



Ministry
of Justice

Criminal Injuries Compensation Scheme Review: 2022 and 2023 consultations

Government Response



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Government Response

Presented to Parliament by the Lord Chancellor and Secretary of State for Justice by Command of His Majesty

April 2025



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ISBN 978-1-5286-5557-6

E03322821 04/25

Printed on paper containing 40% recycled fibre content minimum

Printed in the UK by HH Associates Ltd. on behalf of
the Controller of His Majesty's Stationery Office

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Introduction and contact details

This document is the post-consultation report for the consultation papers: 'Criminal Injuries Compensation Review Supplementary consultation 2022' (CP688), and 'Criminal Injuries Compensation Review Additional consultation 2023' (CP865).

It will cover:

- the background to the report
- a summary of the responses to the report
- a detailed response to the specific questions raised in the report
- the next steps following this consultation.

Further copies of this report and the consultation paper can be obtained by contacting **Victims Compensation and Redress Policy team** at the address below:

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This report is also available at <https://consult.justice.gov.uk/>

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Complaints or comments

If you have any complaints or comments about the consultation process you should contact the Ministry of Justice at the above address.

Foreword

The Criminal Injuries Compensation Scheme 2012 (the Scheme) is a way of acknowledging the harm that victims injured by violent crime have suffered. It is a scheme of last resort, for eligible victims who cannot get compensation through other available routes of redress.

In 2022 and 2023 the previous Government held two consultations that were centred on issues raised as part of recommendations made by the Independent Inquiry into Child Sexual Abuse (the Inquiry) in its interim (2018) and final (2022) reports. The 2022 consultation sought views on the Scheme's 'unspent convictions rule' and the 2023 consultation asked for views on the Scheme's scope and time limits.

The previous Government had not responded to the consultations, or to a broader consultation on the Scheme it held in 2020, by the time of the 2024 election.

This response document considers and responds to the issues explored in the 2022 and 2023 consultations. It also sets out that, after careful consideration, I have decided not to take forward the recommendations of the Inquiry on the Scheme.

I have not come to this decision lightly. I know there are concerns about the Scheme, and I understand the calls for change in many of the consultation responses. I acknowledge those concerns and recognise the importance of the ongoing scrutiny of the Scheme by the Victims' Commissioner for England and Wales, Parliamentary Committees and other stakeholders.

Respondents drew on distressing personal experiences, or their experience of supporting victims of violent crimes. I am incredibly grateful to everyone who took the time to respond. My conclusions do not in any way diminish the value of your views or disregard the huge impact your experiences have had on your lives.

Rather my conclusions are based on what is right for the Scheme as a whole, considering **all** the victims of crime it supports. A core principle of the Scheme is its universality. It ensures all victims can equally access the Scheme, regardless of the nature of the violent crime they were injured by. I consider this fundamental principle of fairness to be crucial to the Scheme's role. Expanding the Scheme's scope and making changes to its time limits and unspent convictions rule as the Inquiry recommends would undermine this principle given that these changes would only apply to victims of child sexual abuse. That could, in my view, be detrimental to other deserving victims of crime.

I have decided not to publish a substantive response to the 2020 consultation as the victim support landscape has changed substantially since 2020. I am concluding that consultation by writing to the Justice Select Committee notifying it of my decision.

As noted above, I recognise and have heard the views of respondents to the consultations and wider stakeholders I work with about supporting victims. The clear message to me is that we need change, and I will be considering how Government can best provide the support that victims need and deserve.

Alex Davies-Jones MP

Parliamentary Under Secretary of State for Victims and Violence against Women and Girls

Executive Summary

1. For anyone who is a victim of a violent crime, emotional and practical support are key to help them recover as much as possible from the physical and mental injuries they have suffered. In addition to this support, compensation can provide acknowledgment of the harm that a victim has experienced and aid their recovery. For victims who cannot access compensation for their injuries by other means (such as through court-ordered compensation or a civil claim), a last resort in Great Britain can be the Criminal Injuries Compensation Scheme 2012 (the Scheme).¹
2. The Scheme is statutory, made under the Criminal Injuries Compensation Act 1995. The Criminal Injuries Compensation Authority (CICA) administers the Scheme independently of the Ministry of Justice. The CICA assesses all applications against the eligibility criteria, requirements and injury tariffs set out in the Scheme. This ensures that it makes decisions in a consistent, fair and transparent way for all victims.
3. In 2020 the previous Government held a consultation which considered various ways to improve access to compensation whilst keeping the Scheme financially sustainable. It looked at the background to the Scheme, its scope and purpose, its eligibility rules, and the structure of its awards and tariffs. It set out proposals for change and sought views on these. It also set out areas where no change was proposed, for instance, to the scope, time limits and some eligibility rules of the Scheme, and on these areas the consultation asked no specific questions. No response to this consultation was published.
4. In 2021, the High Court declared that the Government's 2018 Victims Strategy had created a legitimate expectation that the Government would seek views on revising the Scheme's 'unspent convictions rule'.² This rule means that applications may be rejected, or compensation awards reduced, if an applicant has an unspent criminal conviction. The Court said that, as the 2020 consultation had not specifically sought views on the unspent convictions rule, there should be a consultation on this, in particular to consider whether the Scheme should automatically reject an application where an applicant's criminal convictions are likely to be linked to their sexual abuse

¹ A separate scheme applies in Northern Ireland.

² <https://www.bailii.org/ew/cases/EWHC/Admin/2021/2248.html>

as a child. This question about the unspent convictions rule was one also raised by an interim recommendation of the Inquiry.³

5. The then Government subsequently held a consultation on the unspent convictions rule in summer 2022, in which it sought views on potential options for reform as well as on a no change option.⁴
6. The Inquiry published its final report in October 2022. In this it restated its interim recommendation on the unspent convictions rule. It also proposed two other changes to the Scheme: firstly, that the scope be extended to include other forms of child sexual abuse, such as online-facilitated sexual abuse; and secondly that the time limit for child sexual abuse applications be increased from two years to seven.⁵
7. Further to the previous Government response to the Inquiry's final report (in May 2023)⁶ it consulted on the Scheme's time limits and scope in summer 2023. It sought views on potential reforms, including those recommended by the Inquiry, alongside the option of no reform. The 2022 and 2023 consultations fulfilled the procedural obligation to consult on changes to the Scheme relating to the Inquiry's recommendations, which had arisen from the Victims Strategy 2018.
8. More details on the 2022 and 2023 consultations are provided in the 'Background' section of this document. This document then presents our responses and conclusions.

How this consultation response document is set out

9. Our decisions on the issues consulted on were reached having analysed and carefully considered the responses to the two consultations. To support this work we analysed CICA caseload data covering 2016 to 2019, which informed the 2022 consultation, and an updated set of caseload data covering 2020 to 2022 which informed the 2023 consultation.

³ <https://www.iicsa.org.uk/publications/inquiry/interim>

⁴ <https://consult.justice.gov.uk/digital-communications/cics-review-supplementary-consultation/>

⁵ <https://www.iicsa.org.uk/reports-recommendations/publications/inquiry/final-report/ii-inquirys-conclusions-and-recommendations-change/part-i-making-amends/i5-financial-redress.html>

⁶ <https://www.gov.uk/government/publications/response-to-the-final-report-of-the-independent-inquiry-into-child-sexual-abuse>

10. We present the topics in the following order:
 - Unspent convictions rule
 - Scope of the Scheme
 - Time limits
11. Having dealt with the issues, we then present our conclusions and next steps.

Conclusions

12. The document explains how, having carefully considered the options presented in the consultations, at this time this Government will not amend the Scheme's scope, time limits or unspent convictions rule.
13. A core principle of the Scheme is its universality. This means that it treats victims injured by violent crime equitably, based on the injury they have suffered, rather than the specific nature of the violent crime that they were injured by. Expanding the Scheme's scope and making changes to its time limits and unspent convictions rule as the Inquiry recommends would undermine this principle, given that these changes would only apply to victims of child sexual abuse. This may be detrimental to other victims of violent crime.
14. As set out in the Impact Assessments which accompanied the consultations, applying the Inquiry recommendations to all victims would incur significant additional costs. These would likely be unaffordable without reducing current provision from elsewhere in the Scheme.
15. More detail on our rationales for not making any changes on each of the areas consulted on is in the 'Conclusions and next steps' chapter of this document and the 'Government response' sections in the chapters detailing responses to questions on the unspent convictions rule, scope and time limits.
16. We will consider the Scheme in the context of our wider offer for victims of crime. This will take into account recent improvements in how the Scheme operates, the Government's current and future provision for victims of crime and the current financial context. For instance, we are now implementing the reforms in the Victims and Prisoners Act 2024, to get the baseline right for victims, and plan to consult on the revised Victims' Code in due course.
17. Against this backdrop of change, demand for the Scheme has been steadily increasing, with more applications for compensation each year. This has implications for the Scheme's sustainability

Impact Assessment

18. We published an Impact Assessment with each consultation.⁷ As we are not taking forward any changes these documents remain unchanged.

Equality Statement

19. The previous Government published an Equality Statement as part of each consultation and an updated version is at **Annex A**. This shows how, following analysis of consultation responses and other data, our view is that the policy will not cause particular disadvantage to any group.

⁷ https://consult.justice.gov.uk/digital-communications/cics-review-supplementary-consultation/supporting_documents/cicssupplementaryconsultationimpactassessment.pdf and https://consult.justice.gov.uk/digital-communications/cics-review-additional-consultation-2023/supporting_documents/cicsconsultationimpactassessmentunsigned.pdf

Background

20. This Government consultation response document summarises the responses to our two review consultations.

2022 consultation

21. The consultation paper ‘Criminal Injuries Compensation Review Supplementary consultation 2022’⁸ was published on 9 June 2022. It invited comments on potential changes to the Scheme’s so-called ‘unspent convictions’ rule.
22. The unspent convictions rule has been in place since the first statutory compensation scheme came into force in 1996. The aim of the rule is to limit eligibility for compensation for some people to reflect the degree of harm done to others and the cost to society of offending behaviour. Changes were made to the rule in 2012, which now has an exclusionary part (which prevents individuals who have received certain community or custodial sentences benefitting from state-funded compensation), and a discretionary part (which provides for those who have received sentences not included in the exclusionary part, to have their awards reduced).
23. In July 2021 the Supreme Court (*A and B v Criminal Injuries Compensation Authority and another* [2021] UKSC 27) ruled that the unspent convictions rule in the 2012 Scheme was fair and proportionate.⁹
24. In August 2021 the High Court ruled that the then Government had, through its 2018 Victims Strategy, created a legitimate expectation that they would consult on any changes to the Scheme arising from the Inquiry’s recommendations, including any change to the unspent convictions rule. This led the previous Government to conduct this consultation on whether or not to reform the rule (on which the previous Government had not sought views in the 2020 consultation). This included consideration of a recommendation made by the Inquiry in its 2018 interim report,¹⁰ that the rule be revised so that awards are not automatically rejected in circumstances where an applicant’s criminal convictions are likely to be linked to their child sexual abuse.

⁸ <https://consult.justice.gov.uk/digital-communications/cics-review-supplementary-consultation/>

⁹ <https://supremecourt.uk/cases/uksc-2019-0055>

¹⁰ <https://www.iicsa.org.uk/reports-recommendations/publications/inquiry/interim/recommendations.html>

25. The consultation set out the following four options:
- No change to the exclusionary part of the rule.
 - Introduce exemptions to the exclusionary part of the rule for victims of child sexual abuse (Inquiry recommendation).
 - Amend the terms of the exclusionary part of the rule.
 - Remove the exclusionary rule.
26. The consultation also sought views about whether guidance on exercising discretion should be set out in the Scheme. This consultation closed on 5 August 2022.

2023 consultation

27. The consultation paper ‘Criminal Injuries Compensation Review Additional consultation 2023’¹¹ was published on 18 July 2023. It invited comments on potential changes to the scope and time limits of the Scheme.
28. This consultation was launched following publication of the Inquiry’s final report in October 2022.¹² The Inquiry’s final report recommended changes to the Scheme’s scope and time limits and re-stated its earlier 2018 recommendation to change the unspent convictions rule (which had been considered in the 2022 supplementary consultation). The Government’s May 2023 response to the Inquiry report committed to an additional consultation on the Scheme’s scope and time limits. This consultation meant that the obligation to consult on changes to the Scheme following the Inquiry’s recommendations which arose from the 2018 Victims Strategy had been fulfilled.
29. The consultation set out the following three options on scope:
- No change.
 - Include other forms of child sexual abuse in the ‘crime of violence’ definition, including online-facilitated sexual abuse (Inquiry recommendation).
 - Amend the eligibility criteria to add an additional category for non-contact offences.

¹¹ <https://consult.justice.gov.uk/digital-communications/cics-review-additional-consultation-2023>

¹² <https://www.gov.uk/government/publications/iicsa-report-of-the-independent-inquiry-into-child-sexual-abuse>

30. The consultation set out the following five options on time limits:
- No change.
 - Amend the time limit to seven years for child sexual abuse applicants who were under 18 on the date of the incident, with the Scheme retaining discretion to extend the time limit in exceptional circumstances (part of Inquiry recommendation).
 - Amend the time limit to seven years for all applications, with the Scheme retaining discretion to extend the time limit in exceptional circumstances.
 - Amend the time limit to three years for all applicants who were under 18 on the date of the incident.
 - Amend the time limit to three years for all applicants.
31. The consultation also sought views on how to raise awareness of the Scheme's time limits. It closed on 15 September 2023.

Overview of responses

32. We have analysed the responses to the two consultations for views on the options considered, as well as evidence of the impact. Not all of the respondents answered every question and some respondents opted to submit their response in the form of a general letter. In these cases, where comments appear to be in response to a particular question, these contributions have been treated for the purpose of analysis as answers to those questions.
33. We would like to thank all those who responded to the consultations, including individuals who shared their personal experience of the Scheme with us. Whilst some respondents expressed views or made suggestions that did not answer the questions or were out of scope of the consultation, we welcome them and have considered them thoroughly.

Introduction

34. The rest of this document summarises the responses to each of the two consultations and sets out how the consultation process has informed our decisions on the issues consulted on.
35. The response paper is aimed at those within England, Wales and Scotland, reflecting the geographic scope of the Scheme. It will be of interest to victims and survivors; victims' groups, services and charities; academics; representatives from the legal sector and professionals from across the criminal justice system. However, this list is not meant to be exhaustive or exclusive and is available for anyone with an interest in the subjects covered by this paper.
36. An important consideration when making decisions about the Scheme has been to keep it as affordable and financially sustainable as possible, so that it can continue to serve some of the most vulnerable victims at one of the most difficult times in their lives. The previous Government therefore published an Impact Assessment with each consultation. As we are not taking forward any changes these documents remain unchanged.
37. An Equality Statement is at **Annex A**.
38. A Welsh Language Impact Test is at **Annex B**.
39. Lists of respondents to each of the two consultations are at **Annexes C and D**.

Responses to 2022 questions on the unspent convictions rule

Summary of responses

40. There were 114 responses to the previous Government's 'Criminal Injuries Compensation Scheme Review: supplementary consultation 2022'.¹³ The consultation invited views on retaining the Scheme's unspent convictions rule unchanged and on potential reforms. It undertook to make decisions about whether to revise the rule, and if so how.
41. Most respondents supported change, calling for either the rule's abolition or amendment. The option supported by the largest proportion of respondents to the 2022 consultation was removal of the exclusionary part of the rule.
42. An overview of the respondents is at **Annex C** and details of respondents' views are below.

2022 consultation questions on the unspent convictions rule

Q1: What are your views about the exclusionary part of the rule being retained unchanged?

43. 105 (92%) responses disagreed with the exclusionary rule being retained unchanged. One respondent acknowledged both the contentious nature of the rule and that introducing discretion would compromise the clarity of the Scheme. 8 responses (7%) did not provide an answer to the question.

¹³ <https://consult.justice.gov.uk/digital-communications/cics-review-supplementary-consultation/>

44. Representations from those who disagreed that the exclusionary rule should remain unchanged included that:
- it does not allow for rehabilitation
 - it is disproportionate and does not reflect that offending is often related to previous victimisation
 - the rule is discriminatory, in particular impacting victims of sexual abuse, trafficking and modern slavery; black, brown and racialised individuals
45. 16 respondents advocated for the removal of the exclusionary part, 4 for the removal of the entire rule and 2 for exemptions for specific groups.

Q2: What are your views on the recommendation of the Independent Inquiry into Child Sexual Abuse that the unspent convictions rule be revised so that awards are not automatically rejected in circumstances where an applicant's criminal conviction is likely to be linked to their child sexual abuse, and that each case be considered on its merits?

46. 39 responses (34%) agreed with the Inquiry's recommendation, with 10 noting that abuse victims suffer disproportionately from negative outcomes which can lead to criminal convictions. 45 responses (39%) provided mixed responses, with 36 agreeing with the Inquiry's recommendation but stating a preference for removal of the exclusionary part. 11 responses (10%) disagreed with the Inquiry's recommendation calling either for the removal of the unspent convictions rule or a return to the discretionary position.

Q3: Do you consider that exemptions should be considered only for some applicants? If so, what should the basis of the exemptions be and when should discretion be available?

47. 65 responses (57%) disagreed with exemptions for only some applicants. 28 stated that discretion should be available in all cases and 7 said the rule should be removed. 13 respondents stated that exemptions could result in unfairness to victims who do not fit the exact specifications, and 13 flagged the potential for a hierarchy of victims.

48. 25 responses (22%) agreed that specific exemptions should be considered and suggestions for exemptions included:
- those whose conviction is linked to a crime of violence they have suffered e.g. those with significant brain injuries, victims of sexual abuse, those subject to coercive control, and victims of modern slavery and trafficking
 - those convicted of less serious offences
 - victims of child sexual abuse, modern slavery and human trafficking
49. 7 responses (22%) offered a contrasting view that some applicants should be automatically excluded from claiming/receiving compensation, such as those who have convictions for sexual offences or whose victimisation is directly linked to their offending behaviour.

Q4: What are your views about any exemptions and guidance on exercising discretion being set out in the Scheme?

50. 5 responses (4%) supported exemptions and guidance on exercising discretion being set out in the Scheme, noting that it would offer transparency and consistent application of the criteria. However, 15 responses (13%) did not support this approach saying that it would be easier to update if kept as a separate document. 30 respondents only restated their answer to Q3, while 21 did not answer the question but offered views on the need for the guidance to be clear, in plain English and publicly available, and that it should be developed in conjunction with stakeholders and supported by training of CICA decision-makers.

Q5: What are your views on amending the exclusionary part of the rule to reduce the number of claims that would be automatically rejected on the basis of a specified unspent conviction?

51. 14 responses (12%) supported amendment of the rule welcoming any change which reduced the number of automatic rejections or avoided a hierarchy of victims. 41 responses (36%) disagreed and 19 responses (17%) provided mixed answers. Of these, 41 stated or implied that the exclusionary rule should be removed as amending it would still exclude those with custodial sentences and does not address that the time a conviction remains unspent is not always linked to the severity of the offence.

Q6: What are your views about guidance on exercising discretion being set out in the Scheme?

52. 9 responses (8%) supported guidance being set out in the Scheme so that it would be transparent and clear for applicants. 18 responses (16%) disagreed, with 15 suggesting it could be amended more easily if not contained in the Scheme itself. 35 did not provide an answer to the question.
53. 51 respondents provided responses that did not answer the question, including 14 who only stated or implied that the exclusionary part (9) or the entire rule (5) should be removed in its entirety. Many respondents only expressed views on the contents and development of the guidance including that it should be clear, transparent and developed to avoid bias or discrimination in decision making.

Q7: What are your views about removing the exclusionary part of the rule?

54. 71 responses (62%) agreed with the exclusionary part being removed. Respondents stated that cases should be decided on merit (10), that the exclusionary part suggests that some victims are more deserving than others (10), and that we should return to the discretion of the pre-2012 Scheme (4). Others stated that criminal behaviour can follow sexual abuse and that the rule discriminates against victims of sexual violence, trafficking and modern slavery.
55. 12 responses (11%) gave a mixed view. 4 stated that the exclusionary part should be removed for victims of sexual abuse/rape. Others stated that it should be retained for those injured committing a crime, for those convicted of murder, drug dealing or sexual offences, or those whose convictions will never become spent.

Q8: What are your views about defining in the Scheme how discretion should be exercised?

56. 22 responses (19%) agreed that the Scheme should define how discretion should be exercised. 9 stated that clear guidance would be helpful to ensure consistency and confidence of decision-makers, and transparency for the claimant. 32 responses (28%) disagreed with 13 stating that defining it in the Scheme would make it difficult to amend.

57. 22 (19%) provided a mixed response, including that too much consistency could mean discretion is lost and that an overly rigid approach could lead to the unfairness. Some respondents suggested sources of guidance on discretion or how processes should work.

2022 equalities questions on the unspent convictions rule

Q9: Do you agree that we have correctly identified the range and extent of the equalities impacts for no change and each of the potential reforms set out in this consultation?

58. 17 responses (15%) agreed that the consultation document had correctly identified the range and extent of the equality impacts, 55 responses (48%) disagreed, and 42 responses (37%) did not answer this question.
59. The following views were put forward:
- Age (18 respondents): Respondents noted that the Scheme does not acknowledge the disproportionate impact of the rule on child victims of crime who do not apply for compensation until many years later.
 - Sex (5 respondents): 4 highlighted a disproportionate impact on women and girls on whom a custodial sentence had been imposed as a high proportion have experienced domestic abuse. 1 made the point that men are disproportionately represented in the population of criminal record holders.
 - Race: Several respondents drew attention to over-representation of minority groups in the criminal justice system as offenders meaning the rule affects them disproportionately.
 - Disability: One or two respondents said the rule impacted on those with mental health problems, literacy problems or language difficulties.
60. Suggested impacts outside of protected characteristics: One or two respondents flagged the disproportionate impact of the rule on sex workers, the socio-economically disadvantaged and victims of modern slavery.
61. Our full equality analysis for the two consultations is in the Equality Statement at **Annex A**.

Government response on the unspent convictions rule

62. Having considered the purpose of the unspent convictions rule, evidence on how it is working, and consultation responses, our decision is to make no change to it at this time.
63. We appreciate that this will be disappointing to stakeholders who were strongly in support of change, particularly those personally affected by the rule. Our reasons for reaching our decision to maintain the rule are as follows.
64. The exclusionary part of the unspent convictions rule was one of a number of reforms made to the Scheme following a consultation in 2012 with a key aim of compensation being available to those most seriously injured by violent crime and to drive down the costs of the Scheme to ensure that it would be sustainable. In 2021 the Supreme Court judgment in *A and B* [2021] UKSC 27 determined that it is appropriate for Government to make rules as to when applicants might be disqualified from receiving compensation. A strong and clear rationale was made for introduction of an exclusionary part to the rule, based on the seriousness of the crime committed by the applicant as shown by the sentence imposed.
65. Amending the rule in a way which treats different groups of victims, for example child and adult victims of crime, or victims of different types of crime, differently – as recommended by the Inquiry – would breach the universality principle of the Scheme. This could also have equalities implications – this is discussed further in the Equality Statement at **Annex A**.
66. This does not diminish the seriousness of the injury that an applicant might be claiming for, but reflects harm to others, the costs to society and the state of the crimes they committed.
67. The rule has worked as intended and has enabled the CICA to apply the rule to all applicants and make decisions on claims in a consistent and timely way.

Responses to 2023 questions on scope of the Scheme

Introduction

68. This section considers the scope of the Scheme, which means the kinds of injuries and, in some cases, crimes that the Scheme pays compensation for. Under the Scheme (paragraph 4 and Annex B¹⁴) to potentially be eligible for compensation a person must have sustained a physical or mental injury from being a direct victim of a crime of violence involving physical contact or a threat of immediate violence.
69. The 2023 consultation, 'Criminal Injuries Compensation Scheme Review: additional consultation 2023'¹⁵ sought views on whether to amend the scope (as well as time limits) of the Scheme. There were 49 responses to this consultation and an overview of the respondents is at **Annex D**.

2023 Summary of responses

70. The 2023 consultation sought views on whether the scope of the Scheme should change, for instance to include online facilitated child sexual abuse, sometimes referred to as 'grooming', as recommended by the Independent Inquiry into Child Sexual Abuse (the Inquiry), and other non-contact offending. It set out three options:
- No change.
 - Include other forms of child sexual abuse in the 'crime of violence' definition, including online-facilitated sexual abuse (Inquiry recommendation).
 - Amend the eligibility criteria to add an additional category for non-contact offences.
71. Responses to each of the consultation questions are presented below. In summary most respondents who expressed a view felt the scope of the Scheme should change. They said for instance that the Scheme was out of step with developments in criminal law and offending behaviour as to how abuse and exploitation of child and adult victims is perpetrated, through non-contact and online-facilitated means. They felt that such behaviour was increasingly recognised as criminal conduct, and that

¹⁴ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/808343/criminal-injuries-compensation-scheme-2012.pdf

¹⁵ <https://consult.justice.gov.uk/digital-communications/cics-review-additional-consultation-2023/>

there had been an upward trend in the reporting of 'non-contact' offending (which the 2020 consultation had noted).

72. Some said that the Scheme should reflect that the psychological harm/effects of some non-violent crimes can be just as damaging as physical injuries caused by violent crimes. They argued that the State should recognise the harm caused to victims of these crimes in the same way as it does for victims of violent crime, through compensation.
73. There was less support for the approach recommended by the Inquiry (of amending the 'crime of violence' definition to include other forms of child sexual abuse, including online-facilitated abuse), than for amending the eligibility criteria to bring more non-contact offences into scope. This suggested that stakeholders considered that certain offending should be compensated whether the victim was an adult or a child at the time it occurred. There was broad agreement about the types of offending behaviour that should be brought into scope for each change option.

2023 consultation questions on scope

Q1: What are your views about the scope of the Scheme remaining unchanged?

74. Of the 49 responses received 41 (83%) responses disagreed with the scope of the Scheme remaining unchanged. 4 responses (8%) did not provide an answer to the question and 4 responses (8%) were unclear.
75. Representations included that:
 - the Scheme hasn't kept pace with the way criminal behaviour and technological advances were evolving,
 - no change negatively impacts and unfairly excludes victims of recent and historic child sexual offences, grooming, manipulation and control as well as survivors of human trafficking/modern slavery and of domestic abuse (including economic abuse), and
 - the Scheme should reflect that the psychological harm/effects of some non-violent crimes can be just as damaging as physical injuries of violent crimes.
76. Respondents also supported the Inquiry's recommendation to change the Scheme's scope and made suggestions to widen the scope further to include serious non-contact offences, such as sexual exploitation, domestic servitude, child sexual offences, online-facilitated sexual abuse, image-based sexual abuse, controlling or coercive behaviour, grooming and stalking.

Q2: What are your views about amending the definition of a crime of violence to include other forms of child sexual abuse?

77. 28 (57%) responses supported amending the definition of a crime of violence to include other forms of child sexual abuse. 6 (12%) provided mixed responses and 2 (4%) disagreed. 13 (26%) responses did not answer the question or were unclear.

Q3: If you agree that the definition should be extended in this way, which non-contact forms of child sexual abuse should be brought in scope of the Scheme?

78. 34 (69%) responses answered this question and 15 (30%) did not. Most answers made more than one suggestion and 27 different suggestions were made in total. In summary:

- **Online facilitated abuse** and **stalking** were the most common suggestions, each being proposed by around half of respondents.
- **Exposing children to sexual material or acts, grooming** (not specified) and **coercive control** were the next most common suggestions, each proposed by around a quarter of respondents.
- All non-contact offences, harassment (including sexual), grooming children to perform sexual acts, and trafficking and modern slavery were each proposed by around a sixth of respondents.
- Other suggestions were also made but by fewer (4 or under) respondents.

Q4: What are your views on bringing serious non-contact offending within the scope of the Scheme?

79. 35 (71%) responses agreed that serious non-contact offences should be brought within the scope of the Scheme; 5 (10%) provided a mixed response; and 4 (8%) disagreed. 5 (10%) responses didn't answer the question.

Q5: Which types of non-contact offending should be brought in scope of the Scheme?

80. 41 (84%) responses answered this question and 8 (16%) responses did not. Most answers made more than one suggestion and 31 different suggestions were made. In summary:
- **Stalking** and **coercive control** were the most common suggestions, each proposed by around half of respondents.
 - **Online exploitation or abuse, grooming** and **modern slavery** were the next most common suggestions, each proposed by around a quarter of respondents.
 - **Harassment, intimate image abuse, revenge porn** and **'all non-contact'** were each proposed by around a sixth of respondents.
 - Other suggestions were also made but by fewer (4 or less) respondents.

2023 equalities questions covering scope and time limits

Q13: Do you agree that we have correctly identified the range and extent of the equalities impacts for no change and each of the potential reforms set out?

Q14: Are there forms of mitigation in relation to equality impacts that we have not considered?

81. There were limited responses to these questions with 39 (80%) respondents not answering Q13. The 7(14%) responses that agreed the consultation had identified the impacts did not elaborate.
82. One respondent said that non-contact offences being outside of the Scheme's scope indirectly discriminated against females, who are more likely to be victims of that type of offence.
83. Our full equality analysis for the two consultations is in the Equality Statement at **Annex A**.

Government response on scope

84. We have carefully considered all elements of a potential change to the Scheme's scope. As well as considering the views of respondents, we have also considered wider policy, operational and financial aspects. Our conclusion is that, at this stage, we will maintain the current scope of the Scheme.
85. Both options for change presented in the consultation would fundamentally alter the purpose of the Scheme by enabling eligibility for compensation for offending that is not violent, does not involve physical touching/contact, and does not involve an

immediate threat of violence. Our view is that the current scope of the Scheme is broad enough to allow for a wide range of circumstances, including, in certain cases, online exploitation, grooming, stalking, modern slavery and trafficking where situations have escalated into ones involving violence or the immediate threat of violence.

86. Further, both options for change could lead to a significant increase in the number of new, and more complex claims. This could lead to a proportionately larger resource pressure on the CICA in terms of securing sufficient evidence to enable it to reach a decision about an award for non-violent crimes, which is likely to be more resource-intensive than securing evidence of injury from violent crime. This resource demand would impact on all victims claiming compensation through the Scheme, meaning they would need to wait longer than presently for their claim to be determined.
87. Equality considerations are set out in the Equality Statement at **Annex A** but, in summary, our view is that the policy of limiting the Scheme to crimes of violence is not discriminatory. For instance, the 2016–19 CICA dataset indicated that when the primary reason for a case being rejected is ‘no crime of violence’ 53% of these cases were brought by women and 47% by men, a marginal difference. Amending the Scheme’s scope for victims of child sexual abuse only (as recommended by the Inquiry) would breach the Scheme’s core principle of universality. This ensures all victims injured by violent crime can equally access the Scheme, regardless of the nature of the crime.
88. More generally, we also recognise the significant role that support other than compensation can play in helping victims and survivors of child sexual abuse, and we are continuing to invest in provision of specialist victim support services. These services offer tailored support programmes, including counselling, therapeutic services, advocacy, outreach and group activities to victims and survivors of all ages, including children.
89. In addition the Victims’ Code¹⁶ sets out what victims of crime can expect from the criminal justice system. The Victims and Prisoners Act 2024 aims to improve awareness of, and compliance with, the Victims’ Code, by making sure that victims know about their rights in the Code and that agencies deliver them. The Victims and Prisoners Act 2024 also aims to improve support for victims through a duty on local commissioners in England to collaborate in the commissioning of support services for victims of domestic abuse, sexual abuse and serious violence. The 2024 Act also enhances the powers of the Victims’ Commissioner, and we intend to go further and

¹⁶ <https://www.gov.uk/government/publications/the-code-of-practice-for-victims-of-crime>

increase the powers of the Commissioner in future legislation to increase accountability where victims' needs are not being met.

90. We are also looking at the Scheme in the context of support we provide for victims, to reach a solution that is part of a sustainable support package.

Responses to 2023 questions on time limits

Summary of responses

91. As set out above, the 2023 consultation sought views on whether to amend the scope and time limits of the Scheme.
92. Most of the 49 respondents said the Scheme's time limits should change or be abolished. There was less consensus about what the time limit should be and why (i.e. evidence to support it) and to whom any change to it should apply (i.e. all applicants or only certain categories).
93. The first key reason for wanting change was the barriers to reporting a crime and applying for compensation that victims of certain crimes, particularly sexual assault or abuse, face. This is associated with the trauma they are dealing with and the fact that such crimes are more likely to be ongoing rather than isolated events that other violent crimes may be. The second key reason was around victims waiting until after criminal proceedings had concluded, due to fear of any application to the Scheme being used against them in court, and how this issue is exacerbated by current court caseloads. The third reason was that victims may simply not be aware of the Scheme in the two years immediately following the event. If they apply after two years, they have to make a case for 'exceptional' circumstances', justifying their late application.
94. Overall, seven years was more favoured as a new time limit than three years, but not conclusively. Other suggestions were made by a handful of people, including no time limit at all. For each potential time limit, most respondents felt the Scheme should retain the discretion to extend it if needed. In terms of to whom an extended time limit should apply, some respondents cited victims of child sexual abuse as recommended by the Inquiry. However, many respondents also made the case for adult victims having the time limit extended – particularly adult victims of sexual, physical and domestic abuse, and other crimes, for instance human trafficking or modern slavery.
95. More details of responses to the consultations are set out below.

2023 consultation questions on time limits

Q6: What are your views on the approach to the Scheme's time limits remaining unchanged?

96. 40 (82%) responses disagreed with the option of retaining the Scheme's time limits unchanged. 3 (6%) responses provided a mixed response and 6 (12%) did not answer.
97. Those with concerns about the 2-year time limit remaining unchanged made points such as:
- The increasing length of criminal investigations makes the current two-year time limit inappropriate.
 - The time limit does not take the trauma of victims of sexual and/or child sexual abuse into account (e.g. research¹⁷ had found that child abuse survivors take 22 years on average to disclose).
 - Other time limits are more appropriate – seven years in line with the Inquiry recommendation was the most common suggestion, but three years and no time limit were also recommended.
98. Those with qualified support for maintaining the time limit suggested the Scheme needed to retain discretion to extend it in exceptional circumstances.

Q7: What further action could be taken to raise awareness of the Scheme and its time limits?

99. 26 responses suggested action and 23 responses did not.
100. Of those who recommended further action the most common suggestions were around police, support services and other organisations providing information about the Scheme (and perhaps needing training to do so). Other responses focused on the format of information, including accessible formats, online information and hard copy information. Others suggested making more use of the Victims' Code, including strengthening its provisions.

¹⁷ <https://napac.org.uk/key-facts-figures/>

Q8: What are your views on amending the Scheme's time limit to seven years for child sexual abuse applicants who were children under the age of 18 on the date of the incident giving rise to the injury, with the CICA retaining discretion to extend the time limit in exceptional circumstances?

101. 15 (31%) of responses agreed with this option. 7 (14%) responses disagreed; 11 (22%) of responses provided a mixed response; and 16 (33%) did not answer the question.
102. Those who supported this option felt it was likely to facilitate access to the Scheme for more victims. Some said it was part of Government implementing all the Inquiry's recommendations.
103. Some with concerns about this option said time limits should be abolished altogether, while others said that as long as the Scheme retained discretion to accept late applications in exceptional circumstances a change was not essential. One (police) respondent said the option could bring into question the length of time for other types of child abuse (especially if non-contact offences were brought into the Scheme) such as those which fall under child protection categories of harm – physical, emotional and neglect.

Q9: What are your views on amending the Scheme's time limit to seven years for all applications, with the CICA retaining discretion to extend the time limit in exceptional circumstances?

104. 24 (49%) responses supported this option. 6 (12%) were mixed responses and 8 (16%) disagreed. 11 (22%) responses didn't answer the question.
105. Reasons for supporting this option included that it would mean victims could apply after their criminal case concluded, rather than potentially having their application used against them in court. On a related note, it would enable more survivors to apply without needing to claim exceptional circumstances. Others felt that this option recognised that the nature of domestic and sexual abuse means that survivors can take many years to report these crimes.
106. Concerns expressed about this option included that the change may be an additional burden on CICA resources and the time it takes to process a claim; and on agencies that provide information in support of applications. There was some worry that the Scheme could become unaffordable, leading to lower awards. Some respondents felt

that other time limits may be better – with suggestions made of 3, 5, 14 years or no time limit.

Q10: If the time limit for applications to the Scheme were extended to seven years, either for applications in relation to child sexual abuse or for all applications, is it necessary for the CICA to retain discretion to further extend the time limit in exceptional circumstances?

107. 24 (49%) responses agreed that discretion was needed even with a seven-year time limit for applying. 6 (12%) responses gave a mixed answer and 2 (4%) responses disagreed. 17 (35%) responses did not answer the question.
108. Some of those who supported retaining discretion said it was not possible to legislate for all circumstances so discretion was always needed. Others said discretion was important for e.g. domestic abuse, child sexual abuse and stalking victims, as there may be a long period of multiple events, rather than one crime. Victims may have long term psychiatric problems because of the violent act so may face additional barriers in reporting and applying for compensation, or may defer applying until their case concludes in court as the defence may suggest the allegation was for financial gain.
109. Those with concerns said there needed to be guidance on the exercise of the discretion regarding particular victim groups (e.g. trafficking and modern slavery).

Q11: What are your views on amending the time limit to three years for all applicants who were children under the age of 18 on the date of the incident giving rise to the injury?

110. 3 (6%) responses agreed with a three-year limit. 17 (34%) responses did not answer the question, 10 (20%) responses provided a mixed response, and 19 (38%) responses disagreed with the option.
111. The support for a three-year limit for victims under 18 was that any increase would be an improvement on two years.
112. Concerns about a three-year limit for victims under 18 were that it was insufficient, considering additional factors such as lengthy criminal justice proceedings; and was too short particularly for categories of victims who may encounter barriers to reporting, or sufficient recovery to apply, such as children or victims of trafficking.

113. Other criticisms of this option were that it would not implement the Inquiry's recommendation (of seven years); there should be a three-year limit for **all** applicants and, relatedly, that applying it only to children would create a hierarchy of victims, based on age.

Q12: What are your views on amending the time limit to three years for all applicants to the Scheme?

114. 7 (14%) responses agreed with the option of amending the time limit to three years for all applicants to the Scheme. 13 (26%) responses provided a mixed response; 13 (26%) responses disagreed and 16 (32%) responses did not answer the question.
115. Support for a three-year limit for all applicants was explained as being better than a two-year limit; providing consistency and clarity for applicants; and matching the time limits for civil claims for compensation.
116. Concerns about a three-year limit for all applicants were that it was insufficient for any applicant, particularly considering timescales for criminal justice proceedings; and that the Inquiry had recommended abolishing time limits in civil cases for non-recent abuse and the Scheme should take the same approach. Some respondents said that seven years was more appropriate for victims of historical abuse.

2023 equalities questions covering scope and time limits

Q13: Do you agree that we have correctly identified the range and extent of the equalities impacts for no change and each of the potential reforms set out?

Q14: Are there forms of mitigation in relation to equality impacts that we have not considered?

117. There were limited responses to these equalities questions with 10 (20%) answering Q13; and 2 (4%) answering Q14. The 7(14%) responses that agreed the consultation document had identified the impacts did not elaborate. One respondent said that the consultation had not included the positive impact the extension of the Scheme's time limits would have on women and girls.
118. Our full equality analysis for the 2022 and 2023 consultations is in the Equality Statement at **Annex A**.

Government response on time limits

119. Having considered the principles of the Scheme, the evidence on how its time limits are currently working, and consultation responses, our decision is to make no change to the Scheme's time limits at this time.
120. There was no clear consensus among respondents on what the time limits should be. Our view is that the time limits as they stand allow sufficient time for most victims to make a claim, and to have explored other routes for compensation. We note stakeholder concerns and reasons for victims not applying to the Scheme within two years. However, data suggests that the discretion to extend the time limit, already provided by the Scheme, is working effectively. The CICA 2016–19 dataset showed that overall, 18% of resolved cases were received outside the two-year time limit and 63% of this group went on to receive an award. 81% of cases received outside the time limit related to sexual assault applications, with only 9% of these rejected for late submission. From 2020 to 2022, 18% of applications were 'late' (i.e. outside the two-year time limit), of which 61% nevertheless received an award. 69% of late applications were sexual assault cases, of which 74% received awards.
121. The Scheme requires an application to be submitted to the CICA as soon as reasonably practicable. In assessing this the CICA considers a wide range of factors such as whether the applicant was obtaining evidence in support of their application, or had relied upon advice from a criminal justice agency about the appropriate time to apply. The CICA also provides its staff with guidance on the circumstances which may lead applicants to delay reporting incidents to the police (for instance around the particular circumstances of victims of trafficking and modern slavery). Increasing time limits could make it harder for victims (and the CICA) to obtain the evidence required to assess an application as the availability of such evidence often decreases over time. In addition, changing time limits for victims of child sexual abuse only, as the Inquiry recommended, would breach the Scheme's core principle of universality for all victims.
122. We have not found evidence that the Scheme's current time limit disproportionately impacts women. Analysis of the CICA 2016–19 dataset indicates that of the late claims, 71% were from women and 29% from men. Of the claims from women submitted late, 68% were nevertheless successful in obtaining an award through the Scheme. Of the claims from men submitted late, 51% were successful. Overall, the dataset demonstrated high success rate in claims for female victims of sexual assault, regardless of whether they were made within the time limit, 12,599 (83%) of sexual assault claims were from females. Of these, only 24% were rejected, compared to 31% of claims from males.

123. We note particularly sexual assault victims' worries about how their Scheme application may be used in court to suggest their criminal case is purely for financial gain. We will consider any recommendations on this point made by the Law Commission in its forthcoming report on evidence in sexual offence cases.¹⁸
124. All options other than no change would lead to increased costs, in terms of compensation payments and operational costs (for the CICA and police and medical bodies). In the absence of further funding for compensation, the pressure from increased case volumes could lead to poorer service for victims in terms of it taking longer to process claims.
125. We note concerns about awareness of the Scheme and that we can do more about this. We already work to publicise the Scheme, for example via GOV.UK and the Victims' Code. In addition the CICA runs awareness sessions for its stakeholders, including the police, who deliver frontline services to victims of violent crime. We will consider 2023 consultation suggestions on how we can further raise awareness of the Scheme to make sure potentially eligible victims hear about it and how to apply at the start of their journey.
126. As part of implementation of the Victims' and Prisoners Act 2024, the Government plans to consult on a new Victims' Code, which includes a section on the right to be provided with information about compensation.

¹⁸ <https://lawcom.gov.uk/project/evidence-in-sexual-offence-prosecutions/>

Impact Assessment

Impact Assessment

127. Impact Assessments were published alongside the 2022¹⁹ and 2023²⁰ consultation documents. As we are not taking forward any changes these documents remain unchanged.

¹⁹ https://consult.justice.gov.uk/digital-communications/cics-review-supplementary-consultation/supporting_documents/cicssupplementaryconsultationimpactassessment.pdf

²⁰ https://consult.justice.gov.uk/digital-communications/cics-review-additional-consultation-2023/supporting_documents/cicsconsultationimpactassessmentunsigned.pdf

Conclusion and next steps

128. The 2022 and 2023 consultations fulfilled the obligation arising from the 2018 Victims Strategy to consult on changes to the Scheme following the Inquiry's recommendations. We are extremely grateful for all the responses to the consultations.
129. Our conclusions are as follows.
130. We will not make changes to the Scheme's scope, time limits and unspent convictions rule at the present time.
131. While stakeholder views were strongly expressed in relation to these aspects of the Scheme, statistical data has shown that, overall, the Scheme is working well to pay compensation to victims. Data shows that in 2022–23 over £31m was paid to victims for physical injuries, £64m for injuries from sexual assault and £13m for mental injuries. Additionally, the current discretion over time limits means a relatively high proportion of late claims are nevertheless accepted and have a positive outcome. From 2020 to 2022 18% of applications were 'late' (i.e. outside the two-year time limit), of which 61% nevertheless received an award. 69% of late applications were sexual assault cases, of which 74% received awards.
132. Amending the Scheme's scope, time limits or unspent convictions rule for only some victims (such as victims of child sexual abuse) would breach the Scheme's core principle of universality, which ensures all victims injured by violent crime can equally access the Scheme, regardless of the nature of the crime. Changing this would suggest that some victim groups should have greater recourse to compensation (for example, it could mean that victims of childhood sexual abuse and victims of rape or sexual violence during adulthood would not be able to access the Scheme on the same terms).
133. We are looking at the Scheme within the wider context of support for victims. This wider context has changed considerably in recent years, with Government provision for victims having developed.
134. We are now implementing reforms in the Victims and Prisoners Act 2024, and are consulting on the revised Victims' Code, among other reforms.
135. In addition, the Criminal Injuries Compensation Authority (CICA) has worked to improve its service for compensation applicants. It has done a great deal of user research and put in place more accessible and sensitive processes. These have

addressed issues highlighted in the Victims' Commissioner's 2019 report, 'Compensation without re-traumatisation: The Victims' Commissioner's Review into Criminal Injuries Compensation'.²¹ For instance, the CICA has simplified and made it more trauma-informed and has worked to raise awareness of the Scheme among victims and those that support them.

136. We will consider how we can continue to help frontline practitioners support victims of violent crime, including considering consultation respondents' suggestions on raising awareness of the Scheme. This will help ensure victims hear about the Scheme and how to apply at the start of their journey through the criminal justice system.
137. In addition, campaigns to raise awareness of the Victims' Code and the Government consultation on the Code will help make sure victims are made aware of their right to be provided with information about compensation and signposted to the Scheme and other methods of redress.

²¹ <https://victimscommissioner.org.uk/document/compensation-without-re-traumatisation-the-victims-commissioners-review-into-criminal-injuries-compensation/>

Consultation principles

The principles that Government departments and other public bodies should adopt for engaging stakeholders when developing policy and legislation are set out in the Cabinet Office Consultation Principles 2018:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/691383/Consultation_Principles__1_.pdf

Annex A – Equality Statement

Introduction

1. The core purpose of Criminal Injuries Compensation Scheme 2012 (the Scheme) is to recognise, through compensation, the harm to a victim injured because of a violent crime.²² The Scheme must work equally well for all such victims. The Criminal Injuries Compensation Authority (CICA), which administers the Scheme, assesses all applications against the same eligibility criteria, requirements and injury tariffs. This ensures that decisions for all victims are made in a consistent, and transparent way.
2. This Equality Statement examines the potential equality impact of our conclusions in the main body of this consultation response document, following our consultations on the Scheme's scope, time limits and unspent convictions rule. It should be read in conjunction with Equality Statements in the consultation documents, and the accompanying Impact Assessments.

Policy proposals summary

3. The 2022 consultation considered the Scheme's unspent convictions rule, and the 2023 additional consultation focused on the scope of the Scheme and the time limit for applying. Considering the potential equality impacts of the options presented in the consultations has been a key element of this work.
4. This consultation response document sets out that, having carefully considered the consultation responses, and the principles and purpose of the Scheme, we do not intend to amend the Scheme's scope, time limits and unspent convictions rule.

Public Sector Equality Duty

5. This document records the analysis undertaken by the Ministry of Justice to fulfil the requirements of the Public Sector Equality Duty (PSED) as set out in section 149 of the Equality Act 2010. This requires the department to have due regard to the need to:

²² <https://www.gov.uk/government/consultations/criminal-injuries-compensation-scheme-review-additional-consultation-2023/criminal-injuries-compensation-scheme-review-additional-consultation-2023#executive-summary>

- eliminate unlawful discrimination, harassment and victimisation and any other conduct prohibited by the Act
 - advance equality of opportunity between people who share a protected characteristic and people who do not share it
 - foster good relations between people who share a protected characteristic and those who do not share it
6. The protected characteristics which we have considered are:
- sex
 - age
 - race
 - disability
 - gender reassignment
 - pregnancy and maternity
 - religion or belief
 - sexual orientation
 - marriage and civil partnership (only in respect of the first aim of PSED).
7. This equality analysis assesses the expected impacts of the consultation conclusions on people with protected characteristics. It also considers impacts on other affected or disadvantaged groups.

Engagement and involvement

8. The Government has engaged with a range of stakeholders, via the consultations and correspondence, to fulfil our commitment to consider the needs of those from protected groups. Each consultation explicitly sought evidence of potential equality impacts of options and proposals on people with each of the protected characteristics.

Evidence and analysis

9. CICA caseload data covering 2016 to 2019 was used for the 2022 consultation. An updated set of caseload data from the CICA covering 2020 to 2022 was used for the 2023 consultation.²³

²³ <https://www.gov.uk/government/consultations/criminal-injuries-compensation-scheme-review-additional-consultation-2023/criminal-injuries-compensation-scheme-review-additional-consultation-2023#our-approach>

10. Each case record contained information on the age, sex and ethnicity of the applicant. This was combined with information on crime type, injury type and awards made, allowing analysis in relation to those three protected characteristics.
11. The datasets did not include unresolved cases. Analysis therefore assumed that the demographic breakdown of unresolved cases would resemble that of resolved cases. It did not account for any possible systemic delays to resolving cases from certain protected groups, which may distort some estimated impacts upon them.
12. The case data did not contain information on some protected characteristics, so we have been unable to assess how any policy change would have impacted the claims over the above-mentioned period in relation to:
 - disability
 - sexual orientation
 - religion / belief
 - pregnancy / maternity
 - gender reassignment
 - marriage / civil partnership
13. Any considerations of impacts, either positive or negative, upon the protected characteristic groups for whom there was data were caveated in that they could not predict the demographics of future claimants and victims of violent crime with certainty.
14. In addition to the CICA caseload data and consultation questions we have considered data from published sources in order to consider our equality obligations.

Consultation responses

15. The consultation asked respondents to highlight any equality impacts of the options and to alert us to data and evidence that quantified the impact. We have considered the responses, which are summarised below.

2022

Q9: Do you agree that we have correctly identified the range and extent of the equalities impacts for no change and each of the potential reforms set out in this consultation [on the Scheme's unspent convictions rule]?

16. 17 responses (15%) agreed that the consultation document had correctly identified the range and extent of the equality impacts, 55 responses (48%) disagreed, and 42 responses (37%) did not answer this question.

17. The following views were put forward:

- **Age:** The Scheme does not acknowledge the disproportionate impact of the unspent convictions rule on child victims who may apply for compensation many years after the fact.
- **Sex:** The rule has a disproportionate impact on women and girls on whom a custodial sentence had been imposed, as a high proportion of this cohort have experienced domestic abuse. Men are disproportionately represented among criminal record holders.
- **Race:** There is over-representation of minority groups in the criminal justice system as offenders, meaning the rule affects them disproportionately.
- **Disability:** The rule has a disproportionate impact on those with mental health problems, literacy problems or language difficulties.
- **Non-protected characteristics:** The rule has a disproportionate impact on sex workers; modern slavery victims; and the socio-economically disadvantaged.

2023

Question 13: Do you agree that we have correctly identified the range and extent of the equalities impacts for no change and each of the potential reforms set out in this consultation [on the scope and time limits of the Scheme]? Please give reasons and supply evidence of further equalities impacts as appropriate.

18. 7 (14%) responses agreed that the consultation document had identified the impacts; 1(2%) response was mixed; and 2 (4%) responses disagreed. 39 (80%) responses did not answer the question.
19. Those who agreed did not elaborate on their answers. Of those who disagreed one explained their answer:
- **Sex:** The respondent said that the Government had not considered the positive impact the inclusion of non-contact crimes in the Scheme and the extension of the Scheme's time limits would have on women and girls.

Question 14: Are there forms of mitigation in relation to equality impacts that we have not considered?

20. 2 (4%) responses provided suggestions for mitigating equality impacts.
- **Sex:** One respondent said that non-contact abuse being outside of the current Scheme was indirectly discriminatory against females, and that broadening the scope would go towards remedying this.
 - **Non-protected characteristics:** One respondent supported removing time limits for applications; providing information in accessible formats; and using survivor support organisations to plan and disseminate information.

Analysis

Age

21. **Victims of crime** – As set out in earlier Equality Statements, data suggest that young people may be most likely to be victims of violent crime, so any policy that impacts victims of crime would have a disproportionate impact on young people. For instance the year ending March 2022 Telephone-operated Crime Survey for England and Wales (TCSEW) showed that people aged 18 to 24 years (3%) and 25 to 34 years (2.9%) were more likely to be victims of violent crime than people aged 65 to 74 years (0.6%) and 75 years and over (0.2%).²⁴
22. **Scheme** – Regarding the Scheme's time limits, some respondents to the 2022 consultation were concerned that the Scheme did not acknowledge the disproportionate impact of any proposals on child victims of sexual abuse, who may apply for compensation many years after the sexual abuse occurred. The Crime Survey for England and Wales (CSEW) suggests that around half of adults (46%) who experienced rape or assault by penetration before the age of 16 told someone about the abuse only later in life. This was lower for other contact sexual abuse (37%) and non-contact sexual abuse (34%).²⁵ We acknowledge that there may be barriers to reporting in cases of child victims of sexual abuse. There is evidence to suggest that the unspent convictions rule may have a greater impact on younger adults, who in 2020 were more likely to be sentenced by way of a community order or custodial sentence than older age groups.²⁶
23. **Conclusion** – While crime statistics regarding various age groups vary, our view is that the policy of no change will not be likely to result in people being treated less favourably due to the protected characteristic of age. In contrast, amending the

²⁴ <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/thenatureofviolentcrimeinenglandandwales/yearendingmarch2022>

²⁵ <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/childsexualabuseinenglandandwales/yearendingmarch2019>

²⁶ <https://www.gov.uk/government/consultations/criminal-injuries-compensation-scheme-review-supplementary-consultation>

Scheme in a way which treats different groups of victims differently on the basis of their age, for example child and adult victims of sexual abuse as recommended by the Inquiry, would have equality implications and could amount to unlawful discrimination if we could not show the differential treatment to be justified. We will consider 2023 consultation suggestions on how we can further raise awareness of the Scheme to make sure potentially eligible victims hear about it and how to apply at the start of their journey.

Sex

24. **Victims of crime** – The policy may have a different impact on males and females due to their differing likelihoods of being victims of crime. The year ending March 2022 TCSEW showed that men were more likely to be victims of violent crime than women (2.2% of men compared with 1.6% of women), although this likely underestimated the number of female victims.²⁷ UN research suggested that globally males are 4 times more likely to be victims of homicide than females with males aged 15–29 facing the highest risk.²⁸ Women are more likely to be victims of such crimes. The CCSEW year ending March 2022 showed an estimated 3.3% of women (798,000) and 1.2% of men (275,000) aged 16 years and over had experienced sexual assault (including attempts) in the previous year. Crimes recorded by the police in the year ending March 2022 showed that the victim was female in 86% of sexual offences.²⁹
25. **Scheme** – A number of consultation respondents suggested that the Scheme's time limits for applications were not appropriate for victims of sexual violence, including child sexual abuse, as these victims may report the crime to the police many years later. However, our analysis of the CICA data sets suggested that the Scheme discretion was operating effectively and that the time limits did not disadvantage women. Overall the CICA had received 18% of cases³⁰ outside the time limit, of which 63% received an award. 81% of the cases the CICA received outside the time limit related to sexual assault applications, with only 9% of these rejected for late submission.
26. The CICA data set indicated that of late injury claims, 71% were from women and 29% from men. Of the claims from women, 68% were successful. Of the claims from men submitted late, 51% were successful. Overall, the dataset demonstrated a high success rate in claims for female victims of sexual assault, regardless of whether

²⁷ <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/thenatureofviolentcrimeinenglandandwales/yearendingmarch2022>

²⁸ <https://www.unodc.org/unodc/en/data-and-analysis/global-study-on-homicide-2019.html>

²⁹ <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/sexualoffencesvictimcharacteristicsenglandandwales/yearendingmarch2022>

³⁰ This is cases that were later resolved.

they were made within the time limit. 12,599 (83%) of sexual assault claims were from females. Of these, only 24% were rejected, compared to 31% of claims from males. We therefore consider that the Scheme's current discretion to extend time limits is operating so that there is no less favourable treatment on the basis of sex.

27. Compensation payments are not adjusted in line with inflation and over time the value of those payments to recipients is likely to decrease in real terms. CICA data suggests that some applicants, such as victims of sexual violence, may delay reporting to the police and making a claim for a long period of time after the violent crime occurred. Women and girls account for the majority of victims of sexual violence and therefore may be disproportionately impacted. However, the decrease in real terms value of awards for the majority of individual victims of sexual violence is likely to be relatively small. Whilst the CICA data set indicated that the median delay in submitting claims relating to sexual assault cases was considerably longer than other incident types, it remained under 3 years (34.9 months).
28. **Conclusion** – Our view is that the policy will not be likely to have a negative impact on women and girls. Our planned undertaking of targeted awareness raising of the Scheme should have a positive impact on all applicants. This will help victims to receive accurate information about the Scheme and its requirements.

Race

29. **Victims of crime** – The policy may have a greater impact on some ethnic groups due to their higher likelihood of being victims of crime. People from black or mixed ethnic groups (20%) are most likely, and people from white ethnic groups least likely (13%) to be victims of crime (which includes non-violent crime).³¹
30. **Scheme** – Consultation respondents highlighted concerns regarding the over-representation of minority groups in the criminal justice system, meaning the Scheme's unspent convictions rule would affect these groups disproportionately. Data also suggest that ethnic minorities (excluding white minorities) are over-represented at many stages throughout the criminal justice system compared with the white ethnic group.³² The greatest disparities appear with stop and search practices, custodial remands and prison populations. Among ethnic minorities (excluding white minorities), black individuals were often the most over-represented.³³

³¹ <https://www.ethnicity-facts-figures.service.gov.uk/crime-justice-and-the-law/crime-and-reoffending/victims-of-crime/latest/>

³² <https://www.gov.uk/government/statistics/ethnicity-and-the-criminal-justice-system-2022/statistics-on-ethnicity-and-the-criminal-justice-system-2022-html#fn:1>

³³ <https://www.gov.uk/government/statistics/ethnicity-and-the-criminal-justice-system-2022/statistics-on-ethnicity-and-the-criminal-justice-system-2022-html>

31. **Conclusion** – As we are not amending the Scheme there is no additional impact on the protected characteristic of race. We will engage with all stakeholders to raise awareness of the Scheme to support all victims.

Disability

32. **Victims of crime** – The policy may have a greater impact on disabled people due to their higher likelihoods of being victims of crime compared to non-disabled people. In the Office for National Statistics (ONS) overview of published data on disability and crime in the UK (year ending March 2019), disabled adults were more likely to have experienced crime in the previous year (23.1%) than non-disabled adults (20.7%).³⁴
33. In the three years ending March 2018, 3.7% of disabled adults aged 16 to 59 years reported experiencing sexual assault in the previous year in England and Wales, compared with 1.9% of non-disabled adults. The disparity between men and women was also higher for disabled adults than non-disabled adults. Disabled women were over five times more likely to have experienced sexual assault in the last year (5.7%) than disabled men (1.1%). There was a significant difference (2.7%) between the rates of sexual assault for disabled and non-disabled women, while similar rates of sexual assault were observed for disabled and non-disabled men. This suggests the combination of these protected characteristics makes disabled women most likely to experience sexual assault.³⁵
34. **Conclusion** – Our view is that the policy is unlikely to have a negative impact on people with disabilities. We will continue to ensure that reasonable adjustments are available for applicants with disabilities including those with impaired mental capacity.³⁶ We will strive to enhance the accessibility of the Scheme wherever possible, raising awareness of reasonable adjustments in continued support of those with disabilities.
35. In addition the CICA is working to make its service more accessible and sensitive to the needs of victims of violent crime who have suffered serious physical or mental injury. It has improved its application process, including system notifications and correspondence. The CICA continuously reviews its training and guidance to ensure that all staff have the right level of training to manage applications from victims with compassion and sensitivity.

³⁴ [https://www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/disability/bulletins/disabilityandcrimeuk/2019#:~:text=In%20the%20latest%20findings%20\(year,personal%20and%20household%2Dlevel%20crimes.](https://www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/disability/bulletins/disabilityandcrimeuk/2019#:~:text=In%20the%20latest%20findings%20(year,personal%20and%20household%2Dlevel%20crimes.)

³⁵ <https://www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/disability/bulletins/disabilityandcrimeuk/2019#domestic-abuse>

³⁶ <https://www.gov.uk/guidance/criminal-injuries-compensation-a-guide>

Religion or belief

36. **Victims of crime** – Office for National Statistics data shows patterns for personal crime (which includes violent crime). Jewish people are most likely to be victims (19.1%) and Hindu people least likely (10.9%). Separated people are most likely to be victims of personal crime (19.2%) and widowed least likely (9.1%). Gay/lesbian and bisexual people (19%) are more likely than heterosexual/straight people (13%) to be victims.³⁷
37. **Conclusion** – We have not identified a disproportionate impact of the policy on these groups.

Other protected characteristics

38. **Victims of crime** – In terms of **marriage and civil partnership**, separated people are most likely to be victims of personal crime (19.2%) and widowed least likely (9.1%). Regarding **sexual orientation**, gay/lesbian and bisexual people (19%) are more likely than heterosexual/straight people (13%) to be victims.³⁸ We have not been able to obtain data on the protected characteristics of **gender reassignment** or **pregnancy and maternity**.
39. Consultation respondents did not mention impacts regarding sexual orientation, gender reassignment, pregnancy and maternity, or marriage and civil partnership.
40. **Conclusion** – We have not identified a disproportionate impact of the policy on these groups.

Equality considerations

Direct discrimination

41. Our view is that the policy is not directly discriminatory within the meaning of the Equality Act 2010. We believe it will not result in people being treated less favourably due to any protected characteristic.

Indirect discrimination

42. On the basis of the available data, we consider that individuals with certain protected characteristics may be disproportionately impacted by our proposed way forward due to their over-representation as victims of the violent crimes that are in scope for compensation under the Scheme; and as offenders (for the purpose of the unspent convictions rule) However, we do not think this is likely to result in a particular

³⁷ <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/datasets/crimeinenglandandwalesannualtrendanddemographicictables/current>

³⁸ <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/datasets/crimeinenglandandwalesannualtrendanddemographicictables/current>

disadvantage to these victims as compared with those who do not share those protected characteristics, as explained above. As such, we do not consider this policy to be indirectly discriminatory.

Harassment and Victimisation

43. We do not consider there to be a risk of harassment or victimisation as a result of the policy.

Disability and the duty to make reasonable adjustments

44. Data considered in the consultation Equality Statements suggest that people with disabilities may be more likely than those without disabilities to be victims of crime. Additionally, raising awareness of the Scheme may benefit those with disabilities who are disproportionately impacted by crime.

45. It remains important to make reasonable adjustments for disabled victims to ensure appropriate support is given. Victims will continue to be able to have a family member support them in making an application, or to do so on their behalf.

Advancing equality of opportunity

46. We have considered how the policy impacts on the duty to advance equality of opportunity by meeting the needs of victims who share a particular characteristic, where those needs are different from the needs of those who do not share that particular characteristic. Overall, the Scheme is aimed at supporting all victims of violent crime regardless of their protected characteristics and is therefore likely to contribute to advancing equality opportunity.

Fostering good relations

47. We consider that this objective is unlikely to be of particular relevance to our policy.

Conclusion

48. Our view is that the policy is unlikely to result in unlawful discrimination or any other conduct prohibited under the Equality Act 2010. Furthermore, as described above, we consider it likely that the proposals will advance equality of opportunity for victims. In line with the ongoing nature of the PSED we will continue to consider the equality impacts of the policy. This is important to ensure that individuals with protected characteristics are not disadvantaged in the future.

Annex B – Welsh Language Impact Test

2022 consultation

1. Of the 114 responses to the 2022 consultation, one was from an organisation which said it was based in Wales. The response raised similar points to those made from respondents in England. No comment was made in relation to impacts on Wales or Welsh service users, the provision of a Welsh service or Welsh language provision.

2023 consultation

2. None of the 49 responses were received from people or organisations who specified that they were living or based in Wales.

A Welsh translation of this response paper will be made available.

Annex C – List of respondents to the 2022 consultation

The following table breaks down the respondents to the 2022 consultation into categories:

Categories	Number of respondents
Academics	6
Commissioners' Offices	4
Criminal Justice Support – Company	1
Criminal Justice Support – Voluntary Organisations/Charities	6
Individuals	59
Legal services	8
Non-Departmental Policy Body	1
Other	2
Parliament	2
Police and Crime Commissioners/Police	2
Sexual Violence/Abuse Support – Organisations	2
Sexual Violence/Abuse Support – Voluntary Organisations/Charities	20
Trafficking/Slavery	1
Total number of respondents	114

Organisations that responded to the consultation:

Joint response – Anti-Slavery International, Anti-Trafficking Monitoring Group, Anti Trafficking and Labour Exploitation Unit, Every Child Protected Against Trafficking UK, Focus on Labour Exploitation, Helen Bamber Foundation, Hope for Justice, The Human Trafficking Foundation, International Justice Mission UK, JustRight Scotland, Law Centre Northern Ireland, The Snowdrop Project, and Unseen UK

Association of Personal Injury Lawyers

Axis Counselling

Cambridge and Peterborough Rape Crisis

Centre for Action on Rape and Abuse Essex
Centre for Women's Justice
CRB Problems Ltd
Criminal Justice Alliance
Digby Brown Solicitors
Forum of Complex Injury Solicitors
Howard League for Penal Reform
Independent Victims' Commissioner for London
Justice
Leigh Day
Legal Services Agency
National Ugly Mugs
Office of the Domestic Abuse Commissioner
Office of the Independent Anti-Slavery Commissioner
Office of the Police and Crime Commissioner for North Wales
Office of the Victims' Commissioner for England and Wales
Personal Injuries Bar Association
Peterborough Rape Crisis
Police
Prison Reform Trust
Rape and Sexual Abuse Counselling Centre Darlington
Rape Crisis Scotland
Safeline
Safety Net UK
Scottish Women's Aid
Simpson Millar Solicitors
Survivors' Network
The Association of Consumer Support Organisations
The Havens
UCLan/Safe Place Merseyside SARC

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Youth Justice Board for England and Wales

Women Against Rape

Victim Support

Victim Support Scotland

Women's Centre Cornwall

Annex D – List of respondents to the 2023 consultation

The following table breaks down the respondents to the 2023 consultation into categories:

Categories	Number of Respondents
Academics	1
Children support – voluntary organisation/ charity / non-profit	2
Commissioners' Offices	3
Criminal Justice Support – voluntary organisation / charity / non-profit	4
Government	1
Individuals	2
Legal services	12
Modern slavery/human trafficking – voluntary organisation / charity / non-profit	4
Police and Crime Commissioners/Police	4
Sexual Violence / Domestic Abuse Support – voluntary organisation / charity / non-profit	10
Victim support – voluntary organisation / charity / non-profit	5
Total number of respondents	48

Organisations that responded to the consultation:

Anti Trafficking and Labour Exploitation Unit
 Association of Personal Injury Lawyers
 Brown & Co Legal LLP at Legal Services Agency LTD
 Bolt Burden Kemp
 Centre for Women's Justice
 Changing Lives
 Children's Commissioner for England
 Cornfield Law LLP

Crown Prosecution Service
Devon and Cornwall Police
False Allegations Support Organisation
Forum of Complex Injury Solicitors
Hodge Jones & Allen Ltd
Hope for Justice
Hugh James Solicitors
IICSA Changemakers
Independent Victims' Commissioner for London
Irwin Mitchell Solicitors
Justice and Care
McHale & Co Solicitors
Nelsons Solicitors
Office of the Domestic Abuse Commissioner
Office of the Police and Crime Commissioner for Cambridgeshire and Peterborough
Office of the Police and Crime Commissioner for Northumbria
Office of the Police & Crime Commissioner for South Yorkshire
Joint response – Personal Injuries Bar Association and the Law Reform Committee of the Bar Council
Police & Crime Commissioner for Cambridgeshire and Peterborough
Prison Reform Trust
Rape Crisis England & Wales
Rape Crisis Scotland
Refuge
Scottish Women's Aid
Surviving Economic Abuse
Survivors of Human Trafficking in Scotland
Survivors' Network
Survivors UK
Supporting Victims of Unfounded Allegations of Abuse
Survive Support for Survivors of Rape and Sexual Abuse

Suzy Lamplugh Trust

Switalskis Solicitors

The Children's Coalition

The National Association for People Abused in Childhood

The Survivors Trust

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Victim Support

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978-1-5286-5557-6