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The background of the entire image is a clear blue sky filled with soft, wispy white clouds. The clouds are more concentrated in the lower half of the frame, creating a sense of depth and atmosphere.

We aim to provide an efficient  
and fair  
service to blameless victims of violent crime.

## SECTION 1 – Introduction

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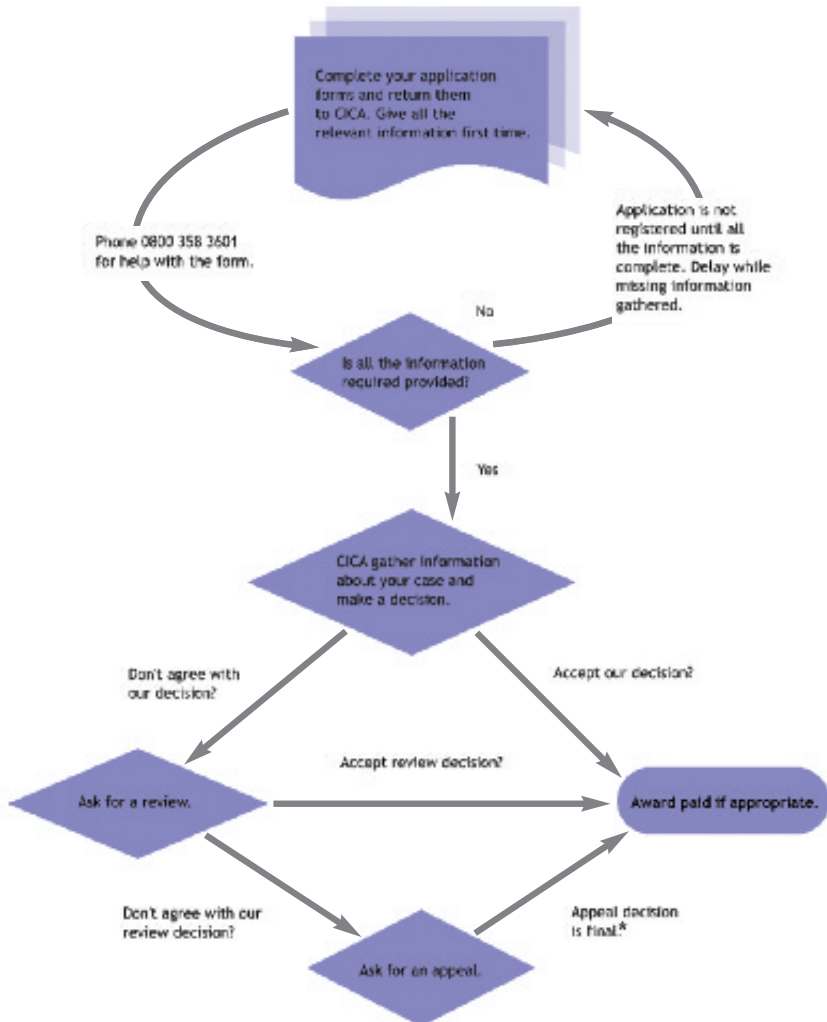
### Purpose of this guide

- 1 This guide is for people who have applied, or are thinking of applying, for compensation under the Criminal Injuries Compensation Scheme 2008 (we call this ‘the Scheme’). The 2008 Scheme applies to all applications received on or after 3 November 2008.
- 2 Other guides are available about previous Schemes. If you applied before 3 November 2008, and you want a copy of an earlier guide, please call our freephone number **0800 358 3601**.
- 3 This guide tells you some of the main issues that are taken into account in deciding whether or not you can get an award.
- 4 Section 5 (page 35) explains what you can do if you are not happy with the decision you get.
- 5 You can get a copy of the Criminal Injuries Compensation Schemes on our website at [www.cica.gov.uk](http://www.cica.gov.uk). You can ask for a paper copy of the 2008 Scheme by writing to us at:

**CICA**  
**Tay House**  
**300 Bath Street**  
**Glasgow**  
**G2 4LN**

or calling our freephone number on **0800 358 3601**.

## Application process flowchart



\*The appeal decision is final, unless decided otherwise by Judicial Review.

## **What is the Criminal Injuries Compensation Scheme?**

- 6** The Criminal Injuries Compensation Scheme (the Scheme) is a government funded scheme that allows blameless victims of violent crime to get a financial award. Under the Scheme, each type of injury is given a value. The values together form a list that we call ‘the tariff’. The award can never fully compensate for all the injuries suffered, but is recognition of public sympathy for the blameless victim.
- 7** The minimum tariff payment is £1,000 and the maximum tariff payment for a single injury is £250,000. In certain circumstances you may also be entitled to additional payments for loss of earnings and special expenses (see Appendix 4 for more details). The maximum overall award is £500,000 – this is when we have added an award for injury to an award for loss of earnings or special expenses.
- 8** The Scheme is for people injured in England, Wales and Scotland (‘Great Britain’). Northern Ireland has its own Scheme, as do many other countries. If you were injured outside Great Britain there is more information in Section 6.
- 9** The rules of the Scheme and the value of the awards paid are set by Parliament. CICA administers these rules.

### **What compensation is available?**

**10** We can consider claims for compensation for the following:

- Personal injury (including a single incident of abuse). (See Appendix 1 for more details.)
- Personal injury following a period of abuse. (See Appendix 2 for more details.)
- Fatal injuries, including financial dependency and loss of parental services. (See Appendix 3 for more details.)
- Loss of earnings and special expenses. (See Appendix 4 for more details.)

“The Scheme is for people injured in  
England, Wales and Scotland...”





Have you made  
a Victim Personal  
Statement?

Giving a

# Voice

to Victims of Crime

The Victim Personal  
Statement provides  
you with the chance  
to say how the crime  
has affected you.



[www.cjsonline.gov.uk](http://www.cjsonline.gov.uk)

Ask a police officer for advice on how to  
complete your statement



## SECTION 2 – Who can get an award?

### 1 You may get an award if:

- **You were physically or mentally injured (or both) as a result of a crime of violence in Scotland, England or Wales.**
  - You do not need to be a British citizen to apply.
  - In assessing an injury we will take account of any relevant medical conditions you had before you were injured.
- **You were the dependent and/or a close relative of a person who died as the result of a violent crime.**
  - A close relative normally means the husband, wife, civil partner (or a person who was living in the same household as the victim in a relationship like a husband, wife or civil partner), parent or child.
- **You were injured in the last two years.** This time limit may be disregarded, but only in exceptional circumstances where:
  - the circumstances of your injury meant that we could not reasonably have expected you to apply within the two-year time limit; and
  - it is still possible to investigate your claim.
- **Your injuries are serious enough to qualify for the lowest (minimum) award we can pay under 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.

- **You were injured as a result of someone committing an offence of trespass on a railway.**  
To claim you must:
  - be a railway employee who has witnessed or been present when someone was killed or seriously injured as a result of the crime, or involved in its immediate aftermath (the events that happened straight after the incident); and
  - have suffered a physical injury or a disabling mental injury which can be medically verified (for more serious mental trauma we will need a psychiatric diagnosis).

## 2 You **cannot** get an award if:

- you were injured before 1 August 1964;
- you have already applied for compensation for the same criminal injury, whether under this or any other Scheme; (if you deliberately apply for compensation for the same injury more than once, you may be prosecuted for attempted fraud.); and/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. This is because the Scheme changed at this time.

## **Making sure that the person who injured you cannot benefit from your claim**

- ## 3 In general, the Scheme does not allow any person who causes an injury to benefit from an award paid to the

victim. We will not pay an award if there is a continuing close link between you (the victim) and the offender and it is likely that the offender would benefit from your award.

### **Conviction of the person who injured you**

- 4** You may be able to get an award even if the person who injured you is not prosecuted.

### **Violent crime**

- 5** Although there is no legal definition of the term ‘a crime of violence’, we usually expect it to have involved a physical attack, although this is not always the case. Examples of attacks where you may be eligible to claim an award include:

- assault (physical or sexual);
- wounding;
- where you were injured as a direct result of a crime of arson;
- where there was a deliberate attempt to poison you;
- where an animal was deliberately set on you with the intent of causing you injury;
- where someone deliberately ran you down with a vehicle (this does not include where you were injured because of an accident).

### **Other times when a claim may be possible**

- 6** There are very few other times when you may still be entitled to get an award under the Scheme even though

you were not the victim of a crime of violence.  
These are:

- you were injured as a result of trespass on the railway (there are conditions to this criteria see page 8 above);
- you were injured while trying to help prevent a crime or helping a police officer catch a criminal. However, we will only make a payment if we are satisfied that you were taking an exceptional risk and that this risk was justified in all the circumstances.

### **Personal injury**

**7** For the purposes of the Scheme a personal injury is:

- physical injury (including a fatal injury );
- sexual abuse/assault;
- mental injury;
- mental or physical disease that is directly related to a crime of violence.

**8** If you were not physically injured **we will not consider making an award for mental injury or disease alone, unless:**

- you were put in reasonable fear of immediate physical harm; or
- you witnessed or were present when someone, with whom you had a close relationship of love and affection (including someone you are not related to), was injured (including a fatal injury), or you were

closely involved in the **immediate** aftermath (events that happened straight after the incident); or

- you were the non-consenting victim of a sexual offence; or
- you were a railway employee and you witnessed and were present when a person was injured (or killed) while they were trespassing on the railway, or you were involved in the **immediate** aftermath of such an incident.

### **Immediate aftermath**

- 9 By ‘aftermath’ we mean events that happened straight after the incident. So although you did not witness or were not present during the incident in which a loved one was killed or injured you may be entitled to make a claim for mental injury if you were involved in the immediate aftermath. This also applies if you are employed by the railways and did not actually see the injury happening. When we say ‘immediate’ we are referring to the incident itself and not the events that might follow an incident (such as dealing with the police and medical authorities). To be considered for an award as a result of being involved in the immediate aftermath you must have arrived at the incident straight after it occurred and suffered a mental injury as a result. We would need confirmation from a medical practitioner that this was the case.
- 10 If you want more advice on whether or not you can make a claim, please call our freephone helpline number on **0800 358 3601**.

## Conduct and character

- 11 The Scheme is intended to compensate **blameless** victims of crime. Before making an award we have to check that your behaviour did not contribute to the incident where you got your injuries. We also have to take account of your criminal record, if you have one. This may mean we refuse your claim, or offer you a reduced amount of compensation. These are some of the things we must take into account when deciding about your award:
- 12 Your behaviour before, during or after the incident where you were injured
- 13 We are likely to refuse or reduce your claim if:
  - you willingly took part in a fight;
  - you were acting in an aggressive or threatening way and provoked the incident where you were injured;
  - there was a history of assaults or fighting between you and the person who injured you;
  - you were injured as a result of challenging someone over a previous incident;
  - you were taking part in illegal activities when you were injured;
  - you did not take reasonable steps to get out of a situation where it was likely you would get hurt.

## Excessive consumption of alcohol or use of illicit drugs

- 14 We take the excessive consumption of alcohol or the use of illicit drugs into account if we consider that their use contributed to the incident in which you were injured. This may result in us reducing or refusing your award.

## **Criminal record**

- 15** The Scheme says we must reduce or refuse an award if you have a criminal record. In deciding how much of a reduction we will make, we will look at the length of any criminal record and the time that has passed since the last offence. However, we are likely to completely refuse an award, or make a very substantial reduction, if you have a conviction for a serious crime. See Appendix 5 for information on how we will normally decide what effect your criminal record will have on your award.
- 16** We will ignore any convictions which can be treated as spent under the Rehabilitation of Offenders Act 1974.

## **Failure to report the crime quickly**

- 17** We expect you to report the crime immediately (to ensure the best chance of catching the person who injured you). Normally we will refuse a claim if you do not report the incident to the police straightaway. There are a few exceptions to this, for example:
- in certain cases of child abuse;
  - if the kind of injuries you got meant we could not reasonably have expected you to make a full report to the police immediately.
- 18** We normally expect you to report the crime to the police. However, there may be circumstances where we accept that it was more reasonable for you to have reported it to another authority (for example, military police, a prison warden or the chief officer in an institution for people with mental illnesses).

### **Failure to co-operate with the police and courts**

- 19** We expect you to have done everything possible to help the police catch and convict the person who injured you, including making a full statement to the police and co-operating in bringing the person who injured you to justice.
- 20** We appreciate that you may be reluctant to bring charges (for example, if you fear a revenge attack or reprisal). However, since the Scheme is publicly funded, it is important that you have done your public duty by reporting the crime and co-operating with the police.

### **Failure to co-operate with us**

- 21** It is your responsibility to help us collect the information we need to investigate your claim. For example, we may refuse your claim if:
- you fail to give us the information we need in order to check something you have claimed for;
  - you fail to attend a medical examination that lets us verify your injuries;
  - you don't tell us about something that would affect your claim;
  - you fail to tell us if you change your contact details. If you tell us about a change of address, please make sure you get confirmation from us that we have changed your records. Otherwise we may lose contact, which means we will withhold your claim.



### **Other matters**

- 22** The Scheme is funded by the taxpayer, so we need to be certain that anyone applying has not deliberately avoided paying their taxes or deliberately claimed state benefits they were not entitled to. If we discover someone has been earning money which they have not been declaring for tax purposes or fraudulently claiming state benefits, we are likely to take this into account when considering your application.
- 23** When we make an award because someone has died as a result of a crime of violence, we need to take account of the conduct and character of both the applicant and the deceased.

“We expect you to have done everything possible to help the police catch and convict the person who injured you...”



“You do not need a representative to apply for criminal injuries compensation.”

PROTECT PERSONAL

 criminal injuries compensation authority  
a government department - call 0800 010 7000

**Injury following a single incident**

to apply for criminal injuries compensation. You can  
058 3601 or from organisations such as Victim Support  
port.org.uk) or Citizens Advice  
you choose paid representation we cannot meet the

ess your case and will send the form back to you if there  
to delay your application.  
submitting this form please call one of our advisers on

TALS and tick the boxes that apply. Use section 10 to  
information you want and continue on extra sheets if  
g on someone else's behalf answer the questions as though  
Please note that you can get more information and apply

information you provide in line with the Data Protection  
you can ask to see all the information we have about you.

or each of the following.

After 1 August 1964?

Incident in England, Scotland or Wales?

Physical or psychological injury as a result of a  
you present when someone closely related  
of a violent crime?

Insurrection claim in respect of this criminal  
made or intend to make? You may answer  
also applying on behalf of a minor applicant.

Reported to the police or another appropriate

Yes ☒ No ☐

Yes ☐ No ☐

Yes ☐ No ☐

Yes ☐ No ☐

Yes ☐ No ☐

Yes ☐ No ☐

no" to any of these questions you might not be able to apply. Please  
058 3601 for further clarification. Otherwise, please continue.

## SECTION 3 – Applying for compensation

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- 1** You do not need a paid representative (for example a solicitor or a claims management company) to apply for criminal injuries compensation. If you choose paid representation we cannot meet the cost of this and you will have to pay these costs yourself.
- 2** You can get free advice and help with completing your application form from us on **0800 358 3601**.
- 3** Victim Support is the independent national charity for people affected by crime. Victim Support gives free and confidential support and practical help to victims and witnesses of crime and this can include helping you with your application. You can contact them by:
  - phoning the Victim Supportline on **0845 30 30 900** (England and Wales) or **0845 60 39 213** (Scotland);
  - visiting their website at **[www.victimsupport.org](http://www.victimsupport.org)**;  
or
  - emailing **[supportline@victimsupport.org.uk](mailto:supportline@victimsupport.org.uk)**
- 4** Victim Support cannot provide legal advice.
- 5** You can also get advice from your local Citizens Advice service or a law centre, or from a welfare rights organisation. If you belong to a trade union, they may be able to help.
- 6** You can get a friend or a relative to complete your application form on your behalf and/or represent you.

## **What happens if you are trying to make other claims about the same incident?**

- 7** The Scheme pays awards taking into account other payments for the same injury. We may not start to process your claim until you have confirmed that you are not claiming from anyone else because of the same incident. To avoid your claim being ‘out of time’ you should still apply to us within two years of the incident. We may hold your case from the date of application, to allow you the time to pursue other parties. We will not normally work on your case while it is being held.
- 8** If we decide to hold your case, let us know immediately when any other claim is settled. You must let us know what payments you have got from other sources as we will need to take these off any award you may be due from us.

## **How do you apply for an award?**

- 9** We have application forms which deal with different types of injuries and circumstances. To ensure you complete the correct forms you can either:
  - go to our website at [www.cica.gov.uk](http://www.cica.gov.uk); or
  - contact our telephone support team on **0800 358 3601**.
- 10** You will get help to choose the right forms and our team will be able to give you advice on whether you are likely to qualify (‘eligibility’) and help completing the application form. They can also help if you have difficulty reading or writing.

## Main types of form

### *Compensation for personal injury after a single incident*

#### 11 Complete this form if:

- You were injured because of a single incident.
- You are applying on behalf of someone else who has suffered a personal injury as a result of a single incident (in which case you should answer the questions on the form as if you were the person who was injured).

### *Compensation for personal injury after a period of abuse*

#### 12 Complete this form if:

- You have suffered a physical, sexual or mental injury (or both) because you were abused over a period of time.
- You are applying on behalf of someone who has been injured as a result of being abused over a period of time (answer the questions as though you were the person who was injured).

### *Compensation for a fatal injury*

#### 13 Complete this form if:

- Your parent, child, husband, wife or partner has died because of a crime of violence.
- You are claiming on behalf of a child or an adult who is deemed incapable of managing their own affairs whose parent, child, husband, wife or partner has died as a result of a crime of violence.

- 14** This form also lets you make a claim for personal injury if you:
- were physically injured in the same incident; or
  - suffered a disabling mental injury as a result of witnessing and being present during the incident, or its immediate aftermath (see Section 2, pages 7-8 for more details on eligibility).

### **Other forms**

- 15** There are a number of reasons why you may need to complete a further application form, as well as one of the three main ones mentioned above.

### *Applying on behalf of someone you have parental responsibility for*

- 16** Fill in one of the main application forms (single incident, abuse or fatal injury) answering the questions on behalf of the child or young person.
- 17** If the child is under 12 years of age you should sign the form on their behalf. If the young person is over 12 years of age, both of you will need to sign the form.
- 18** You will then need to complete a short extra form giving us your details and evidence that you have parental rights. This evidence will need to be a full original birth certificate unless the child is in care and you are the representative of a local authority.
- 19** If the child is in care, we 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.

- 20 If no-one is legally entitled to act for the child, you should get help from the Official Solicitor (the person who acts on behalf of those who cannot represent themselves) to apply in England and Wales. If you are in Scotland, a tutor or guardian may need to be appointed. We cannot make these arrangements for you. Wherever possible, try to complete all necessary formalities on the child's behalf before applying, to avoid delays later on. If the incident you are claiming for happened some time ago, please send us the application as quickly as possible.
- 21 If you are not sure who is responsible for the child, you can get advice, for example, from your local Citizens Advice service.
- 22 We pay awards to people under 18 directly into an interest-earning bank account. The money is not paid out until the applicant becomes an adult and is able to manage the funds for themselves (see Section 4 on payment arrangements).

*Applying on behalf of an adult who lacks capacity to conduct proceedings or is legally defined as incapable of managing his or her own affairs*

- 23 Fill in one of the main application forms (single incident, abuse or fatal injury) answering the questions on behalf of the person you are representing. Sign the form on their behalf.

- 24** You will then need to complete an additional one-sheet application form giving us your details. In all cases where an adult lacks capacity we will need full details about your status and the extent of your powers as well as evidence that you are entitled to act on their behalf.
- 25** If the person does not have someone acting on their behalf that is entitled to do so, then you could consider applying to the Court of Protection for the appointment of a deputy (England and Wales) or a financial welfare guardian or for an intervention order (Scotland). There is more information at [www.publicguardian.gov.uk/](http://www.publicguardian.gov.uk/) (England and Wales) or [www.publicguardian-scotland.gov.uk/](http://www.publicguardian-scotland.gov.uk/) (Scotland). This will allow you to:
- authorise all our enquiries;
  - decide whether to accept an award;
  - ask for a review; or
  - appeal to the Tribunals Service – Criminal Injuries Compensation.
- 26** In these circumstances, we will also need you to give us medical evidence that the person you are representing lacks capacity or is ‘incapable by reason of mental disorder’, within the meanings of the Mental Capacity Act 2005 (England and Wales) or Adults with Incapacity (Scotland) Act 2000.
- 27** If a person lacks capacity or is not capable of managing their own affairs, it is likely that their award will be put into a trust or paid to the deputy appointed by the Court of Protection or a financial welfare guardian in Scotland.



We will pay the costs of setting up the trust as a ‘special expense’, when this is approved by a claims officer, within the overall £500,000 limit (including the tariff injury award).

### *Using a representative*

- 28** If you want a representative (paid or free) to deal with your claim on your behalf you will need to complete a further, single-sheet application form. On this, you can tell us who you want to represent you and how we can contact them. By signing this form you are confirming that you are responsible for paying any fee. The CICA will not pay the cost of any representation.

“There are a number of reasons why you may need to complete a further application form...”



*Applying for loss of earnings and special expenses if you expect to be unable to work for more than 28 weeks*

- 29** Appendix 4 gives further information about who is eligible for loss of earnings and special expenses and explains how we work these out.
- 30** You do not need to apply for loss of earnings at the same time as you make your personal injury claim, but you do need to make your claim before your personal injury claim is finalised. If you think you will be eligible for loss of earnings and/or special expenses, you should complete the short supplementary form called, 'Unable to work for more than 28 weeks'. If, after our initial assessment, we decide you are eligible for a tariff payment, we will ask you for the full details of your claim for loss of earnings. At this time we will ask you to provide us with the necessary supporting information.

**Loss of earnings**

- 31** If you are claiming loss of earnings, you will need to give us evidence to show what you have lost. When we get your application form we will write to you to tell you what evidence we will need. For example:
- three months' payslips for the period immediately before the injury; or
  - a copy of your P60; or
  - a firm job offer showing your salary; or
  - evidence from HM Revenue and Customs of your declared earnings; or
  - if you are self employed a copy of your tax return; or

- a certified copy of your accounts for the three years immediately preceding the incident.

**32** If you were not employed at the time of the incident and you expect to lose future earnings as a result of the injury, the kind of evidence we may need will include:

- evidence that you were in full-time education; or
- evidence that you were on a training course which was likely to lead to full-time employment; or
- evidence of past earnings.

**33** In all cases, we will need medical evidence to support your claim for loss of earnings.

### **Special expenses**

**34** You may be able to get extra compensation to cover special expenses if your injury prevents you from working for more than 28 weeks, or, if you are not normally employed, you are incapacitated to a similar extent. This can be done using the same application form as for loss of earnings. There is more information about special expenses in Appendix 4.

### **Your consent and signature**

**35** When you sign the application form, you are giving us your consent for the release of all the records, evidence and other information about you and the circumstances of your injury which will help us make the right decision about your application. This will include:

- information about your medical condition;
- the evidence you gave the police; and
- a criminal records check.

- 36** It may also include (if you are claiming for lost earnings or special expenses) information about your income, tax and benefits situation.
- 37** You are also confirming that the information you provide on the application is true. If we find that you have deliberately given us false information or have failed to give us information we have asked for (for example, criminal records or details of other claims) we may refuse your application. We may also refuse your application if you make another claim for the same injury without writing on the new application form that it is a duplicate of a previous application.

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

- 38** When we have a fully completed application from you, we will give you a personal reference number which will help us to identify it quickly if you need to contact us. By the end of 2009 you will also be able to apply online. When this happens, we will send you a copy of the completed form in order that you can check the content and add your signature. We will need you to return the signed version of the form before we can register your case.
- 39** The first thing we do when we get your form is to list the evidence we will need to collect in order to assess your claim (we call this our ‘case strategy’). The evidence we normally need includes:
- confirmation from the police that a crime of violence was committed and that you were a blameless victim (we will also need to collect

witness statements to confirm your role in the incident which led to your injury);

- a check on criminal convictions. We will compare the information from the police with the information you put on your application form. If you have convictions you haven't told us about, we may refuse your claim;
- where appropriate, a report from your doctor confirming what injuries you received and giving us an estimate of how long it will take you to recover.
- depending on the seriousness of the injuries we may need additional reports from specialists. We may also need to check that you did not already have any conditions that might have an affect on your claim (we refer to these as 'pre-existing conditions'); and
- if you want to claim loss of earnings or special expenses (if your injury prevents you from working for more than 28 weeks, or, if you are not normally employed, you are incapacitated to a similar extent) you will need to give us evidence to support your claim. This is likely to include information about your earnings before and after the incident, details of tax and national insurance contributions and income from benefits.

**40** One of our regional casework teams will handle your claim. If you phone for advice or an update on your claim, you will speak to one of our telephone support advisers. We will always try to answer your query while

you are on the line but if we can't do this, we will arrange to get in touch with you at a convenient time.

- 41 The length of time needed to assess your claim will vary depending on how complicated it is. For example, claims involving loss of earnings and special expenses will take longer than those involving only a tariff payment. You will be responsible for giving us any evidence we ask you for. There is more information about how long it takes on average to resolve cases on our website or you can speak to our telephone support staff.
- 42 When we have all the evidence we need to decide your case, it will be passed to a claims officer. Claims officers decide cases on what is called 'the balance of probabilities'. This means that their decision is based on what is more likely to have happened than not have happened. We do not need to have something proved 'beyond a reasonable doubt'. As soon as possible after the decision has been made, we will write to tell you, or your representative, what it is. If we have reduced or refused an award, we will tell you why. We will send you information about what to do if you don't agree with our decision.
- 43 If you decide to accept our award, you or your representative must complete and return the acceptance form within 90 days of it being sent to the contact address we have on your file. If you do not get an acceptance back within 90 days, and you have not asked for a review in writing, then we may withdraw the award.

- 44 If you disagree with our decision, you can ask for it to be reviewed by another claims officer. We send you a review form when we issue the original decision. Section 5 of this guide tells you how to request a review. It also tells you how to make an appeal to the Tribunals Service – Criminal Injuries Compensation which is independent of the Authority. You can make an appeal if you remain unhappy after a review decision.
- 45 We sometimes need to make special arrangements for paying an award, to take account of the circumstances of the victim or other relevant issues. Section 4 of this guide provides more information on payment arrangements.

“Wherever possible, we settle applications by offering a single payment of compensation...”





## SECTION 4 – Payment of awards

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- 1 The Scheme says we can make certain arrangements about the payment or repayment of awards. In deciding about this, we take the applicant's interests into account, as well as considering public policy.
- 2 Wherever possible, we settle applications by offering a single payment of compensation – what we call a final award. But we can only do this 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.
- 3 The Scheme allows us to agree with an applicant that the award can be used to buy an annuity to give the applicant an income over a period of years, instead of a single lump sum payment. If this is something you think would be appropriate in your case, you will need to tell us when you get an offer of an award.

### **Payment of award to adults who manage their own financial affairs**

- 4 At the moment we pay our awards by cheque to the applicant or their nominated representative. However to protect against fraud, by 2011 we will aim to have most payments made electronically, in the name of the applicant. We will not accept an instruction to make your award payable to anyone else. If you have agreed to pay someone to represent you, then it is your responsibility to pay them their fee once you get your award.
- 5 We will make separate arrangements for people who don't have bank accounts.

## **Payment of awards to adults who do not manage their own financial affairs**

- 6 Where an adult is legally defined as not capable of managing their own affairs we will normally pay their award to the person who has legal authority to manage their finances. We will need confirmation of the representative's status at the start of the application process.

## **Payments of awards to children and young people**

- 7 If an applicant is under 18 when they accept an award, it is our general policy to put the award in an interest-earning deposit account in their name. The award will be paid to the applicant (together with all interest earned) when they are 18.
- 8 We will allow advances on the award if these are needed for the sole benefit, education or welfare of the child or young person. If we make an advance payment, we will need evidence – normally a receipt – proving that it has been used for the purposes intended. If we don't get this evidence, we will not allow any further advances. We may allow for the payment of the full award to a young person who is 16 or 17 years of age and living independently.
- 9 We give full guidance about how we manage awards for young people when we make our award offer.

## **When is an award final?**

### *Re-consideration of a case*

- 10 Up until the point we make a final payment, we may reconsider our decision and take account of new evidence or a change of circumstances. If we are

reconsidering your award we will write to you to tell you what we are doing and why. We will invite you to give us your views on what we are reconsidering.

### *Re-opening a case*

- 11 Once you have accepted a final award and received your payment, your case will not be re-opened except in rare circumstances. We will only re-open a case if there has been such a change in your medical condition that an injustice would occur if the case were not re-opened, or in cases where a person has since died as a result of their injuries.
- 12 We will not normally re-open a case unless it is within two years of the final decision. If you ask us to re-open on medical grounds a case that has been closed for more than two years, you will have to give us enough evidence to support the case for re-opening.

### **Fraud and repayment of awards**

- 13 If we get information that leads us to believe that you gave us false information about your application, we may refer the matter to the police for investigation.
- 14 If we decide that you did give us, or the police, false information, we will take steps to recover the award. We may also seek to recover the award if we find that you are living with the person who inflicted the injuries for which you claimed.

“...while a possible outcome of a review is that you might get a bigger award, it is also possible that you will get a lower award or no award at all.”



## SECTION 5 – Reviews and appeals

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### **Asking for a decision to be reviewed**

- 1** If you disagree with the original decision and want us to review it, you need to send us your written application for a review within 90 days of the date of the original decision. You'll need to enclose any additional evidence that you wish us to consider in support of your claim.
- 2** Our decision letter will tell you what evidence we considered in order to reach our original decision.
- 3** We will not accept any new evidence after the 90 days unless we have given you an extension. We will do this if it was not reasonable to have expected you to have made the request within the time limit. If this is the case, you will need to write to us. You can ask for an extension even after the 90 days have passed but we will only grant this if there are exceptional circumstances.
- 4** When we get your request for a review along with all your supporting information, a claims officer, other than the one who made the original decision, will look at the whole application again. The review decision can be more or less favourable than the original decision, or the original decision may be unchanged. It is important that you understand that while a possible outcome of a review is that you might get a bigger award, it is also possible that you will get a lower award or no award at all.

## **Appealing to the Tribunals Service – Criminal Injuries Compensation (Tribunal)**

- 5 If you disagree with a review decision you can appeal to the Tribunal in accordance with Tribunal Procedure Rules. You can find these rules on the Tribunal website at [www.cicap.gov.uk/RulesLegislation/rulesLegislation.htm](http://www.cicap.gov.uk/RulesLegislation/rulesLegislation.htm) or by writing to the Tribunal at the address below.
- 6 When we send you our review decision, we will send you the 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 Tribunal (not to us) so that they get it within 90 days of the date of the review decision. You can ask the Tribunal to extend this period, but you must do so within the 90 days. The Tribunal's address is:

**Tribunals Service – Criminal Injuries Compensation  
Wellington House  
134-136 Wellington Street  
Glasgow  
G2 2XL**


- 7 The Tribunal will explain its procedures when it gets your request for an appeal. If your appeal proceeds to an oral hearing, it is likely that a representative from CICA will be at the hearing in order to explain our decision. The members and staff of the Tribunal are entirely independent of us and consider the whole application again. They may make a decision that is more favourable or less favourable than the review decision, or the review decision can stay the same. The Tribunal decision is final, unless decided otherwise by Judicial Review.

## SECTION 6 – If you were injured outside Great Britain

- 1 If you were injured outside Great Britain, you may be able to claim under a similar Scheme operated by the country concerned. If you were injured in a country outside of the EU please contact the Foreign and Commonwealth Office.
- 2 If you are a UK resident and were injured in another EU country, we can help you apply for compensation from that country. Please call our EU Assistance Team on **0800 358 3601** or email [eucat@cica.gsi.gov.uk](mailto:eucat@cica.gsi.gov.uk). Details of compensation schemes in other countries can be found on the EU Judicial Atlas on the internet.
- 3 If you were injured in Northern Ireland, you should contact:

**The Compensation Agency  
Royston House  
34 Upper Queen Street  
Belfast  
BT1 6FD**

**Phone: 02890 249 944**



“You can expect us to deal with your application politely and confidentially.”



## SECTION 7 – How to tell us about the service you have received

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### Our standards of service

- 1 You can expect us to deal with your application politely and confidentially. We are trying to improve the time it takes us to deal with applications but due to the volume of claims, and the time needed to confirm the facts of a case, it is usually many months (and sometimes more than a year) before we can settle your case. Sometimes it is in the applicant's best interests that we do not settle the claim until the full extent of the injuries are known – and this might be much longer than a year.
- 2 We are constantly striving to improve our service standards. For information on our current service standards and our average processing times please see our website [www.cica.gov.uk](http://www.cica.gov.uk) or ask our telephone support team on **0800 358 3601**.
- 3 We offer a full telephone support service from 8.30am to 8.00pm (Monday to Friday) and 9.00am to 1.00pm on a Saturday.
- 4 To give us feedback about excellent service, or to make a complaint, please contact the CICA Customer Liaison Team on **0800 358 3601**.

Or email: [customer.feedback@cica.gsi.gov.uk](mailto:customer.feedback@cica.gsi.gov.uk)

Or write to:

**Customer Liaison Team  
Criminal Injuries Compensation Authority  
Tay House  
300 Bath Street  
Glasgow  
G2 4LN**

- 5 Please quote your case reference number when you contact us.
- 6 We have a formal procedure for dealing with complaints, treating each one individually. We aim to resolve any issues as quickly as possible.

**Stage 1: Regional area**

- 7 All complaints are dealt with initially by the regional team managing your claim. They will respond to you within 21 days.

**Stage 2: Customer liaison team**

- 8 If you are not satisfied with our first response, our customer liaison team will independently investigate and reply to you within 21 days.

**Stage 3: Senior manager**

- 9 If you remain dissatisfied, a senior member of our corporate service management team will investigate and respond to your complaint within 21 days. Our Board of Directors (including the Chief Executive) will be made aware through monthly reporting about all complaints that reach this stage.

- 10 After you have exhausted the stages above, if you are still not happy with how we dealt with your complaint, you can take the matter further.
- 11 You can complain through your Member of Parliament to the Parliamentary and Health Service Ombudsman (if you are in England and Wales). In Scotland, you can complain directly to the Scottish Public Services Ombudsman (SPSO). In both cases, they will need to be certain that you have exhausted CICA's complaints process. The Ombudsman carries out independent investigations into complaints about unfair or improper actions or poor service by UK government departments and their agencies. You can get more details from:

*England and Wales*

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

Phone: **0345 015 4033**

Email: **[phso.enquiries@ombudsman.org.uk](mailto:phso.enquiries@ombudsman.org.uk)**

Fax: **0300 061 4000**

Website: **[www.ombudsman.org.uk](http://www.ombudsman.org.uk)**

*Scotland*

- 12** Complaints to the Scottish Public Services Ombudsman must be sent in writing to:

**SPSO**

**Freepost EH641**

**Edinburgh**

**EH3 0BR**

Phone: **0800 377 7330**

Email: **[ask@spso.org.uk](mailto:ask@spso.org.uk)**

Fax: **0800 377 7331**

Text: **0790 049 4372**

Website: **[www.spso.org.uk](http://www.spso.org.uk)**

## Appendix 1 – Claiming for a personal injury

### The tariff award

- 1 The tariff (pages 69-111) sets out what awards we can pay (before any deductions are made) if you have suffered a criminal injury. The tariff is available on our website or we can send a paper copy on request. 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).
- 2 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 cases 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).
- 3 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.
- 4 The tariff cannot describe every possible injury. In the unlikely event that we receive an application for an injury which is not covered by the tariff, we will consult the Tribunals Service – Criminal Injuries Compensation about what might be the right level of compensation for the injury and then recommend to the Secretary of State that the injury and level of compensation are added to

the tariff. In the meantime, we may make a provisional payment of up to 50 per cent of the value of the compensation payment which we recommend to the Secretary of State.

- 5 If your injury speeds up the onset of symptoms or makes worse a medical condition that you already had, the award we can make will be based only on the extent to which the medical condition was speeded up or made worse.
- 6 We will use the information we get from the hospital where you were treated, or from your doctor, to decide which tariff award, if any, is appropriate to your injuries. Although we may reduce or refuse your award because of your conduct or character, we cannot change the maximum amounts available for a particular type of injury because they are set by Parliament.

### **What happens when you have more than one injury?**

#### *Minor multiple injuries*

- 7 This is the Scheme term for the minimum level of injuries we will pay compensation for. It covers cases where you did not get one single injury that is serious enough for a £1,000 minimum award, but you did have several less serious injuries like cuts, severe bruising, a black eye or hair pulled from the scalp. The term ‘minor multiple injuries’ does not mean that these injuries will seem minor to the person who suffered them.

**8** We may make you an award for multiple minor injuries if you:

- suffered at least three injuries of this type; and
- 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.

### **Two or more serious injuries**

**9** If you had two or more injuries so serious that each on its own would qualify for compensation, we will pay you:

- 100 per cent of the full tariff value of the most serious injury;
- 30 per cent of the value of the next most serious injury;
- 15 per cent of the value of the third most serious injury.

**10** The Scheme does not allow us to pay for more than three injuries.

“The tariff sets out what awards we can pay...if you have suffered a criminal injury.”

## Appendix 2 – Claiming after a period of abuse

- 1 If you, or someone for whom you have responsibility, has been injured because of a period of physical or sexual abuse, you can submit a claim for compensation.

### **Cases involving members of the same household or family**

- 2 There are restrictions on making awards to people who were living as members of the same family in the same household as the person who injured them. Please see Section 2 for more details.

### **Reporting to the police**

- 3 If you were abused as a child, we appreciate that you may not have felt able to report the incident for some time after the abuse happened. No matter how long ago the abuse took place, you should report it to the police before you contact us about making a claim for compensation. We need to check with the police that the crime has been reported as this is our main protection against fraud. If you report the incident it may also help prevent more offences against other people. If you have not reported the incident to the police, and have no good reason for not doing so, it is likely that we will reject your application for compensation.

### **Time limits**

- 4 Under the Scheme we expect you to send us your application within two years of the date of the incident. We will only consider applications outside this time limit where:
  - the circumstances of your injury meant that we could not reasonably have expected you to apply within the two-year time limit; and
  - it is still possible to investigate your claim.



- 5 These special circumstances may apply to a person who was sexually abused as a child but who could not report the abuse until they became an adult. However, we would expect that the person reports the abuse as soon as it is reasonable for them to do so.

### **Applications on behalf of children**

- 6 Under the Scheme, an application on behalf of a child (under the age of 18) must be made by an adult with parental responsibility for the child. Usually this person is one of the child's parents. But if the child has been abused within the immediate family, this may be impossible. Please see Section 3 for more details about making an application on behalf of a child.

### **Further enquiries**

- 7 Before we can make an award, we have to know:
- the full circumstances of the incident and the injury;
  - how serious the injury was; and
  - how well you are recovering from the injury.
- 8 We may get this information from the police, hospitals, doctors and anyone else listed on the application form. You can help us by sending any other supporting information with the application itself, such as medical or psychological reports that you already hold. Please note that we may not pay for medical reports that you have arranged.

“You may be able to get compensation if the victim has died from their injuries, even if we paid compensation to the victim before they died.”



## Appendix 3 – Fatal injuries

### Who can we compensate when there has been a fatal injury?

- 1 To get compensation you must be what the Scheme calls a ‘qualifying claimant’. This is someone who, when the victim died, was in one of the following groups:
  - The victim’s wife, husband or partner registered under the Civil Partnerships Act 2004. The couple must have either been living together immediately before the victim died, or, if they were not living together, this must have been because of infirmity or ill health.
  - The victim’s former wife, husband or partner registered under the Civil Partnerships Act 2004, but **only** if the victim was supporting them financially immediately before the date the victim died.
  - The unmarried partner of the victim, if they were living together as husband and wife or as partners of the same sex (although not registered under the Civil Partnerships Act 2004), immediately before the victim died and for at least two years before that.
  - The natural parents of the victim, or the person or people the victim treated as their own parents.
  - The children of the victim, or the people who the victim accepted as their children or who were dependent on the victim.
- 2 The definition of ‘child’ is not limited to a person below the age of 18. It includes adult children and an unborn child of the person who has died, conceived before they died and born alive after they died. The parents of a victim can receive compensation whatever the age of the victim.

- 3 You may be able to get compensation if the victim has died from their injuries, even if we paid compensation to the victim before they died.
- 4 A person who was responsible for the death of a victim cannot get compensation as a result of the death.
- 5 We cannot pay compensation to a former husband, wife or registered same-sex partner or someone who was otherwise estranged from the victim immediately before the date they died.

### **Funeral expenses**

- 6 Whoever paid for the funeral (whether or not they are eligible for other compensation) can apply for these expenses to be paid back. Even if you have a criminal record, we will still be able to refund you for reasonable funeral expenses following the victim's death. But if the victim had a criminal record, we have to take this into account even when we consider an application for funeral expenses.
- 7 If you are applying for the cost of a funeral, you will need to send us the receipts and evidence that you paid them. There will be limits on what we consider to be a reasonable cost.

### **General rules for compensation**

- 8 As with all claims, we must consider the victim's (deceased's) behaviour during the incident and their character (particularly their criminal record) when deciding whether we should offer compensation, reduced compensation, or no compensation at all. In the case of fatal applications we have to apply these rules to the victim and to the applicant.

- 9 We must take account of the applicant's criminal record when deciding an application for compensation. We look only at convictions which are not 'spent' under the Rehabilitation of Offenders Act. This means that when the victim has died, we have to take account of any 'unspent' criminal convictions which either they or the applicant had.

### **Types of compensation for death as a result of a criminal injury**

- 10 If you qualify for compensation and the victim died as a result of a criminal injury, you may be able to get an award made up of one or more of these compensation payments:
- The 'standard amount' of compensation;
  - Dependency;
  - Loss of parental services, if you are a child aged under 18.

### *Standard amount*

- 11 The standard amount of compensation recognises the fact that someone very close to you has died as a result of a crime of violence. No amount of money can make up for the death of a close relative – the standard amount is a gesture of public sympathy for the grief caused by the death.
- 12 If there is only one qualifying claimant, the standard amount of compensation is £11,000. If there is more than one qualifying claimant, the standard amount of compensation is £5,500 for each person.

- 13** It is important to remember that we have no choice about how much compensation we can pay in these cases. The amounts of £5,500 and £11,000 are set out in the ‘tariff of injuries’ in the Scheme.

### *Dependency*

- 14** If you are a qualifying claimant and the death of your loved one has led to financial loss, or if you were dependent on them for care, you may qualify for extra compensation. This may be the case if, for example, they looked after the family and their death means that you have to change from full-time to part-time employment. The period of loss for which we may be able to provide compensation starts from the date the victim died.
- 15** To work out the compensation for loss of financial support, we take account of the household income as it was before the victim’s death and compare it with the income after their death. We work it out up until the qualifying claimant would have become financially independent of the victim. In the case of a husband, wife or partner, this period will usually run until the victim would have retired. In the case of children, this period will usually run until they finish their full-time education. We will use a process similar to that for working out future loss of earnings, involving a multiplicand and a multiplier, to produce a lump sum (see Appendix 4 for more details).

### *Loss of parental services*

- 16** A qualifying claimant aged under 18 at the date the victim died may be able to get compensation on top of any amount for dependency for what is called ‘loss of parental services’. This is an amount of money to provide some small recognition of the tasks parents carry out for their children. The current compensation level for loss of parental services is the equivalent of £2,000 for every year until the child reaches 18. We will apply a multiplier to produce a lump sum (see Appendix 4 for more details).

### **Personal Injury**

- 17** If you sustained a personal injury (either physical or mental) at the time of the victim’s death, you may be entitled to an additional award of compensation. If you sustained a mental injury, it is important that you meet the criteria set out in the Scheme. This means you either witnessed and were present when the person with whom you had a close relationship of love and affection died, or you were closely involved in the immediate aftermath.
- 18** If you apply for this additional personal injury compensation, we will give you two case reference numbers. This is because we need to treat these as two separate cases.

### **Award to a victim before they die**

- 19** We may be able to award compensation after a victim’s death even if they got an award for their injury before they died. If the victim has died because of their injury, qualifying claimants may receive the ‘standard amount’ of compensation whether or not we compensated the

victim while they were still alive. We can also pay reasonable funeral expenses.

- 20 We may also be able to pay for the family's loss as a result of financial dependency. If we compensated the victim before they died for their loss of earnings, we would have to reduce any compensation to their family under this heading, to avoid a double payment.
- 21 If you apply for compensation where the victim had already had compensation before they died and it is more than two years since we settled their case, we can only deal with your application if it will not need extensive enquiries. This means there would need to be little doubt that their death was directly caused by the criminal injury.

**Death following, but not caused by, a criminal injury**

- 22 If the victim's death was due to some cause other than their criminal injury, we cannot compensate anyone else for their death, or make any awards for loss of parental services. But if we could have compensated the victim for their loss of earnings or for special expenses (for example, the cost of their medical care) and the victim dies before the claim is finalised we may be able to pay this after their death to a qualifying claimant who was financially dependent on them.
- 23 The rules on dependency apply similarly to how they would if the injury had caused the victim's death. The rules about compensating victims for loss of earnings will also apply (see Appendix 4).
- 24 If you are applying for compensation under this heading, you will need to fill in a supplementary application form for this.



## Appendix 4 – Loss of earnings and special expenses

- 1 As well as your tariff payment, we can compensate you if you can show that:
  - you have lost earnings, or lost the capacity to earn your living, as a direct result of the injury which we have agreed to compensate you for; and
  - your loss lasted longer than 28 full weeks. The period of 28 weeks will usually run from the date of the injury. But if you were off work for several separate periods for the same injury which add up to more than 28 weeks, you would also be able to claim for loss of earnings or earning capacity.
- 2 You cannot get loss of earnings for the first 28 weeks of loss.



“If you are self-employed we will ask for a copy of your annual accounts.”

### **Eligibility for loss of earnings**

- 3** You are only eligible to claim loss of earnings if your inability to work is as a direct result of a criminal injury for which we have agreed a tariff payment, and not entirely or partly from other things, such as:
  - health problems before the injury, including mental health issues;
  - health problems which arose after the injury but which were not caused by the incident;
  - a previous injury or illness (caused perhaps by sport or an accident at work);
  - the financial insecurity of your type of work; or
  - you are self-employed, or have trading or cash-flow problems not connected with the injury.
- 4** You may be eligible for a payment towards:
  - what you have already lost (past loss of earnings); and
  - what you may lose as a result of not being able to return to work (future loss of earnings).
- 5** If we find you have been earning money without paying taxes or dishonestly receiving state benefits, we are likely to take this into account when considering your application.
- 6** If we have given you any interim payments we will ask for these back.
- 7** The Scheme sets an upper limit on the weekly (or yearly) amount of loss of earnings we can compensate for. This

upper limit is one and a half times median gross weekly earnings at the time when we assess your claim. The Annual Survey of Hours and Earnings (ASHE) gives the current level and is available at

[www.statistics.gov.uk/statBase/product.asp?vlnk=13101](http://www.statistics.gov.uk/statBase/product.asp?vlnk=13101)

### **Past loss of earnings**

- 8 Because we cannot pay compensation for loss of earnings or earning capacity for the first 28 weeks, we start the calculation of your loss of earnings at week 29 of your loss and this runs to:
  - the date when you returned to work; or
  - the date when you were fit to return to work; or
  - whatever other date is reasonable in the circumstances of your case.
- 9 You will be expected to provide evidence supporting your claim for loss of earnings. This might be pay slips or a P60 for the period immediately before you were injured, or an offer of a job which you were unable to take up because you were injured. If you are self-employed, we will ask for a copy of your annual accounts. When we get your claim we will tell you what information we need from you and we will verify this as needed.
- 10 When we assess your past loss we have to take account of any financial benefits you get or are entitled to get either from your employer or through the benefit system. To claim past loss of earnings you need to be able to provide proof of:
  - what you were earning, or could have been earning, before the incident;

- your income since the incident (including any payments from employers and benefits); and
- what you have lost because of your injury.

### **Future loss of earnings**

- 11** We need to judge both what your income will be in the future and what it would have been if you had not been injured. We need to take account of:
- how long in the future you will be unable to work;
  - what the effect of your injury will be on your long-term ability to earn;
  - your work history and whether or not it was likely that you would have had future earnings;
  - what your life expectancy is likely to be; and
  - whether your injury means that you will receive a different level of pension than you would have received otherwise.
- 12** In general, we pay compensation as a single lump sum. So we need to find a single amount of money which represents the value of earnings or pension payments which might have stretched many years into the future.
- 13** We do not just compare your earnings before and after your injury. We have to look at your total income, including the sick pay you get from your employer, social security benefits, ill-health/injury pension and income from any other employment. We also take account of benefits you are entitled to. The Scheme says that if you could get any social security or other state benefits, we may delay making an award until you have taken steps to claim them.

- 14** We also have to reduce any award we make for your lost earnings if you have received payment for this from an insurance policy which someone else (such as your employer) paid for or contributed to. If you get payment for lost earnings from an insurance policy which you paid for yourself, we do not reduce your award.
- 15** To calculate what you will get, we take account of:
- what your future earnings would have been without the injury;
  - what you can earn now;
  - what you should be able to earn in the future; and
  - what you should be able to get in benefits.
- 16** There are two different types of issue we have to look at when we make these calculations:
- how much money you will lose every year; and
  - how long your loss will last for.
- 17** The first step is to work out how much you will lose each year. This figure is known as the ‘multiplicand’ and is the rate of loss at the date we assess your claim.
- 18** We begin by looking at what you earned before your injury and adjusting it, as far as possible, to get a figure for what you would have been earning now (at the date we decide your claim) if you had not had the injury. For example, if average earnings in your industry have risen by 10 per cent since you had to stop working, we would add 10 per cent to the figure you used to earn. We will also take account of, for example, any firm offer of

promotion you had before you were injured. We will consider making payments if the injury meant that you lost some or all of your right to an occupational pension. We will need clear evidence from you about all of these things.

- 19 We also have to consider any payments you may receive instead of your earnings (such as a pension or state benefits), and what is likely to happen to your income in the future. For this, we will need information from you, the Department for Work and Pensions, your employer or former employer, and any other organisation relevant to your claim. We will ask you for the information we need. However, any information you can give us about your pattern and history of work will help us decide your case more quickly.
- 20 We also have to assess your ability to work in the future. So, we must take your estimated future income (including benefits and earnings) from your loss of earnings claim. This is the case whether or not you are in a job at the time we decide your claim. One result of this is that your amount of loss may vary from year to year. This means that there may be different multiplicands for different periods of future loss. For example, you may be unable to work now but the information from your doctor may suggest that you will be able to start part-time work in two years' time, and able to take up full-time work in three years' time, but at a lower pay than you were earning before your injury. The multiplicand – the amount you are losing every year – will reduce as your earnings increase.

- 21** Generally, the compensation we pay is a single lump sum, so we need to convert your annual future loss (the multiplicand) into a single lump sum which we can pay now. The figure which makes this conversion is called the multiplier.
- 22** The size of the multiplier depends on how long you will be losing money – the longer your period of loss, the higher the multiplier. But it is not as simple as adding ‘one’ to the multiplier for each extra year of loss. This is because the award we pay is, in effect, the value now of your financial loss into the future. Normally you would have received it year by year. Since we pay the award as a single lump sum, we have to take account of the interest you could gain from investing it as soon as you receive it. Another way of looking at it is that, as you will get your money early, we have to make a discount for early payment. It is the multiplier which ‘translates’ your yearly loss figure into a single lump sum.
- 23** More information on loss of earnings and special expenses is available from our telephone support team on **0800 358 3601**.

### **Special expenses**

- 24** The Scheme allows us to consider claims for practical, medical and care costs, called ‘special expenses’.
- 25** You can only ask us to consider a claim for special expenses if your injuries mean you have been unable to work or have been incapacitated for more than 28 weeks. However, if you qualify for special expenses we will pay them from the date of the actual injury. This is different from the loss of earnings rule, where we can pay only from week 29.

- 26** You can claim for damage to property or equipment belonging to you which you relied on as a physical aid and which was damaged in the incident. Examples would include walking sticks, spectacles and dentures. We will ask you for receipts for these.
- 27** The Scheme also covers expenses such as NHS prescriptions, dentists' and opticians' charges. We can consider meeting these costs only if you had to pay them yourself. Again, we will need proof of this. You may be able to get help for some of these costs from the NHS. You can get more information about this from:

**Health Benefits Division  
Sandyford House  
Archbold Terrace  
Newcastle-upon-Tyne  
Tyne and Wear  
NE2 1DB**

**Phone: 0191 203 5555**

- 28** We cannot meet costs if they can be met by the NHS.
- 29** The Scheme lets us consider paying the cost of private health treatment if both the treatment itself and its cost are reasonable in the circumstances of your case. It is not possible to define what is reasonable in any general way – it will vary from case to case. However, we will normally expect you to show that:
- the treatment you want is necessary and is proven to be effective;
  - similarly effective treatment is not available on the NHS or otherwise available to you free of charge.



- 30** If we agree to cover the cost of such treatment, we will need to have receipts.
- 31** The Scheme deals with the cost of special equipment, adaptations to your home and caring for you (either at home or in a nursing home) when such care or equipment is appropriate to your injury. It is usually the most seriously injured applicants who make claims for this. If this applies to you or someone you are applying on behalf of, you may find these notes helpful.
- Special equipment covers physical aids (including specially-adapted vehicles, wheelchairs and walking aids), and kitchen implements to help people whose grip has weakened. If you have bought these, we will ask you for receipts. If you do not have a receipt, we will ask you to provide an estimate of their cost. Adaptations to your home can include changes both inside and outside your home (such as a ramp or a stair lift) to improve your ability to get around. We will only pay for items that are not available free of charge from your local authority, NHS or other agency.
  - We can also compensate you for the cost of care relating to your bodily functions, or to the preparation of meals and supervision (to avoid substantial risk to you and others). Again, we only consider claims for care which is not available free of charge. If a friend or a relative is caring for you at home, we will take account of any allowances that they receive, or could receive, to provide this care.

- 32** Since we can meet costs only if they cannot be met by the NHS or your local authority, we have to investigate what they are willing to provide. As we need to get clear information about this, we are likely to need your help.
- 33** There may be expenses you will need to meet more than once as a result of your injury. For example, you may need to replace equipment regularly. If so, we will use a process similar to that for working out future loss of earnings, involving a multiplicand and a multiplier, to produce a lump sum which will pay for these expenses in the future.
- 34** As with lost earnings, we must avoid any double payment. So, we have to reduce any award for special expenses to take account of social security benefits you receive or could receive to meet any of the same expenses. If the benefit is available to you, we have to take account of it, whether or not you choose to take it up. The Scheme says that if you could receive any social security or other state benefits, we may delay making an award until you have taken steps to claim them.
- 35** The rules on reducing awards to take account of insurance payments are more complicated. With loss of earnings we have to reduce the award if you have had payment for the same loss from an insurance policy which someone else paid for or contributed to, but not if you paid for it yourself. The same rules apply to claims for personal equipment such as spectacles, and the costs associated with NHS treatment. However, we also have to reduce your award to take account of insurance payments, even from a policy you paid for yourself, if you are claiming for things like private health treatment, adaptations to your home or personal care.

## Appendix 5 – Taking account of your criminal record

- 1 As we explained earlier, we will refuse or reduce an award if you have a criminal record. Even though you may have been blameless in the incident, the Scheme says that we must take account of your unspent criminal convictions.
- 2 It is often not easy to be sure whether or not a conviction is spent under the Rehabilitation of Offenders Act 1974. The more serious the penalty the offender received, and the more recently it was given, the longer the conviction will take to be spent. A conviction leading to a prison sentence of 30 months or more is never spent. There are more details in the Home Office leaflet ‘Wiping the Slate Clean’, which you can get by phoning our freephone number **0800 358 3601**.
- 3 The Scheme says we must reduce or refuse an award if someone has unspent convictions. When we decide to make an award to someone with a criminal record, we must use our discretion to decide what level of reduction will be appropriate. This is explained further below.

### **Penalty points system**

- 4 Our current system of deciding about reductions is based on ‘penalty points’. The more recent the conviction and the more serious the penalty, the more penalty points the conviction will attract. We will then use the number of penalty points to decide what level of reduction to make. 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 ignore spent convictions.

- 5 Unless there are exceptional reasons, the percentage reductions we will consider for the various levels of penalty points are as follows:

Penalty points	Percentage reduction
1	10%
2	15%
3	25%
4	30%
5	35%
6	50%
7	60%
8	70%
9	80%
10	100%

- 6 We are not bound by the penalty-points system, but we must take account of all unspent convictions. The penalty points are our starting point, but we consider convictions and penalty points together with all the other circumstances of the application. For example, we may make a smaller reduction or no reduction at all, if you were injured while helping the police uphold the law, or while helping someone who was being attacked. On the other hand, a low points score is no guarantee that we will make an award if, for example, your record includes violent or sexual offences.

### **Criminal convictions and fatal injuries**

- 7 Where a victim has died, if either you (as the applicant) or the victim has a record of unspent criminal convictions, we have to take this into account.
- 8 We will pay funeral expenses in situations even if you have criminal convictions, but we may reduce or withhold an award if the victim had unspent criminal convictions.

	Court sentence	Period between the date of the sentence and the date CICA receives the application	Penalty points
1	Imprisonment for more than 30 months	a Period of sentence or less b More than (a) but less than sentence plus 5 years c More than (b) but less than sentence plus 10 years d More than sentence plus 10 years	10 9 7 5
2	Imprisonment for more than 6 months but not more than 30 months	a Period of sentence or less b More than (a) but less than sentence plus 3 years c More than (b) but less than sentence plus 7 years d More than sentence plus 7 years	10 8 6 2
3	Imprisonment for 6 months or less	a Period of sentence or less b More than (a) but less than sentence plus 2 years c More than sentence plus 2 years	10 5 2
4	Fine over £250	a Less than 2 years from sentence b More than (a) but less than 3 years from sentence c More than 3 years	3 2 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 b More than (a) and up to 2 years after the period of the order or contract c More than 2 years after the period of the order or contract	3 2 1
6	Fine of £250 or less Compensation Order Conditional Discharge	a Up to 2 years from sentence b Over 2 years from sentence	2 1

## Sentences given after you apply

- 9 We will treat sentences given after the date we get your application as if they had been given on the day before we receive the application.

## More explanation about penalty points

- We count penalty points as shown in this table for all applications made under the 2008 Scheme.

- Imprisonment, whether suspended or not, means the sentence given by the court, not the time spent in prison.
- Imprisonment includes a sentence of detention in a young offenders' institution or other custodial sentence.
- Sentences spent under the Rehabilitation of Offenders Act 1974 do not attract penalty points.
- 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.
- 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.

## Appendix 6 – Tariff of injuries

### Levels of compensation

Level 1	£1,000
Level 2	£1,250
Level 3	£1,500
Level 4	£1,750
Level 5	£2,000
Level 6	£2,500
Level 7	£3,300
Level 8	£3,800
Level 9	£4,400
Level 10	£5,500
Level 11	£6,600
Level 12	£8,200
Level 13	£11,000
Level 14	£13,500
Level 15	£16,500
Level 16	£19,000
Level 17	£22,000
Level 18	£27,000
Level 19	£33,000
Level 20	£44,000
Level 21	£55,000
Level 22	£82,000
Level 23	£110,000
Level 24	£175,000
Level 25	£250,000

## General Notes to Tariff of Injuries

(Notes 1-3 follow paragraph 70 of the Scheme)

4. Where the tariff compensates for an operation the award includes provision for the normal operation scarring.

5. When a person suffers both a physical injury and a mental injury, and the tariff amount for the physical injury is higher than that for the mental injury, the applicant will be entitled only to the tariff amount for the physical injury.

When a person suffers both a physical injury and a mental injury, and the tariff amount for the mental injury is the same as or higher than that for the physical injury, the applicant will be entitled to awards for the separate injuries in accordance with paragraph 27 of the Scheme (the serious multiple injury formula).

When a person is a victim of a sexual offence and also suffers a mental injury, the applicant will be entitled only to whichever is the higher of the two tariff amounts.

Description of injury	Level	Standard Amount £
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## GENERAL

### Fatal injury

One qualifying claimant	13	11,000
Each qualifying claimant	10	5,500



## Burns

*Note 6. For other burn injuries see under individual parts of the body.*

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Affecting multiple areas of body covering over 25% of skin area, with significant scarring	19	33,000
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## Infection with HIV/Hepatitis B/Hepatitis C

*Note 7. Not subject to the multiple injuries formula and may be paid in addition to other awards.*

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Infection with HIV/Hepatitis B/Hepatitis C	17	22,000
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Loss of foetus	10	5,500
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## Major paralysis

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Hemiplegia (paralysis of one side of the body)	21	55,000
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Paraplegia (paralysis of lower limbs)	24	175,000
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Quadriplegia/tetraplegia (paralysis of all four limbs)	25	250,000
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## Medically recognised illness/condition - not mental illness

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Moderately disabling disorder where the symptoms and disability persist for more than 6 weeks from the incident/date of onset

- lasting 6 to 13 weeks	1	1,000
- lasting up to 28 weeks	5	2,000

- lasting over 28 weeks		
- not permanent	7	3,300
- permanent	12	8,200

Seriously disabling disorder where the symptoms and disability persist for more than 6 weeks from the incident/date of onset

- lasting 6 to 13 weeks	5	2,000
- lasting up to 28 weeks	9	4,400
- lasting over 28 weeks		
- not permanent	12	8,200
- permanent	17	22,000

### **Mental illness and temporary mental anxiety**

#### **Notes:**

*8. Mental illness includes conditions attributed to post-traumatic stress disorder, depression and similar generic terms within which there may be:*

- a) such psychological symptoms as anxiety, tension, insomnia, irritability, loss of confidence, agoraphobia and preoccupation with thoughts of guilt or self-harm; and*
- b) related physical symptoms such as alopecia, asthma, eczema, enuresis and psoriasis.*

*9. "Medically verified" means that the mental anxiety has been diagnosed by a registered medical practitioner.*

*10. "Psychiatric diagnosis/prognosis" means that the disabling mental illness has been diagnosed or the prognosis made by a psychiatrist or clinical psychologist.*

*11. Mental anxiety or a mental illness is disabling if it significantly impairs a person's functioning in some important aspect of her/his life e.g. impaired work or school performance or significant adverse effects on social relationships or sexual dysfunction.*

Disabling but temporary mental anxiety lasting more than 6 weeks, medically verified	1	1,000
Disabling mental illness, confirmed by psychiatric diagnosis:		
- lasting up to 28 weeks	6	2,500
- lasting over 28 weeks to 2 years	9	4,400
- lasting 2 years to 5 years	12	8,200
- lasting over 5 years but not permanent	14	13,500
Permanent mental illness, confirmed by psychiatric prognosis		
- moderately disabling	16	19,000
- seriously disabling	18	27,000

### **Minor injuries: multiple**

*Note 12: Minor multiple physical injuries will qualify for compensation only where the applicant has sustained at least 3 separate physical injuries of the type illustrated below, at least one of which must still have had significant residual effects 6 weeks after the incident. The injuries must also have necessitated at*

*least 2 visits to or by a medical practitioner within that 6-week period. Examples of qualifying injuries are:*

- a) grazing, cuts, lacerations (no permanent scarring)*
- b) severe and widespread bruising*
- c) severe soft tissue injury (no permanent disability)*
- d) black eye(s)*
- e) bloody nose*
- f) hair pulled from scalp*
- g) loss of fingernail*

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Minor injuries: multiple	1	1,000
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#### **Peripheral sensory nerve damage**

- lasting more than 13 weeks		
- substantial recovery expected	3	1,500
- permanent disability		
- minor loss	3	1,500
- significant loss (eg loss of sensation in large area of leg)	7	3,300
- serious loss (eg loss of sensation of hand)	12	8,200

#### **Peripheral motor nerve damage not otherwise compensated for**

- lasting more than 13 weeks		
- substantial recovery expected	5	2,000
- permanent disability		
- minor (eg paralysis or equivalent functional loss of finger/toe)	6	2,500

- significant (eg paralysis or equivalent loss of handgrip/ foot movement)	12	8,200
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### Physical abuse of adults

*Note 13: In the case of adult applicants where there has been a series of assaults (sexual and/or physical) over a period of time, it may be that an applicant will qualify for compensation only for the single most recent incident, if in relation to the earlier incidents she/he failed to report them to the police without delay and/or failed to co-operate with the police in bringing the assailant to justice. Where the applicant is entitled to compensation for the series of assaults, she/he will qualify for an award as the victim of a pattern of abuse, rather than for a separate award for each incident.*

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#### Serious abuse

- intermittent physical assaults resulting in an accumulation of healed wounds, burns or scalds, but with no appreciable disfigurement	5	2,000
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#### Severe abuse

- pattern of repetitive violence resulting in minor disfigurement	10	5,500
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Persistent pattern of severe abuse over a period exceeding 3 years	12	8,200
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## Physical abuse of children

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### Minor abuse

- isolated or intermittent assault(s) resulting in weals, hair pulled from scalp etc.	1	1,000
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### Serious abuse

- intermittent physical assaults resulting in an accumulation of healed wounds, burns or scalds, but with no appreciable disfigurement	5	2,000
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### Severe abuse

- persistent pattern of repetitive violence resulting in:		
- moderate multiple injuries (eg bruising and minor fractures) and/or minor disfigurement	10	5,500
- significant multiple injuries	12	8,200
- severe multiple injuries	14	13,500

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## Sexual offence where victim is any age (if not already compensated as a child)

*Note 14: Note 13 (under Physical Abuse of Adults) applies here too*

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### Sexual assault

- minor – non-penetrative sexual physical act/or acts over clothing	1	1,000
- serious – non-penetrative sexual physical act/or acts under clothing	5	2,000

- severe — non-penile penetrative and/or oral-genital act or acts	7	3,300
- pattern of repetitive frequent severe abuse (whether by one or more attackers) over a period		
- up to 3 years	11	6,600
- exceeding 3 years	12	8,200
- resulting in serious internal bodily injuries	17	22,000
- resulting in permanently disabling mental illness confirmed by psychiatric prognosis	18	27,000

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Non-consensual penile penetration of the vagina and/or anus and/or mouth

- by one attacker	13	11,000
- by two or more attackers	14	13,500
- resulting in serious internal bodily injuries	17	22,000
- resulting in permanently disabling mental illness confirmed by psychiatric prognosis		
- moderate mental illness	17	22,000
- severe mental illness	18	27,000
- resulting in serious internal bodily injury with permanent disabling mental illness confirmed by psychiatric prognosis		
- moderate mental illness	19	33,000
- severe mental illness	20	44,000

- pattern of repetitive incidents (whether by one or more attackers) over a period
- up to 3 years 15 16,500
- exceeding 3 years 17 22,000

**Sexual offence where victim is a child (under age of 18 at time or commencement of offence) or an adult who by reason of mental incapacity is incapable of giving consent**

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**Sexual assault**

- minor – non-penetrative sexual physical act/or acts over clothing 1 1,000
- minor – non-penetrative frequent sexual physical act/or acts over clothing 3 1,500
- serious – non-penetrative sexual physical act/or acts under clothing 5 2,000
- serious – pattern of repetitive non-penetrative sexual physical acts under clothing 7 3,300

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**Sexual assault**

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**non-penile penetrative and/or oral genital act/or acts**

- one incident 7 3,300
- two or more isolated incidents 9 4,400
- pattern of repetitive, frequent incidents
- over a period up to 3 years 11 6,600



- over a period exceeding 3 years	12	8,200
- resulting in serious internal bodily injuries	17	22,000
- resulting in permanently disabling mental illness confirmed by psychiatric prognosis		
- moderate mental illness	17	22,000
- severe mental illness	18	27,000

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Non-consensual penile penetration of the vagina and/or  
anus and/or mouth

- one incident	13	11,000
- one incident involving two or more attackers	14	13,500
- repeated incidents over a period		
- up to 3 years	15	16,500
- exceeding 3 years	17	22,000
- resulting in serious internal bodily injuries	17	22,000
- resulting in permanently disabling mental illness confirmed by psychiatric prognosis		
- moderate mental illness	17	22,000
- severe mental illness	18	27,000
- resulting in serious internal bodily injury with permanent disabling mental illness confirmed by psychiatric prognosis		
- moderate mental illness	19	33,000
- severe mental illness	20	44,000

**Sexual offences - additional awards where the following are directly attributable to a sexual offence (whether victim is an adult or a child ) - not subject to the multiple injuries formula and may be paid in addition to other awards**

Pregnancy	10	5,500
Sexually transmitted disease other than HIV/Hepatitis B/Hepatitis C		
- substantial recovery	10	5,500
- permanent disability	13	11,000
Infection with HIV/Hepatitis B/Hepatitis C	17	22,000

## HEAD & NECK

### Burns

#### Head

- minor visible disfigurement	5	2,000
- moderate	9	4,400
- severe	15	16,500

#### Face

- minor disfigurement	5	2,000
- moderate	10	5,500
- severe	18	27,000

#### Neck

- minor disfigurement	3	1,500
- moderate	9	4,400
- severe	15	16,500

## Scarring

### Head

- minor visible disfigurement	3	1,500
- significant disfigurement	7	3,300
- serious disfigurement	1	5,500

### Face

- minor disfigurement	3	1,500
- significant disfigurement	9	4,400
- serious disfigurement	13	11,000

### Neck

- minor disfigurement	3	1,500
- significant disfigurement	7	3,300
- serious disfigurement	11	6,600

## Brain Damage

*Note 15. A brain injury can cause physical and/or mental damage, resulting in, for example, spasticity, loss of balance, incontinence, or impairment of concentration, memory, motivation or personality. It can also commonly cause epilepsy, to a greater or lesser extent. Where the cause if any injury is brain damage there will not be additional awards for separate injuries but the seriousness of the combined effects will be measured together.*

## Minor head injury

Brain injury, if any, minimal. Concussion/impairment of balance/headaches

- lasting 6 to 28 weeks	3	1,500
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- lasting over 28 weeks	7	3,300
- permanent	12	8,200

### **Minor brain damage**

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Good recovery, able to socialise and return to work but persisting problems with concentration, memory, disinhibition of mood affecting lifestyle, leisure activities, future work prospects

- slight and short lived (6 months)	12	8,200
- moderate and medium term (2 years)	15	16,500
- significant and long lasting (more than 2 years)	17	22,000

### **Moderate brain damage**

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Some dependence on others, intellectual deficit, personality change, ability to work reduced, some effect on the senses

- slight	18	27,000
- moderate	21	55,000
- significant	22	82,000

### **Moderately severe brain damage**

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Serious disablement of physical or mental faculties requiring substantial dependence on professional or other care, with marked impairment of intellect and personality, abnormal behaviour and poor communication

23	110,000
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## Very serious brain injury

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Severe physical limitation, significant effect on the senses with little insight and/or significant reduction in life expectancy. Little or no response to the environment, little or no language function, double incontinence and need for full-time/all day and some night nursing care

24	175,000
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*Note 16. Applications otherwise within level 25 fall into level 24 if life expectancy is greatly reduced and/or there is little or no insight as in a persistent vegetative state.*

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No useful physical movement, significant effect on the senses and with some degree of insight. Little or no meaningful response to the environment, little or no language function, double incontinence and need for full-time nursing care

25	250,000
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## Epilepsy

- |  |    |        |
|--|----|--------|
| - post-traumatic epileptic fits – substantial recovery | 5  | 2,000  |
| - well controlled on medication                        | 12 | 8,200  |
| - partially controlled on medication                   | 14 | 13,500 |
| - uncontrolled despite medication                      | 20 | 44,000 |

## Ear

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Fractured mastoid	1	1,000
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## Deafness

- temporary partial deafness		
- lasting 6 to 13 weeks	1	1,000
- lasting more than 13 weeks	3	1,500
- partial deafness (remaining hearing socially useful, with hearing aid if necessary)		
- one ear	8	3,800
- both ears	12	8,200
- total deafness		
- one ear	15	16,500
- in only hearing ear	19	33,000
- both ears	20	44,000

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## Loss of ear

- partial loss of ear(s)	9	4,400
- loss of ear	13	11,000
- loss of both ears	16	19,000

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## Perforated ear drum

- one ear	4	1,750
- both ears	6	2,500

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## Tinnitus (ringing noise in ear(s))

- lasting 6 to 13 weeks	1	1,000
- lasting more than 13 weeks	7	3,300
- permanent		
- other than very severe	12	8,200
- very severe	15	16,500

### Vestibular damage (causing giddiness)

- lasting 6 to 28 weeks	3	1,500
- lasting over 28 weeks – recovery expected	7	3,300
- permanent	12	8,200

### Eye

#### Blow out or other fracture of orbital bone cavity containing eyeball

- no operation	7	3,300
- requiring operation	9	4,400

#### Blurred or double vision

- temporary		
- lasting 6 to 13 weeks	1	1,000
- lasting more than 13 weeks – recovery expected	4	1,750
- permanent		
- slight	9	4,400
- moderate	12	8,200
- serious	14	13,500

#### Cataracts

- one eye		
- requiring operation	7	3,300
- permanent/inoperable	12	8,200
- both eyes		
- requiring operation	12	8,200
- permanent/inoperable	16	19,000

Corneal abrasions	5	2,000
<hr/>		
Permanent loss of visual field		
- slight	6	2,500
- moderate	10	5,500
- serious	20	44,000
<hr/>		
Dislocation of lens		
- one eye	10	5,500
- both eyes	14	13,500
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Glaucoma	6	2,500
<hr/>		
Hyphaema requiring operation		
- one eye	3	1,500
- both eyes	6	2,500
<hr/>		
Loss of eye		
- one eye	18	27,000
- both eyes	23	110,000
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Loss of sight		
- one eye	17	22,000
- one eye, where the sight in the uninjured eye cannot be corrected to better than 6/36	19	33,000
- one eye, where the uninjured eye is already totally blind	22	82,000
- both eyes	23	110,000
<hr/>		
Partial loss of vision when corrected by glasses or contact lenses or other means e.g. laser surgery		
- better than 6/12	6	2,500
- 6/12	11	6,600



- 6/18	12	8,200
- 6/24	14	13,500
- 6/36	15	16,500
- 6/60	16	19,000
- substantial loss of vision (both eyes) at least 6/36 in each eye or worse	21	55,000
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Residual central floater(s) affecting vision	7	3,300
<hr/>		
<b>Retina</b>		
- damage not involving detachment		
- one eye	6	2,500
- both eyes	10	5,500
- detached		
- one eye	10	5,500
- both eyes	14	13,500
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<b>Significant penetrating injury</b>		
- one eye	6	2,500
- both eyes	11	6,600
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Traumatic angle recession	6	2,500
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<b>Face</b>		
<hr/>		
<b>Clicking jaw</b>		
- temporary		
- lasting 6 to 13 weeks	1	1,000
- lasting more than 13 weeks	3	1,500
- permanent	10	5,500

## Dislocated jaw

- substantial recovery	5	2,000
- continuing significant disability	10	5,500

## Fractured ethmoid

- no operation	5	2,000
- operation required	9	4,400

## Fractured zygoma (malar/cheek bone)

- no operation		
- substantial recovery	5	2,000
- continuing significant disability	9	4,400
- operation required		
- substantial recovery	6	2,500
- continuing significant disability	10	5,500

## Fractured mandible and/or maxilla (jaw bones)

- no operation		
- substantial recovery	7	3,300
- continuing significant disability	10	5,500
- operation required		
- substantial recovery	8	3,800
- continuing significant disability	12	8,200

## Multiple fractures to face (eg Le Fort fractures types 2 &amp; 3)

13	11,000
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## Numbness/loss of feeling

- temporary lasting more than 13 weeks		
- recovery expected	3	1,500

- permanent		
- moderate eg cheek, forehead	7	3,300
- severe eg lip interfering with function	9	4,400

## Neck

Fractured hyoid (bone in windpipe)	1	1,000
Strained neck or whiplash injury		
- disabling		
- for 6 to 13 weeks	1	1,000
- for more than 13 weeks	6	2,500
- seriously disabling		
- not permanent	10	5,500
- permanent	13	11,000

## Nose

Deviated nasal septum		
- no operation	1	1,000
- requiring septoplasty	5	2,000
Fracture of nasal bones		
- undisplaced	1	1,000
- displaced	3	1,500
- requiring manipulation	5	2,000
- requiring rhinoplasty	5	2,000
- requiring turbinectomy	5	2,000
Loss of smell/taste		
- partial loss of smell and/or taste	10	5,500

- total		
- loss of smell or taste	13	11,000
- loss of smell and taste	15	16,500
Partial loss of nose (at least 10%)	9	4,400

## Skull

### Fracture

- simple		
- no operation	6	2,500
- requiring operation	10	5,500
- depressed		
- no operation	9	4,400
- requiring operation	11	6,600

## Teeth

### Damage to:

- tooth/teeth requiring root-canal treatment	5	2,000
- front tooth/teeth requiring crown(s)	6	2,500

Fractured/chipped tooth/teeth requiring treatment	5	2,000
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Fractured tooth/teeth requiring apicectomy (surgery to gum to reach root - root resection)	8	3,800
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### Loss of:

- crowns	6	2,500
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- front tooth/teeth (incisor or canine)		
- one front tooth	7	3,300
- two or three front teeth	9	4,400
- four or more front teeth	10	5,500
- tooth/teeth other than front		
- one tooth	5	2,000
- two or more teeth	7	3,300

Slackening of teeth requiring dental treatment	5	2,000
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## **Tongue**

Impaired speech		
- slight	5	2,000
- moderate	10	5,500
- serious	13	11,000
- severe	16	19,000
Loss of speech - permanent	19	33,000
Loss of tongue	20	44,000

## **UPPER LIMBS**

### **Burns**

Minor	3	1,500
Moderate	9	4,400
Severe	13	11,000

## Scarring

Minor disfigurement	2	1,250
Significant disfigurement	6	2,500
Serious disfigurement	10	5,500

## Arm

### Loss of:

- one non-dominant arm	19	33,000
- one dominant arm	21	55,000
- one arm where there is no remaining arm/hand with any useful function	22	82,000
- both arms	23	110,000

### Paralysis of or equivalent loss of function of:

- one non-dominant arm	18	27,000
- one dominant arm	20	40,000
- total loss of function of one arm where there is no remaining arm/hand with any useful function	22	82,000
- both arms	22	82,000

## Elbow

### Dislocated/fractured

- one elbow		
- substantial recovery	7	3,300
- continuing significant disability	12	8,200

- both elbows		
- substantial recovery	12	8,200
- continuing significant disability	13	11,000

## Finger and Thumb

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### Fracture/dislocation of:

- thumb		
- one hand		
- substantial recovery	5	2,000
- continuing significant disability	9	4,400
- both hands		
- substantial recovery	10	5,500
- continuing significant disability	12	8,200
- index finger		
- one hand		
- substantial recovery	4	1,750
- continuing significant disability	8	3,800
- both hands		
- substantial recovery	9	4,400
- continuing significant disability	11	6,600
- one finger other than index finger		
- one hand		
- substantial recovery	1	1,000

- continuing significant disability	5	2,000
- both hands		
- substantial recovery	4	1,750
- continuing significant disability	9	4,400
- two or more fingers other than index finger		
- one hand		
- substantial recovery	2	1,250
- continuing significant disability	6	2,500
- both hands		
- substantial recovery	7	3,300
- continuing significant disability	11	6,600

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Loss of:

- finger other than index finger	10	5,500
- two or more fingers	13	11,000
- index finger	12	8,200
- both index fingers	15	16,500
- thumb	15	16,500
- both thumbs	21	55,000

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Partial loss of:

- finger other than thumb or index finger	6	2,500
- two or more fingers other than index finger or thumb	10	5,500
- thumb or index finger	9	4,400



- thumb or index finger – both hands	12	8,200
- thumb and index finger – one hand	12	8,200
- thumb and index finger – both hands	15	16,500

## Hand

### Fractured hand

- one hand		
- substantial recovery	5	2,000
- continuing significant disability	10	5,500
- both hands		
- substantial recovery	8	3,800
- continuing significant disability	12	8,200

### Loss of, or equivalent loss of function of:

- one non-dominant hand	19	33,000
- one dominant hand	21	55,000
- loss of, or total loss of function of one hand where there is no remaining hand/arm with any useful function	22	82,000
- both hands	23	110,000

### Permanently & seriously impaired grip

- one hand	12	8,200
- both hands	15	16,500

## Humerus (upper arm bone)

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### Fractured

- one arm		
- substantial recovery	7	3,300
- continuing significant disability	10	5,500
- both arms		
- substantial recovery	12	8,200
- continuing significant disability	13	11,000

## Radius (a forearm bone)

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### Fractured

- one arm		
- substantial recovery	7	3,300
- continuing significant disability	10	5,500
- both arms		
- substantial recovery	12	8,200
- continuing significant disability	13	11,000

## Shoulder

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### Dislocated

- one shoulder		
- substantial recovery	4	1,750
- continuing significant disability	10	5,500
- both shoulders		
- substantial recovery	8	3,800
- continuing significant disability	12	8,200

## Frozen

- one shoulder		
- substantial recovery	5	2,000
- continuing significant disability	10	5,500
- both shoulders		
- substantial recovery	7	3,300
- continuing significant disability	12	8,200

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Arthroscopy – where the shoulder is not dislocated, frozen or otherwise provided for	5	2,000
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## Tendon and/or Ligament and/or Cartilage

### Minor damage

- one arm		
- substantial recovery	1	1,000
- continuing significant disability	6	2,500
- both arms		
- substantial recovery	5	2,000
- continuing significant disability	9	4,400

### Moderate damage

- one arm		
- substantial recovery	5	2,000
- continuing significant disability	9	4,400
- both arms		
- substantial recovery	9	4,400
- continuing significant disability	12	8,200

## Severely damaged

- one arm		
- substantial recovery	7	3,300
- continuing significant disability	10	5,500
- both arms		
- substantial recovery	11	6,600
- continuing significant disability	13	11,000

## Ulna (a forearm bone)

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### Fractured

- one arm		
- substantial recovery	7	3,300
- continuing significant disability	10	5,500
- both arms		
- substantial recovery	12	8,200
- continuing significant disability	13	11,000

## Wrist

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### Fractured - colles type or equivalent fracture/ displacement of distal radius

- one wrist		
- substantial recovery	9	4,400
- continuing significant disability	12	8,200
- both wrists		
- substantial recovery	12	8,200
- continuing significant disability	13	11,000

## Fractured/dislocated - including scaphoid fracture

- one wrist		
- substantial recovery	9	4,400
- continuing significant disability	12	8,200
- both wrists		
- substantial recovery	12	8,200
- continuing significant disability	13	11,000

## Sprained

- one wrist		
- disabling for 6 to 13 weeks	1	1,000
- disabling for more than 13 weeks	6	2,500
- both wrists		
- disabling for 6 to 13 weeks	5	2,000
- disabling for more than 13 weeks	8	3,800

## TORSO

### Burns

Minor	3	1,500
Moderate	9	4,400
Severe	13	11,000

### Scarring

Minor disfigurement	2	1,250
Significant disfigurement	6	2,500
Serious disfigurement	10	5,500

## Abdomen

Injury requiring laparoscopy – including no repair or repair of one organ	5	2,000
Injury requiring laparotomy – including no repair or repair of one organ	8	3,800
Injury requiring laparotomy/laparoscopy		
- including repair of two organs	10	5,500
- including repair of three or more organs	12	8,200
Laparotomy with colostomy and/or ileostomy and/or ureterostomy lasting more than 14 weeks but not permanent	10	5,500
Laparotomy with permanent colostomy and/or ileostomy and/or ureterostomy	14	13,500

## Back

Fracture of vertebra		
- one vertebra		
- substantial recovery	6	2,500
- continuing significant disability	10	5,500
- more than one vertebra		
- substantial recovery	9	4,400
- continuing significant disability	12	8,200

## Prolapsed intervertebral disc(s)

### - seriously disabling

- not permanent	10	5,500
- permanent	12	8,200

## Ruptured intervertebral disc(s) – requiring surgical removal

13 11,000

## Strained

### - disabling

- for 6 to 13 weeks	1	1,000
- for more than 13 weeks	6	2,500

### - seriously disabling

- not permanent	10	5,500
- permanent	13	11,000

## Chest

Injury requiring thoracotomy	12	8,200
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Injury requiring thoracotomy with  
removal/extensive repair of organ  
or organs

15 16,500

## Clavicle (collar bone)

Dislocated acromioclavicular joint	5	2,000
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## Fractured

### - one clavicle

- substantial recovery	5	2,000
- continuing significant disability	9	4,400

- two clavicles		
- substantial recovery	9	4,400
- continuing significant disability	11	6,600

### **Coccyx (tail bone)**

Fractured	6	2,500
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### **Genitalia**

#### **Injury requiring medical treatment**

- no significant permanent damage	4	1,750
- permanent damage		
- moderate	10	5,500
- severe	13	11,000

Loss of fertility	21	55,000
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### **Hernia**

- hernia	8	3,800
- hernias	10	5,500

### **Kidney**

Loss of kidney	13	11,000
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Serious and permanent damage to or loss of both or only functioning kidney	21	55,000
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### **Lung**

Punctured		
- one lung	7	3,300
- both lungs	11	6,600



## Collapsed

- one lung	8	3,800
- both lungs	12	8,200

Permanent and disabling damage  
to lungs from smoke or  
chemical inhalation

13      11,000

## Pancreas

Loss of pancreas	15	16,500
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## Pelvis

### Fractured

- substantial recovery	9	4,400
- continuing significant disability	13	11,000

## Penetrating injury not otherwise compensated

- symptoms persisting for at least a week	1	1,000
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## Rib

Fractured (or bruised where significant pain lasts more  
than 6 weeks)

- one rib	1	1,000
- two or more	3	1,500

## Scapula (shoulder blade)

### Fractured

- one scapula		
- substantial recovery	6	2,500
- continuing significant disability	9	4,400

- both scapulas

- substantial recovery 9 4,400

- continuing significant disability 11 6,600

### **Spleen**

Loss of spleen	13	11,000
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### **Sternum (breast bone)**

Fractured

- substantial recovery 6 2,500

- continuing significant disability 10 5,500

## **LOWER LIMBS**

### **Burns**

Minor	3	1,500
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Moderate	9	4,400
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Severe	13	11,000
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### **Scarring**

Minor disfigurement	2	1,250
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Significant disfigurement	6	2,500
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Serious disfigurement	10	5,500
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## Ankle

### Fractured or Dislocated

- one ankle		
- substantial recovery	9	4,400
- continuing significant disability	13	11,000
- both ankles		
- substantial recovery	12	8,200
- continuing significant disability	15	16,500

### Sprained

- one ankle		
- disabling for at least 6 to 13 weeks	1	1,000
- disabling for more than 13 weeks	6	2,500
- both ankles		
- disabling for at least 6 to 13 weeks	5	2,000
- disabling for more than 13 weeks	8	3,800

## Femur (thigh bone)

### Fractured

- one leg		
- substantial recovery	8	3,800
- continuing significant disability	11	6,600
- both legs		
- substantial recovery	10	5,500
- continuing significant disability	13	11,000

## **Fibula (slender bone from knee to ankle)**

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### **Fractured**

- one leg		
- substantial recovery	6	2,500
- continuing significant disability	8	3,800
- both legs		
- substantial recovery	7	3,300
- continuing significant disability	10	5,500

### **Foot**

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#### **Fractured metatarsal bones**

- one foot		
- substantial recovery	6	2,500
- continuing significant disability	8	3,800
- both feet		
- substantial recovery	7	3,300
- continuing significant disability	10	5,500

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#### **Fractured tarsal bones**

- one foot		
- substantial recovery	7	3,300
- continuing significant disability	12	8,200
- both feet		
- substantial recovery	10	5,500
- continuing significant disability	14	13,500

## Heel

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### Fractured heel bone

- one foot		
- substantial recovery	7	3,300
- continuing significant disability	12	8,200
- both feet		
- substantial recovery	10	5,500
- continuing significant disability	14	13,500

## Hip

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### Fractured/Dislocated

- one hip		
- substantial recovery	9	4,400
- continuing significant disability	13	11,000
- both hips		
- substantial recovery	12	8,200
- continuing significant disability	15	16,500

## Knee

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Arthroscopy (investigative surgery/ repair to knee) - no fracture	5	2,000
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### Patella (knee cap)

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### Dislocated

- one knee		
- substantial recovery	1	1,000
- continuing significant disability	10	5,500

- both knees		
- substantial recovery	6	2,500
- continuing significant disability	12	8,200

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#### Fractured

- one knee		
- substantial recovery	6	2,500
- continuing significant disability	10	5,500
- both knees		
- substantial recovery	9	4,400
- continuing significant disability	12	8,200

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#### removal of

- one knee	8	3,800
- both knees	10	5,500

### Leg

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#### Loss of

- one leg		
- below knee	19	33,000
- above knee	20	44,000
- loss of, or total loss of function of one leg where there is no remaining leg with useful function	22	82,000
- both legs, whether below or above knee	23	110,000

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#### Paralysis of leg (see also major paralysis {paraplegia})

18	27,000
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## Tendon and/or Ligament and/or Cartilage

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### Minor damage

- one leg		
- substantial recovery	1	1,000
- continuing significant disability	7	3,300
- both legs		
- substantial recovery	5	2,000
- continuing significant disability	10	5,500

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### Moderate damage

- one leg		
- substantial recovery	5	2,000
- continuing significant disability	10	5,500
- both legs		
- substantial recovery	9	4,400
- continuing significant disability	13	11,000

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### Severe damage

- one leg		
- substantial recovery	7	3,300
- continuing significant disability	12	8,200
- both legs		
- substantial recovery	11	6,600
- continuing significant disability	15	16,500

## Tibia (shin bone)

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### Fractured

- one leg		
- substantial recovery	8	3,800
- continuing significant disability	11	6,600
- both legs		
- substantial recovery	10	5,500
- continuing significant disability	13	11,000

## Toe

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### Fractured

- great toe		
- one foot		
- substantial recovery	6	2,500
- continuing significant disability	12	8,200
- both feet		
- substantial recovery	8	3,800
- continuing significant disability	14	13,500
- two or more toes		
- one foot		
- substantial recovery	1	1,000
- continuing significant disability	6	2,500



- both feet		
- substantial recovery	3	1,500
- continuing significant disability	9	4,400
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Loss of:		
- great toe	12	8,200
- both great toes	14	13,500
- one toe (other than great toe)	1	1,000
- two or more toes	9	4,400
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Partial loss of:		
- great toe	6	2,500
- both great toes	10	5,500