntarily agreed to take part, even if the fight turns out to be much more serious than you expected. If you invited someone to 'come outside' for a fist-fight, we will not usually award compensation, even if you ended up with the more serious injuries. The same is likely to apply if you chose to accept such a challenge by the offender. The fact that the offender went further and used a weapon will not normally make a difference.
- if, without good cause, you struck the first blow, regardless of how seriously you were hurt when that person fought back.
- if the incident in which you were injured formed part of a pattern of violence in which you took part voluntarily, for example, if there was a history of assaults involving both sides and you had previously attacked the other person.
- if you were injured while trying to get revenge against the person who attacked you.

**If there is evidence that you have tried to defraud us, we will report the matter to the police and work closely with them to support any prosecution.**

**If your own behaviour caused or significantly contributed to the incident in which you were injured, we will normally refuse or reduce an award.**

- if you had drunk too much alcohol or used illegal drugs and this had contributed to the attack which caused your injury (paragraph 14 of the 2001 Scheme says that we must consider this issue specifically).
- if you used offensive language or gestures, or behaved in an aggressive or threatening way, which led to the attack which caused your injuries.

**17** We may refuse an award even if the person who attacked you is convicted of a violent crime. His or her actions may have been entirely unreasonable and this may justify the conviction. But this does not necessarily mean that you were blameless, and if your own behaviour caused or contributed to the incident, we are likely to refuse or reduce an award.

**18 Children playing dangerous games**

Two problems arise from injuries due to dangerous games played by children. First, we must be satisfied that a violent crime has been committed. The fact that a game was dangerous will not be enough evidence on its own. Second, even if a violent crime has been committed, we will not make an award if the child who caused the injury and the victim behaved in a similar way. If we did, we would just be compensating the loser. For example, if 12-year-old boys fired stones from catapults at each other and one boy received a serious eye injury, this would technically be an assault, and so a violent crime, but we would normally reject the application. In cases where the children are of different age groups or take unequal parts in the game, we may make a full or reduced award depending on how much each of the children took part and understood the risks involved.

**19 Your criminal record** (paragraph 13(e) of the Scheme)

We may refuse or reduce an award because of your character as shown by your criminal convictions. We will ignore any convictions which are 'spent' (that is, convictions that you do not have to declare) under the Rehabilitation of Offenders Act 1974, but we will take account of 'unspent' convictions.

**20** This sort of rule has been part of every compensation Scheme since the first, in 1964. The thinking behind it is that a person who has committed criminal offences has probably caused distress, loss or injury to other people, and has certainly caused expense to society because of police time, court appearances and the cost of supervising sentences. Even though you may have been blameless in the incident, the Scheme says that we must take account of your unspent convictions. The Government is currently reviewing the Rehabilitation of Offenders Act. When a revised system of dealing with convictions comes into force, we will adapt our own method of dealing with them.

**We may refuse an award even if the person who attacked you is convicted of a violent crime.**

**We may refuse or reduce an award because of your character as shown by your criminal convictions.**

**Even though you may have been blameless in the incident, the Scheme says that we must take account of your unspent convictions.**

- 21** It is often not easy to be sure whether or not a conviction is spent under the Rehabilitation of Offenders Act. The more serious the penalty the offender received, and the more recently it was given, the longer the conviction will take to become spent. A conviction leading to a prison sentence of 30 months or more can never become spent. There are more details in the Home Office leaflet '*Wiping the Slate Clean*', which you can get by phoning the freephone number listed at the start of this guide.
- 22** There are two principles which apply when we take account of unspent convictions. First, there are no absolute rules – we must use our discretion. Second, in general, the more recent the conviction and the more serious the penalty, the more we will take it into account. We treat the sentence as a guide to how serious the offence is. These principles are explained in more detail in the following paragraphs and table.
- 23** The system is based on 'penalty points'. The more recent the conviction and the more serious the penalty, the more penalty points the conviction will attract. And the more penalty points the conviction has, the greater percentage reduction we may make to any award. We will also take account of any convictions you receive after the incident or after applying, right through to the date when your case is finally settled. The table on the next page shows how much unspent convictions may count against an award. In all cases, we totally ignore spent convictions.

The percentage reductions we will consider for the various levels of penalty points are as follows.

Penalty points	Percentage reduction
0 to 2	0%
3 to 5	25%
6 to 7	50%
8 to 9	75%
10 or more	100%

- 24** We and the Criminal Injuries Compensation Appeals Panel are not bound by the penalty-points system, but we must take account of all unspent convictions. The penalty-points are our starting point for this, but we consider convictions and penalty points together with all the other circumstances of the application. For example, a points total which could reduce an award or lead us to refuse the claim will probably not lead to this if the injury resulted from helping the police to uphold the law, or helping someone who was being attacked. Or there may be evidence of rehabilitation that the points system does not show and which we would take into account. On the other hand, a low points score is no guarantee that we will make an award if, for example, the record includes violent or sexual offences.

<b>Sentence of the court</b>	<b>Period between the date of the sentence and the date we receive the application (see note below)</b>	<b>Penalty points</b>
1 Imprisonment for more than 30 months	a Period of sentence or less	10
	b More than (a) but less than sentence plus 5 years	9
	c More than (b) but less than sentence plus 10 years	7
	d More than sentence plus 10 years	5
2 Imprisonment for more than 6 months but not more than 30 months	a Period of sentence or less	10
	b More than (a) but less than sentence plus 3 years	8
	c More than (b) but less than sentence plus 7 years	6
	d More than sentence plus 7 years	2
3 Imprisonment for 6 months or less	a Period of sentence or less	10
	b More than (a) but less than sentence plus 2 years	5
	c More than sentence plus 2 years	2
4 Fine over £250	a Less than 2 years from sentence	3
	b More than (a) but less than 3 years from sentence	2
	c More than 3 years	1
5 Community Order, or another order or contract made as a penalty by the court	a Period of the order or contract or less	3
	b More than (a) and up to 2 years after the period of the order or contract	2
	c More than 2 years after the period of the order or contract	1
6 Fine of £250 or less Compensation order Conditional discharge	a Up to 2 years from sentence	2
	b Over 2 years from sentence	1

Note: We will treat sentences that are given after the date we receive your application as if they had been given on the day before we receive the application.

**Notes** (table opposite)

- 1 We count penalty points as in this table for all applications we receive on or after 1 January 2003. For applications we receive before that date, we count penalty points in the way set out in the previous edition of this guide.
- 2 Imprisonment, whether suspended or not, means the sentence given by the court, not the time spent in prison.
- 3 Imprisonment includes a sentence of detention in a young offenders' institution or other custodial sentence.
- 4 Sentences spent under the Rehabilitation of Offenders Act 1974 do not attract penalty points.
- 5 We will put other sentences into one of the six categories depending on how serious the offence is, as measured by the rehabilitation period set under the Rehabilitation of Offenders Act 1974.
- 6 In the case of applications where someone has died, we will work out the points from the date of the sentence to the date the person died, not to the date we receive the application.

**25 Applying these rules if the victim has died** (paragraph 15 of the Scheme)

Under paragraph 15 of the Scheme, if you are applying for compensation following the victim's death – whether or not the death was caused by his or her criminal injuries – we have to apply the rules in paragraphs 13 and 14 of the Scheme to both you, as the person applying, and the victim. So, for example, if *either* you or the victim had a record of unspent criminal convictions, we have to take this into account.

- 26** The only exception to these rules is an application for funeral expenses, where we have to apply the rules to the victim but *not* to the person applying. So if you have a serious criminal record, we will pay you reasonable funeral expenses following the victim's death if you meet the other conditions. However, if the victim had a criminal record, we have to take this into account.

## Violence, including sexual offences, within the family (paragraphs 16 and 17 of the Scheme)

**27 General**

It is a general condition of the Scheme that any person who causes an injury must not benefit from an award paid to the victim (paragraph 16 of the Scheme). So, we will probably not be able to make an award if there is a continuing close link between the victim and the offender which makes it likely that the offender would benefit from the award.

**If the victim has died, if either you or the victim had a record of unspent criminal convictions, we have to take this into account.**

**Any person who causes an injury must not benefit from an award to the victim.**

**28** If the application is made by or on behalf of a child, we also need to be satisfied that it would not be against the child's interests to make an award (paragraph 16 of the Scheme). An example might be if the child was very young at the time of an assault, and could reasonably be expected to make a full recovery and forget or not know that it had happened. That might be a better outcome than if we made an award, invested it on the child's behalf and released it to him or her at age 18, which might reopen the incident in the young person's mind and cause considerable distress.

**29** The rules in this area apply particularly where the victim and the offender were living in the same household as members of the same family (paragraph 17 of the Scheme). We *cannot* make an award in these circumstances for any injuries suffered before 1 October 1979 (paragraph 7(b) of the Scheme). (This is because the rule allowing us to make an award in 'same household' cases was made only in 1979, so it cannot apply to incidents which happened before that.) But even if the injury was more recent, we have to be satisfied that the offender would not benefit from an award of compensation.

### **30 Adults**

If you and the person who injured you were living in the same household at the time of the incident (whether married or not), and you were an adult at the time, we will not award compensation unless:

- a the person who injured you has been prosecuted or there are good reasons why this has not happened; and
- b you and the person who injured you stopped living together before you applied for compensation and are unlikely to do so again.

### **31 Children**

If a child is the victim, condition (b) above does not apply but, as explained above, we must be satisfied that the offender would not benefit and that it would not be against the child's interests to make an award. Please ask us for the separate leaflet '*Child Abuse and the Criminal Injuries Compensation Scheme*' if this is relevant to you.

## Part 5: Assessing your application (paragraphs 18 to 29 of the Scheme)

### Time limits for applying (paragraph 18 of the Scheme)

- 1 In general, we can consider your application only if we receive it within two years of the incident which caused your injury. The purpose of the time limit is to provide a reasonable period for people to make an application, and to make sure that our investigation of newer applications is not slowed down too much by checking the facts of older ones. It is usually more difficult to get reliable information about police investigations and medical treatment given at the time for incidents that happened a long time ago – records are harder to get hold of and may actually have been destroyed.
- 2 Under paragraph 18 of the Scheme, we may accept applications outside this two-year period only if, because of the particular circumstances of the case, it is reasonable and in the interests of justice to do so. This test for accepting a late application is quite a tough one.
- 3 ‘Reasonable’ means, among other things, that it was not realistic to expect an application to be made within the two-year period. ‘In the interests of justice’ means, among other things, that it is not going to be too difficult to get reliable evidence of the circumstances of the incident and how serious the injury is. Paragraph 18 says that both parts of the test must be met. If, for example, we cannot get independent information about how your injury happened, we have no basis on which to consider making an award. If this is the case, there is little point in us agreeing to consider a late application, as this would just prolong the process with no real benefit. So we are not likely to accept a late application in these circumstances, even if there was a good reason why you did not apply earlier.
- 4 There are some circumstances in which we may accept a late application, as long as we can investigate and check the details of the incident. For example, we will consider a late application sympathetically if:
  - for some reason, you were not able to act for yourself at the time;
  - you were under 18 at the time of the incident (as long as you then apply soon after reaching the age of 18); or
  - your injuries become noticeable only some time after the incident which caused them, as long as you apply as soon as you discover the cause.

**In general, we can consider your application only if we receive it within two years of the incident which caused your injury.**

## The ‘standard of proof’ for applications, and procedural issues (paragraphs 19 to 22 of the Scheme)

### 5 Making the case, and legal representation (paragraph 19 of the Scheme)

Paragraph 19 of the Scheme says that the person applying must make the case that he or she is entitled to an award. In practice, we do a great deal to help the process – for example, we get reports from the police, doctors and hospitals. But if you have, or want to get, evidence which supports your case and which we are unlikely to get through our normal enquiries, it is up to you to send it to us as soon as you can.

### 6 Paragraph 19 also says that we will not meet the costs of any representation, such as legal costs. The Scheme has been designed so that the outcome is always the same whether you are represented or not. It is up to you whether to get the help of a lawyer, but we cannot meet the cost of this.

### 7 Standard of proof (paragraph 20 of the Scheme)

In the criminal courts, the accused person will be convicted of a crime only if he or she is proved guilty ‘beyond reasonable doubt’. Although we will make an award only when we are satisfied that you are entitled to one, we do not need to be satisfied ‘beyond reasonable doubt’ but ‘on the balance of probabilities’. This is an easier test to meet. We must be satisfied that it is *more likely than not* that you are entitled to an award. This is the standard of proof which we have to apply to all the decisions we make. For example, we need to be satisfied that it is more likely than not that a violent crime is responsible for your injury, and more likely than not that you were blameless in the incident.

### 8 Two important points arise from this. First, we may be able to make an award even if a person charged with the offence has been acquitted. It may not have been possible to be sure that the person charged was guilty, but it may still be more likely than not that a violent crime happened, and that you were a victim of it who is entitled to an award. Second, if there is no evidence available on a crucial issue, or if there is conflicting evidence and no reliable way of telling where the truth lies, we cannot make an award. We can make an award only if the balance of evidence is in your favour.

### 9 Procedural issues (paragraphs 21 and 22 of the Scheme)

Paragraph 21 of the Scheme says that if we cannot make a decision without an independent medical examination of your injuries, we will arrange and pay for an examination, and pay your reasonable expenses. It is important that you co-operate with us – for example, you must not miss an appointment without a good reason.

### 10 Paragraph 22 of the Scheme simply says that we must produce and publish this guide to explain how we deal with applications and reach our decisions.

**The Scheme has been designed so that the outcome is always the same whether you are represented or not. It is up to you whether to get the help of a lawyer, but we cannot meet the cost of this.**

**We must be satisfied that it is *more likely than not* that you are entitled to an award.**

## Types and limits of compensation that we can pay (paragraphs 23 to 25 of the Scheme)

- 11 Types of compensation** (paragraph 23 of the Scheme)  
If you are the victim of a criminal injury, there are three possible types of award that you may be entitled to. The main type simply recognises that you have suffered the injury. This is called the ‘standard amount of compensation’ or tariff award. We explain below how we work it out.
- 12** The other two types of compensation are relevant in only a minority of cases. We award these as well as the tariff award, which means that you can qualify for them only if you also qualify for a tariff award.
- 13** The first type compensates for lost earnings. Paragraph 23(b) of the Scheme says that if you have lost earnings or the ability to earn for longer than 28 weeks as a direct result of the injury, you may claim for this. If you qualify for an award for lost earnings, we will pay compensation from the 29th week that you cannot work. The detailed rules on this are set out in paragraphs 30 to 34 of the Scheme. If you want to apply for lost earnings as well as for a tariff award, you must let us know and we will send you a specific application form and guide to take you through this.
- 14** The second additional type of compensation is called ‘special expenses’ (paragraph 23(c) of the Scheme). The types of expenses you may claim for, and the rules for working this out, are set out in paragraphs 35 and 36 of the Scheme. They cover things such as:
- the cost of medical treatment which cannot reasonably be provided by the National Health Service;
  - the cost of care provided by a residential establishment or at home; and
  - the cost of adaptations that need to be made to your home as a result of your injury.
- 15** As with compensation for lost earnings, we can pay for special expenses only if you were not able to work (or, if unemployed, would not have been able to work) for more than 28 weeks after the injury. But, unlike compensation for lost earnings, if you qualify for compensation for special expenses, we will pay this from the date of the injury, rather than starting at the 28-week point. If you want to apply for compensation for special expenses as well as for a tariff award, you should let us know and we will send you a special application form and guide for this too.
- 16** Paragraph 23(d) and (e) of the Scheme introduces the situation where the victim of a violent crime has died, whether as a result of the injury or otherwise. It refers to paragraphs 37 to 44 of the Scheme, which set out the rules about who can apply for compensation in this situation and how much compensation they can apply for. In all fatal cases, you must fill in a special application form. Let us know and we will send this to you, together with a specific guide to compensation in such cases.

**If you qualify for an award for lost earnings, we can pay compensation from the 29th week that you cannot work.**

**Let us know if you want to apply for compensation for lost earnings, care costs or other special expenses as well as for a tariff award, and we will send you a special application form.**

**If the victim has died, you must fill in a special application form. Let us know and we will send one to you.**

**17 Maximum award** (paragraph 24 of the Scheme)

Under paragraph 24 of the Scheme, the maximum award arising from any injury is £500,000. There are two points to note about this limit. First, it applies to the *injury* rather than to the *person applying*. This means, for example, that if several people are applying for compensation following the death of a victim of crime, the maximum that they can receive in total is £500,000.

**18** The second point is that £500,000 is the maximum award we can make *before* any deductions are made. An example may make this clearer. In a particularly serious case, a victim may suffer injuries for which the tariff award, plus care costs, plus lost earnings would – if there were no limit – be £800,000. In practice, the person applying could not receive more than the £500,000 maximum. But if the behaviour of the person applying had contributed to the incident in which he or she was injured, and we decided that it was right to reduce the award by 50%, that reduction would be applied to the £500,000 rather than to the £800,000 – meaning that the person applying would receive £250,000.

**19 Minimum award** (paragraph 25 of the Scheme)

Under paragraph 25 of the Scheme, the minimum award is £1,000. If your injury is not serious enough to qualify for a £1,000 payment, we will not be able to make an award. Again, there are two points arising from this rule. First, as with the maximum award, the minimum award relates to the injury rather than to the person applying. This means, for example, that if your injury was serious enough to justify a £1,000 award, but your behaviour in relation to the incident makes a 50% reduction in award level appropriate, you can still receive an award, but it would be reduced to £500.

**20** The second point is about the situation where a criminal injury makes a medical condition you were already suffering worse. The basic point here is that we can make an award only if the injury *directly caused by the violent crime* is serious enough to justify a payment of at least £1,000. For instance, following a crime of violence, you may suffer a strained back lasting up to 13 weeks. If you had no previous back problems, you would be eligible for an award of £1,000. But if you were already suffering from a strained back and the violent crime made it 50% worse, you would not have a criminal injury which, on its own, justified an award of at least £1,000. In these circumstances, unfortunately, we would not be able to make an award at all.

**We can make an award only if the injury directly caused by the violent crime is serious enough to justify a payment of at least £1,000.**

## The tariff of injuries and awards (paragraphs 26 to 29 of the Scheme)

### 21 Introduction to the tariff (paragraph 26 of the Scheme)

The tariff, which is printed at the back of the Scheme, sets out what awards we can pay (before any deductions are made) if you have suffered a criminal injury. The tariff is in two parts. The first is a list of 25 levels of compensation, ranging from level 1 (£1,000) to level 25 (£250,000). (As noted above, compensation for lost earnings and special expenses can raise the total payment to a maximum of £500,000.)

22 The second part is a list of more than 400 injury descriptions, together with a level of compensation and amount of money we can pay for each. In most respects this is self-explanatory – you can find the description of the injury which you have suffered and check the amount of compensation which you can expect to receive (depending on rules regarding eligibility, reductions and so on). There is an index to the tariff on pages 22 to 24 of the Scheme. Referring to this is the simplest way of finding any particular injury description.

23 It is worth noting that the tariff begins with those injuries which do not relate to a specific single part of the body, such as fatal injuries, multiple burns, mental illness, nerve damage and physical and sexual assault and abuse. It then uses a ‘head to toe’ approach, dealing first with injuries to the head and neck, followed by injuries to the arms, torso and legs.

24 Many of the terms used in the tariff are rather technical. In appendix 1 to this guide, these terms are explained in more everyday language.

25 As we explained in paragraph 20 above, if the injury speeds up or makes worse a medical condition that you were already suffering, the award we can make will be based only on the extent to which the medical condition was speeded up or made worse.

### 26 Multiple injuries (paragraph 27 of the Scheme)

We deal with multiple injuries in two different ways in the tariff, depending on how serious they are. First, ‘minor multiple injuries’ is a tariff description for which we will pay compensation of £1,000. We are not suggesting that these injuries will seem minor to the person who suffered them. The Scheme uses the term to show the minimum level of injuries for which we may pay compensation.

27 Note 12 to the tariff, on page 28 of the Scheme, describes what comes under this heading. Briefly, it covers cases where you have not received any single injury which is serious enough for the £1,000 minimum award, but where you suffered several less serious injuries such as cuts, severe bruising, a black eye or hair pulled from the scalp. Paragraph 27 of the Scheme and note 12 mean that you may receive compensation if you suffered at least three injuries of this type, if at least one of them was still troubling you significantly six weeks after the incident, and if the injuries meant that you had to visit your doctor at least twice in that six-week period.

**You may receive compensation if you suffered at least three minor injuries, if at least one of them was still troubling you significantly six weeks after the incident, and if the injuries meant that you had to visit your doctor at least twice in that six-week period.**

- 28** The other situation in which multiple injuries are relevant is when they are more serious – when you suffered two or more injuries so serious that each on its own would qualify for compensation.
- 29** There are two important points to note in this situation. First, we can provide compensation only for the three most serious injuries which you have suffered – the Scheme does not allow us to consider any injuries beyond that. Second, we do not simply add up the tariff awards we will pay for the three most serious injuries. Instead, we pay the total tariff award for the most serious injury, plus 30% of the tariff award for the second most serious injury, plus 15% of the tariff award for the third most serious injury.
- 30 Injuries not listed in the tariff** (paragraphs 28 and 29 of the Scheme)  
The tariff cannot describe every possible injury. It would obviously be wrong to deny compensation to people who had suffered serious criminal injuries which, for whatever reason, are not included in the tariff. Paragraphs 28 and 29 deal with this situation.
- 31** If we receive an application in such a case, we will consult the Appeals Panel about what might be the right level of compensation for the injury and then recommend to the Home Secretary that the injury and level of compensation are added to the tariff. In the meantime, we are allowed to make a provisional payment of up to 50% of the value of the compensation payment which we recommend to the Home Secretary.

**We can provide compensation only for the three most serious injuries which you have suffered.**

**We pay the total tariff award for the most serious injury, plus 30% of the tariff award for the second most serious injury, plus 15% of the tariff award for the third most serious injury.**

# Appendix 1: Glossary of medical terms used in the tariff of injuries

<b>A</b>	Acromioclavicular joint	small joint at the outer end of the collarbone
	Agoraphobia	fear of going out
	Alopecia	hair loss
	Apicectomy	removing an infected tooth's root tip
	Arthroscopy	inspection of the inside of a joint, for example, a knee joint
	Asthma	chest disease causing wheezing
<b>B</b>	Blow-out fracture of the orbit	multiple fractures of the eye socket
<b>C</b>	Cataract	damage to the lens of the eye
	Central floater	central black spot interfering with vision
	Cerebral haemorrhage	bleeding in the brain
	Clavicle	collarbone
	Coccyx	small tail bone at the lower end of the spine
	Colles' fracture	fractured wrist
	Concussion	symptoms following being knocked out
	Corneal abrasion	scratch on the front surface of the eye
	Cranial nerve	nerve arising in the brain
<b>D</b>	Degeneration	permanent damage
	Dislocated	out of position, for example, a joint out of its socket
<b>E</b>	Eczema	a skin disease
	Enuresis	bedwetting
	Epilepsy	fits
	Ethmoid bone	bone at the top of the nose
	Evacuation	removing something from a cavity, for example, blood or fluid
	Extradural haematoma	bleeding in the skull outside the brain
<b>F</b>	Fatal injury	injury causing death
	Femur	thigh bone
	Fibula	a lower leg bone
	Foetus	baby in the womb
	Fracture	broken bone
	Frozen shoulder	difficulty in moving the shoulder joint

<b>G</b>	Genitalia	sex organs
	Glasgow coma scale	scale to measure level of consciousness (a normal person has a score of 15 out of 15)
	Glaucoma	eye disease which may follow an injury
	Great toe	big toe
<b>H</b>	Haematoma	bruise or bleeding
	Haemorrhage	bleeding
	Hemiplegia	paralysis of one side of the body
	Hernia	when an organ or tissue comes out of the cavity that it normally lies in
	Humerus	bone in the upper arm
	Hyoid bone	small bone below the throat
	Hyphaema	blood inside the front of the eye
<b>I</b>	Incisor teeth	front teeth
	Index finger	first finger – next to the thumb
	Insomnia	difficulty sleeping
	Intervertebral disc	pads between the bones of the spine
<b>L</b>	Laceration	a cut
	Laparotomy	operation to open the abdomen
	Le Fort fractures	multiple fractures of the face
	Ligaments	strong tissue joining bones together
	Loss of foetus	miscarriage
<b>M</b>	Mandible	bone in the lower jaw
	Mastoid	bone behind the ear
	Maxilla	bone in the upper jaw
	Metacarpal	long bones in the hand
	Metatarsal bones	long bones in the foot
<b>N</b>	Nasal septum	cartilage separating the nostrils
<b>O</b>	Optic nerve	nerve to the eye
	Oral-genital acts	oral sex
<b>P</b>	Paraplegia	paralysis of the legs
	Patella	knee cap
	Peripheral nerve	nerve arising in the spinal cord
	Prognosis	outlook for the future
	Prolapsed intervertebral disc	slipped disc
	Psoriasis	a skin disease

<b>Q</b> Quadriplegia	paralysis of all four arms and legs
<b>R</b> Radius	a bone in the forearm
Retina	tissue at the back of the eyeball
Rhinoplasty	surgery to reshape the nose
Root-canal treatment	dental treatment of the root of a tooth
Ruptured intervertebral disc	damaged disc in the spine
<b>S</b> Scaphoid fracture	fracture of a small bone in the wrist
Scapula	shoulder blade
Sensory nerve damage	damage which causes loss of feeling or numbness
Septoplasty	surgery to straighten the nasal septum
Sexual dysfunction	sex problems
Spleen	organ in the belly
Sternum	breastbone
Subdural haematoma	bleeding in the skull outside the brain
<b>T</b> Tarsal bones	small bones of the foot
Tendons	strong tissue joining muscles to bones
Thoracotomy	operation to open the chest
Tibia	largest bone in the lower leg
Tinnitus	ringing in the ears
Torso	trunk or body
Traumatic angle recession	damage to the eye
Turbinectomy	surgery to the nasal septum
<b>U</b> Ulna	a bone in the forearm
<b>V</b> Vertebra (or vertebrae)	bone (or bones) of the spine
Vertigo	dizziness or giddiness
Vestibular damage	damage to the ear causing giddiness
Viable foetus	an unborn baby who will be able to live if he or she is born now
<b>W</b> Weal	ridge on the skin caused by a blow
<b>Z</b> Zygoma	cheekbone

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