Compensation without re-traumatisation:
The Victims’ Commissioner’s Review into Criminal Injuries Compensation
January 2019
Foreword by the Victims’ Commissioner

Criminal injuries compensation is an important part of the package of support on offer to victims of sexual and violent crime. A compensation award offers some catharsis to victims, in that society is acknowledging the terrible wrong that has been done to them. It provides financial assistance when dealing with the many practical difficulties facing victims. It must be remembered that many of these victims are traumatised and still suffering from the life changing psychological and physical injuries inflicted upon them.

For this reason, I was keen to hear first-hand from victims about their experience of claiming compensation. I wanted to look not only at the operation of the Criminal Injuries Compensation Scheme, but how victims were informed of their entitlement and the support available to them in making a claim.

We engaged with over 200 victims, as well as Police and Crime Commissioners, victim support services, criminal justice agencies and lawyers. I am grateful to staff and managers in the Criminal Injuries Compensation Authority (CICA) for their support throughout this review.

My overwhelming impression is that whilst compensation awards were well received by victims, the process of making their claim was often traumatic. Victims, lawyers and support services told us about delays, uncertainty about next steps and poor communication. To many, fairly or unfairly, the Scheme seemed calculated to frustrate and alienate.

Support on offer, through locally commissioned victim services, for making an application for compensation was patchy, and in some parts of the country non-existent. Worryingly, following a recent High Court judgment, there was an increasing reluctance on the part of service providers to offer any guidance and support at all. This is despite the fact that nearly 40 per cent of victims feel the need to rely on third parties to make the claim on their behalf.

I was particularly concerned that fewer than 2 in 5 of the victims we spoke to recalled being told about their entitlement to claim by the police or victim services. This raises a question as to whether there are potentially thousands of victims who fail to claim compensation simply because they are unaware of the compensation scheme.

My review also flagged up concerns about the extent to which other criminal justice practitioners understood how the Scheme operates. I am aware of some victims being cross-examined by defence barristers about whether they had made an application for compensation, and whether this had motivated their complaints.

Staff and managers within the CICA have invested a significant amount of work in the past year reviewing their processes and seeing how they might be improved. The number of cases taking more than 12 months to resolve is falling. The piloting of new forms and changes in communications designed to enhance the victim experience are to be welcomed.

However, I concluded that the Criminal Injuries Compensation Scheme is being operated as a “transactional service” with CICA staff describing what they call a “task-based” process. I understand the financial imperatives that have driven this approach to processing claims, but in going down this route, I sense we have lost sight of the very specific needs of those who are making the claims.
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By definition, they are victims of serious sexual and violent crimes or bereaved victims of homicide. Many will be suffering significant trauma. Whilst the Scheme is there to help victims, the evidence from my review is that the process of claiming is often having a detrimental impact on their wellbeing.

I want to see the Criminal Injuries Compensation Scheme operating as an integral part of victim support, not simply a transactional process designed to determine eligibility and quantum.

I am calling on not only the CICA, but the Ministry of Justice, victim service providers, Police and Crime Commissioners, police and prosecutors to work together to deliver a package of wide-ranging reforms to the compensation process. The changes I want to see need to de-traumatisise and simplify criminal injuries compensation. These include looking at how to avoid victims repeatedly having to relate the details of the crimes committed against them. Ideally, this should be achieved by allocating them to a named caseworker, who will handle their claim and keep them updated.

I am also calling for free access to legal support to those vulnerable victims who cannot reasonably be expected to submit a claim without assistance. At present, these victims are having to use lawyers and are losing up to 25 per cent of their award in legal fees.

I also want to give victims the option of not having to submit a claim before trial. I am calling on the Ministry of Justice to review specific aspects of the Scheme relating to monies held in trust, conduct, and unspent convictions, all of which are issues that adversely impact upon groups of particularly vulnerable victims. There also needs to be clarity about interim payments, given that the Scheme is now described as being “of last resort” and applications can often be made in parallel with civil claims.

I am calling for improved pathways for sharing information, both between agencies and with victims. I also want to be sure that all eligible victims are being informed of their right to make a claim for compensation, with staff in other criminal justice agencies having a good understanding of how the compensation scheme works so that they can provide victims with informed and accurate advice.

Finally, many victims who approached me during this review raised the issue of the iniquitous “same roof rule” under which victims whose assailant lived in the same household before 1st October 1979 was not entitled to compensation. I share their concerns and was delighted when the Government announced its intention to scrap it. In light of this development, I have not alluded to this aspect of the Scheme in my report.

Baroness Newlove of Warrington

Victims’ Commissioner for England and Wales
Acknowledgements

The Victims’ Commissioner would like to thank the victims that took part in this review by sharing their experiences through our online survey and in-depth interviews. Thanks also to the staff at the Criminal Injuries Compensation Authority (CICA), who have supported this review by sharing data and their experiences of administrating the Criminal Injuries Compensation Scheme. Thank you to other research participants who enabled us to gain a holistic insight into the criminal injuries compensation system including representatives from legal firms, the Criminal Injuries Compensation Tribunal, Victim Support, the National Police Chief Council lead for victims, the College of Policing and the Police and Crime Commissioners that took part in the review. We are particularly grateful to Stephen Wooler CB for peer reviewing this report.
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Executive Summary

The Criminal Injuries Compensation Scheme (also referred to in this report as ‘the Scheme’) is a government funded scheme designed to compensate ‘blameless’ victims of violent crime in Great Britain. Since the first Scheme was set up in 1964, over 2.2 million applications have been processed and almost £6.25 billion has been paid out to victims in compensation.1

In the latest version of the Scheme, operating since 2012, victims eligible to apply under the scheme are those who have suffered the most serious sexual and violent assaults or who have lost a loved one to homicide.

The Scheme is administered by the Criminal Injuries Compensation Authority (CICA) which was established in 1996. In the year 2017-18, the CICA made decisions on over 40,000 applications, making payments of over £154 million in compensation to victims of violent and sexual crime.2

The Office of the Victims’ Commissioner (OVC) is frequently contacted by victims regarding their experience of applying for criminal injuries compensation. Victims have raised concerns about the accessibility of the Scheme, their contact with the CICA, delays in decision making, the rules of the Scheme and how they are applied by the CICA. These rules include the two-year time limit for applications, reductions in awards due to the victim’s conduct and unspent convictions and the ‘under the same roof rule’. Victims have also contacted the OVC about the lack of support and guidance available for them in making their application, difficulties in obtaining payments for funeral costs, and the relatively low levels of awards paid out under the Scheme. This contact from victims, along with discussions with victims that the Victims’ Commissioner (VC) has met across the country on her visits to Police and Crime Commissioners (PCCs), has prompted the VC to carry out this review, examining all aspects of victims’ experiences of criminal injuries compensation.

The aim of this review was to examine the operation of the Criminal Injuries Compensation Scheme from the perspective of victims as users of the Scheme. By looking at the accessibility of the Scheme for victims, the review aimed to identify any aspects of the Scheme that act as barriers to victims.

The review looks at whether victims are given appropriate information about criminal injuries compensation by criminal justice professionals, and adequate support in making their application. The review also looks at the roles of commissioned victim support services and legal representatives in providing that support. Quality and sensitivity of the CICA’s interactions with victims was assessed, as were the processes for victims to request reviews of initial decisions and the victim experience when appealing to the Criminal Injuries Compensation Tribunal.

For this review the VC’s team gathered views from victims about their experience of applying for criminal injuries compensation through an online survey. The survey was completed by 211 respondents, and in-depth interviews were conducted with 18 victims.

Qualitative telephone interviews were carried out with a representative of Victim Support and with four lawyers representing legal firms, which in turn represent up to 2,115 cases per year.3 Qualitative face-to-face interviews were carried out with key stakeholders including a...
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representative of Barnardo’s, the CEO and Director of Operations of the CICA, and two lead judges from the Criminal Injuries Compensation Tribunal: The President of the Social Entitlement Chamber and the Acting Principle Judge Criminal Injuries Compensation Tribunal. A qualitative focus group was carried out to gather the views of 7 members of frontline staff from the CICA customer service centre.

Thirty Police and Crime Commissioners (PCCs) responded to a survey which asked them about the provision of support for victims applying for criminal injuries compensation in their local area.

Written information was received from the National Lead for Victims at the National Police Chief’s Council (NPCC) and the College of Policing.

Quantitative data from the survey of victims was collated and qualitative responses to the survey were examined for common themes. A thematic analysis of the interviews and written responses with victims and key stakeholders was carried out to provide a holistic overview of victims’ experiences of criminal injuries compensation.

Findings from the review highlight a lack of awareness of the Scheme amongst victims, police and the Crown Prosecution Service (CPS). The review identifies a lack of provision for supporting victims who wish to submit an application, with many victims feeling compelled to instruct solicitors on a no-win, no-fee basis as they feel unable to cope with the trauma and stress of making an application. The review finds that application forms which require victims to relate their experience of the crime can re-trigger trauma and distress. The CICA have invested significant effort in the past 18 months in reviewing and seeking to improve their processes and communications. Many of the victims that we spoke to had experienced the criminal injuries process prior to these changes, and reported receiving poor and confusing communication about the progress of their case along with delays in decision making, award payments, decision reviews and tribunals.

Victims are often told not to apply until after the trial to avoid their application being used against them by defence lawyers. More flexible guidance on the two-year application deadline is not systematically applied. Awards to victims are reduced or declined when their conduct is deemed to have influenced their victimhood, even when the compensation is claimed by an innocent parent or child of a deceased victim.

There are difficulties and delays associated with gathering medical and police evidence. The complexity of the Scheme mean that it is hard for victims to know what to expect as an outcome. This complexity and procedures in administrating the Scheme is also a reason given by victims for turning to legal representatives to represent them, despite the fact that it can cost them up to 25 per cent of their criminal injuries compensation award. In practice, this means that the most complex cases, and those who are the least able to help themselves, are losing out on the largest amounts of compensation to legal representatives.

Victims feel validated by society when they receive an award compensating them for the wrongs that have been carried out against them. However, the process is described by the CICA as “task based” and feels highly transactional, rather than fostering a supportive approach, consistent with the Government’s wider objective of supporting victims throughout the process of coping and recovery. Instead, the process often re-traumatises victims, and making an application is regarded by victims as yet another ordeal to be endured.

The review makes recommendations to criminal justice agencies and the CICA based on the findings of the research. First and foremost, these recommendations aim to improve victims’ experiences of applying for criminal injuries compensation by aligning it to what should be
the core aim: supporting victims in their journey to cope and recover from the crime committed against them.

Recommendations suggest ways in which the Scheme should be simplified. It should be organised in such a way that de-traumatises victims. It should also provide targeted support for certain groups of victims in helping them apply for criminal injuries compensation.
Introduction

Criminal injuries compensation

The Criminal Injuries Compensation Scheme (also referred to in this report as ‘the Scheme’) is a government funded scheme designed to compensate people who have been physically or mentally injured as a victim of a violent crime in England, Scotland or Wales. A separate scheme operates in Northern Ireland.

The Scheme sets the criteria and amounts for compensation. It was first set up in 1964 when awards were set at the rate that a victim would have received if they had successfully taken civil action against the offender. Since 1996 the levels of compensation awarded have been set as tariffs by Parliament. The Scheme was revised in 2001, 2008 and 2012. Since the first Scheme in 1964, over 2.2 million applications have been processed and almost £6.25 billion has been paid out to victims in compensation.

The Criminal Injuries Compensation Authority (CICA) was established in 1996 and is responsible for administering the Scheme. The CICA’s offices are in the centre of Glasgow and it employs over 300 staff. The CICA also run a compensation scheme for UK victims of overseas incidents that are recognised as terrorism by the Foreign and Commonwealth Office. The CICA is an executive agency, sponsored by the Ministry of Justice in England and Wales and the Justice Directorate in Scotland.

In the year 2017-18 the CICA made decisions on 40,827 applications, making payments of over £154 million in compensation to victims of violent crime.

The latest revision of the Scheme in 2012 saw some injuries removed and awards for others reduced in value. Residency criteria were tightened so that applicants must be a UK resident or a British or EU citizen. The 2012 scheme specifies that it is for ‘blameless’ victims. Rules on criminal convictions mean that applicants with unspent convictions for any crime are not eligible for compensation. If the applicant’s conduct is thought to have contributed to the incident or injuries, the CICA can deduct a proportion of the award or can decline an award altogether. From 2012, claims for loss of earning are based on the rate of statutory sick pay. The total maximum award for claims is £500,000 which has not changed since the implementation of the original tariff Scheme in 1996.

In the 2012-13 CICA Annual Report and Accounts, the then Minister for Victims and Courts said the changes in the 2012 Scheme would see funds diverted to victims of the most serious crimes, saving the taxpayer money which could be better spent on victim support services:

“The Government is committed to providing the best possible support for victims of crime. This includes maintaining compensation payments for those seriously affected by crime, but we needed to place the [Criminal Injuries Compensation Scheme] on a sustainable financial footing and ease the burden on the taxpayer. Support services for victims are a better use of money than providing small amounts of compensation some time after the incident for relatively minor injuries, but where lives are changed by criminal injuries, compensation should be paid in a timely manner.” (Helen Grant, Minister for Victims and Courts 2013)

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The Scheme is intended to be one of last resort, so that other forms of compensation such as taking civil action or applying to the Armed Forces Compensation Scheme should be pursued in preference to criminal injuries compensation. If civil action is pending, the Scheme can make interim payments which should be paid back to the public purse if civil compensation is later awarded.

The types of payments that can be made by the CICA are:

1. Injury payments including both physical and mental injuries
2. Loss of earnings
3. Special expenses
4. Bereavement payments (fatal awards)
5. Child’s payments (loss of parental services)
6. Dependency payments (in fatal cases)
7. Funeral payments
8. Other payments in fatal cases (for example, resultant losses to a child)

There are three categories of victim who may be eligible for an award under the Scheme:

- direct victims of a crime of violence;
- those who sustain injury while taking an exceptional and justified risk, while trying to remedy or prevent a crime;
- or those who sustain injury having witnessed an incident or the immediate aftermath of an incident in which a loved one is injured in either of the two circumstances above.

Victims apply directly for criminal injuries compensation online or they can be represented by a third party who can apply on their behalf. The CICA assess claims based on the information victims provide in their application form, police evidence, the applicant’s own criminal record, and medical evidence provided by the applicant. Some victims are required to attend a psychological assessment if they are claiming compensation for mental injury.

Victims can choose to apply through legal representation. This is often paid for on a no win, no fee basis. If victims use legal representation they can expect to pay up to 25 per cent of their award in fees to lawyers.

If applicants do not agree with the initial decision made by the CICA, they have the right to ask for that decision to be reviewed. If they are not content with the CICA review decision they can request that an appeal be heard by the Criminal Injuries Compensation Tribunal. Applicants may request a review or appeal if they are refused compensation or if they disagree with the amount awarded. The tribunal is independent of government and so must listen to both sides of the argument before making a decision.

If applicants lose their appeal at the Criminal Injuries Compensation Tribunal, and think the decision was legally incorrect, they may be able to ask for a judicial review, in which case the Tribunal may hear the case again.
What works in supporting victims of crime

In March 2016, the Victims’ Commissioner’s Office, in conjunction with Portsmouth University, published a rapid evidence assessment of the best available international evidence on what works in supporting victims of crime (Wedlock and Tapley, 2016).6

The report found that there are four key principles that work in supporting victims of crime. These are: information and communication; procedural justice; multi-agency working; and professionalised services, particularly those that provide the victim with a single individual advocate or victim case worker to help them in their whole journey throughout the criminal justice system.

The Victims’ Commissioner’s Second Term Strategic Plan7 sets out five overarching aims for 2016-19. One of these is to review the provision of victim services on the basis of the four key principles of what works in supporting victims of crime. This review into victims’ experience of criminal injuries compensation is based upon these four key principles.

Criminal injuries compensation is an important part of government provision of end-to-end support for victims of violent crime, which also includes emotional and practical assistance for victims. The four key principles of what works in supporting victims provides the basis for evidencing what level of services and entitlements are required in the provision of criminal injuries compensation to enable victims of crime to cope and recover.

The Victims’ Commissioner’s review into criminal injuries compensation

The Office of the Victims’ Commissioner is frequently contacted by victims regarding their experience of applying for criminal injuries compensation. The overriding concern arising from victim feedback is about the accessibility of the Scheme to victims. Victims have raised concerns with the Victims’ Commissioner regarding awareness of the Scheme, their contact with the CICA including communication and delays in decision making, the rules of the Scheme including reductions in award due to the victim’s conduct, the two-year time limit for applications, the ‘under the same roof’ rule, lack of support and guidance for victims making an application, payment of funeral costs, and the relatively low levels of awards paid out under the Scheme. Contact from victims has prompted the Victims’ Commissioner to carry out this review examining all aspects of victims’ experiences of criminal injuries compensation.

Aims and objectives of the review

The aim of this review is to examine the operation of the Criminal Injuries Compensation Scheme from the perspective of victims as users of the Scheme.

Objectives of the review include:

1. To assess the accessibility of the Scheme for victims.

2. To assess whether victims are given appropriate support to ensure they can access their entitlements regarding compensation as set out under the Victims’ Code.


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3. To identify areas of complexity within the application process that act as an obstacle to victims accessing their entitlements.

4. To identify the impact of the time limitations on applying for compensation.

5. To estimate the prevalence and impact of advice from criminal justice professionals given to victims regarding applying for compensation.

6. To assess the quality and sensitivity of the CICA’s interaction with victims.

7. To assess processes to review and appeal the CICA decisions and victims’ experience of the Criminal Injuries Compensation Tribunal.

8. To identify any potential areas for improvement and make recommendations that will improve victims’ experience of their entitlements to apply for criminal injuries compensation as set out in the Victims’ Code.
Methodology

Research methods

The Victims’ Commissioner’s team gathered views from victims about their experience of applying for criminal injuries compensation through an online survey and in-depth interviews.

A total of 211 victims responded to the online survey with 176 offering further in-depth views through an open question in the survey. The survey was disseminated via social media and invitations to complete the survey were sent to a random sample of victims receiving decision letters from the CICA.

The survey asked victims about their experience of criminal injuries compensation including their awareness of the Scheme; the application processes; support received in making their application; contact with the CICA; gathering medical and police evidence; access to legal representations; reviews and appeals of decision making and experience of the CICA Tribunal.

In-depth telephone interviews were carried out with 18 victims. These victims were recruited through the survey, from the Victims’ Commissioner’s reference group, and from victims who had contacted the Victims’ Commissioner regarding their experience of applying for criminal injuries compensation.

The in-depth interviews with victims lasted approximately one hour. The same themes were covered as in the victim survey. In-depth, open questions allowed for further detail to be collected regarding victims’ experiences of applying for criminal injuries compensation.

Qualitative telephone interviews were carried out with a range of key stakeholders. This included a representative of Victim Support and four lawyers representing legal firms. In total the legal firms represent up to 2,115 cases per year.

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Face-to-face qualitative interviews were carried out with a representative of Barnardo’s, the CEO and Director of Operations of the CICA and two lead judges from the Criminal Injuries Compensation Tribunal: The President of the Social Entitlement Chamber and the Acting Principle Judge Criminal Injuries Compensation Tribunal. Interviews lasted between one and two hours, and open questions were used to explore criminal injuries compensation holistically from the perspectives of key stakeholders.

A qualitative focus group was carried out with 7 members of front line staff from the CICA customer service centre. This included two call centre managers, a senior decision maker, one decision maker, two case workers and a customer service decision maker.

Twenty-eight Police and Crime Commissioners (PCCs) responded to a survey which asked them about the provision of support for victims applying for criminal injuries compensation in their local area.

Written returns were received from the National Lead for Victims at the National Police Chief’s Council (NPCC), who provided information regarding the experience of police officers.
in informing victims about their entitlements to apply for criminal injuries compensation and the role of police forces in gathering police evidence for claims. A written return from the College of Policing provided details of training for police about criminal injuries compensation.

Quantitative data from the survey of victims was collated and qualitative responses to the survey were examined for common themes. A thematic analysis of the victim interviews and interviews with key stakeholders was carried out to provide a holistic overview of criminal injuries compensation.

Limitations of the review
The nature of an open online survey is that it draws a self-selecting sample of respondents who are most motivated to complete the survey. This can result in respondents with the most extreme views whether positive or negative. However, the common themes identified from the responses of 211 victims who applied for criminal injuries compensation reflect and reiterate the findings from the in-depth interviews, thereby suggesting that their views and experiences are reasonably reflective of victims’ experiences of applying for criminal injuries compensation.

Some recent changes have been made to the operation of the application process and the views expressed by some respondents will relate to older applications before these changes were implemented. Sixty-seven per cent of respondents who applied for criminal injuries compensation within the last two years were dissatisfied with their overall experience of applying for criminal injuries compensation, compared with 82 per cent of respondents who applied more than two years ago.

The in-depth qualitative data achieved through interviews with victims cannot necessarily be generalised to all victims but they give a good indication of the experience that some victims have of applying for criminal injuries compensation.
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Findings

1. Awareness of criminal injuries compensation

Thirty-seven per cent of respondents to the online survey found out about their entitlement to apply for criminal injuries compensation from their local victim services, and 36 per cent reported that they were told by the police.8

The victims that took part in research interviews found out about criminal injuries compensation through a variety of ways, the most common was being informed by local victim support services, the police or by word of mouth through friends or other victims. Thirty-six per cent of victims that responded to the survey were told about the Scheme by the police and 37 per cent reported being told by victim support services. Of those who answered the question of how did you find out about the Scheme, 32 per cent (65 respondents) did not identify the police or local victim support services, but did mention other sources. Other ways included hearing about it on the radio, through an internet search for financial support, through their Victim Liaison Officer or previous knowledge from their own career.

“No one told myself or my sister that this existed so we didn’t even know. Not the police or anybody. We only happened to find out afterwards. It was just a friend of a friend.” (interview 16)

“It was only when I joined a therapy group that it was mentioned then. That’s when I went ahead. I didn’t know, it was only by word of mouth it wasn’t a procedural effect if you like.” (interview 14b)

“It was one of these FLOs [Family Liaison Officers] what mentioned it, maybe about two weeks which I thought was a bit inappropriate but he did mention something on them lines.” (interview 20)

8 Note these figures are not mutually exclusive. Respondents could select more than one response to the question.
In an interview with senior leaders at the CICA, the CEO reported feedback from some victims who say they are not always told about their entitlement to claim criminal injuries compensation by the police. In some cases, victims say they are not informed about the Scheme by the police because the police think that if victims claim criminal injuries compensation, it might prejudice the outcome of the court trial.

Despite the feedback that police may not always provide victims with timely information about the Scheme, the CICA CEO still recognises that the police play the most important role in informing victims of their entitlement to claim criminal injuries compensation:

“*The police are the primary point of contact for entry into the Scheme, because if victims don’t report the crime to the police they will not be eligible for compensation under the Scheme. This channel should ensure that people are made aware of the Scheme and get the right information through the contact they have with the police. Additional information is available from the CICA web site and via our telephone service. CICA also works with victim support organisations to ensure they can provide information and support.*” (CICA senior leadership interview)

However, the victims lead at the National Police Chiefs’ Council felt that because the entitlement to apply for criminal injuries compensation comes under the Victims’ Code, there could be further opportunities to raise awareness through other forms of media and communications:

“*Again, there will be a patchwork of service regarding informing victims of their entitlement – but with this being under the Code there is opportunity to bring about greater consistency and raise awareness. This may be through other forms of media / communications not necessarily officers and staff.*” (NPCC victims’ lead)

Some of the legal representatives reported their concern over a lack of awareness amongst eligible victims.

“If you look at the statistics for the numbers of violent crime, the number of recorded violent crime is going up, not all violent crime is serious some are not captured, but the number of applications to CICA are around 30,000 and going down. Something is wrong, there is just not enough awareness of this scheme, it doesn’t have a high enough profile. There must be injured victims of violent crime, not minor injury, there must be injured victims of violent crime who don’t know about this scheme and are not finding out about this scheme. It’s not publicised in hospitals, amongst medical professionals, the police are not educated properly about the scheme.” (interview 11)

“The biggest barriers are lack of information at the start. So, after something has happened, A lack of being aware that the system even exists. That’s challenge one.” (interview 7)

In particular, legal representatives are concerned that victims are not being informed about their entitlements to claim criminal injuries compensation by the police and victim support services.

“At a basic level people don’t know about the Scheme and its existence. Anecdotal evidence is that the police are not aware of the Scheme. We don’t get many referrals from the police and we have been trying to deal with that ourselves, thinking of ways we can get to raise awareness with the police which is quite difficult. It’s hard to get in to find out who is the person that would refer.” (interview 19)

One lawyer who works closely with a local domestic violence charity reported:
“From what I understand the information is given out to people by Victim Support about the system existing, but then I have dealt with another lady who is trying to take her other half to court, to get him prosecuted and 18 months down the line hadn’t even heard of the CICA, so there are clearly people slipping through the gaps early on and it’s a question as to whose responsibility or is there a responsibility at all to try and make people aware of the process … and it’s about where should that responsibility fall.” (interview 7)

Legal representatives report that this lack of timely information can have the unfortunate effect of victims applying outside of the two-year limit.

“…certainly, in my experience there are people coming through the system who clearly had contact with Victim Support or with the police and are going through prosecution and still haven’t been told about the process and it’s a two-year window between the date of reporting. If you get a trial that’s delayed for 18 month/2 years then you can quite easily miss that window.” (interview 7)

“Our concern is people aren’t getting to know about it and about the time limits.” (interview 19)

Some PCCs also reported a lack of awareness for victims and support workers in knowing that victims may be entitled to apply for criminal injuries compensation:

“It is our view that very few victims are aware of criminal injuries compensation and what may be available to them. “

“…greater awareness raising and training support for those who provide services would be helpful.”

Given the lack of information provided to victims about criminal injuries compensation by the police and victim services, it may be helpful for victims to be informed about their entitlement to apply for compensation in the notifications about the outcome of criminal investigations, and the outcome of trials that they receive. This would serve as a reminder for any victims that have already been informed about criminal injuries compensation. It would also ensure that all victims receive this information in a written format that they are likely to keep so that they can go back to find details of how to apply when they feel ready.

2. Support for victims applying for criminal injuries compensation

2.1. How victims’ services are commissioned by Police and Crime Commissioners (PCCs)

The devolution of victim services, commissioned through PCCs has led to a range of models of providing support for victims.

The 28 PCCs that took part in this review provided details of how they commission support services for victims. General services for victims can be provided directly by the police or Office of the PCC. Some PCCs have commissioned Victim Support or a similar independent provider to provide general support and most, though not all, use specialist, professionalised support providers for victims of specific crimes such as domestic abuse and sexual violence. Some PCCs also commission charities to provide support from volunteers for particular types of victims, such as children and people who have suffered historic childhood sexual abuse.
2.2. Types of support in applying for criminal injuries compensation from commissioned victim support services

Twelve of the 28 PCCs that responded said that the provision of support for victims in applying for criminal injuries compensation was not included in the original tender when they were commissioning victim support services. Only one PCC reported that support for victims applying for criminal injuries compensation was included in tenders for all of their commissioned victim services. Two PCC’s reported that although their victim services were not put out to tender, the provision of support for victims applying for criminal injuries compensation was written into the contract with their provider of victim services. Four PCCs reported that the support for victims in applying for criminal injuries compensation was set out in the tender for general victim support services, and a further four said that it was in the tender for general victim support services, but not for specialist services such as sexual violence. Conversely, one PCC said provision for support for victims in applying for compensation was written into the tender for specialist services but not for general victim services. Two PCCs said support for applying for criminal injuries compensation was not in the tender but it is in support service supporting documents, and two said that although it had not been in the tender, it would be a priority going forward.

The levels of support offered to victims by victim support services when applying for criminal injuries compensation varies across PCC areas. Of the 28 PCCs that provided information for this review, one reported that the victim services providers in their area do not provide any support and one said that they will only provide support under very specific circumstances where the victim does not speak English, and does not have a friend or family member that can support them. Other PCCs said that some of their commissioned victim service providers do provide support whilst others do not, meaning that victims in the same area, who are victims of a different crime type and supported by different specialist services may get less help in applying for criminal injuries compensation than others.

Most PCCs reported that their victim services can provide support for victims by informing them about their entitlement to claim criminal injuries compensation, giving them information about the scheme and signposting them to the CICA to apply. Many PCCs said their victim services can help victims to fill out the application form online, though some said they would only do this if the victim had additional needs or does not want to complete the application form themselves. Some PCCs said their victim services can help victims by chasing up the CICA for information and updates, and two PCCs said their victim service providers can support victims in their area through the appeal process. Only two of the 28 PCCs that took part in the review said that their victim service providers would be willing to act as the victims' representative for their application, though one PCC office reported that they:

“on rare occasions have applied on behalf of clients.”

Another PCC office said they would encourage victims to represent themselves where possible:

“If a service user felt unable to represent themselves we could act as a liaison or advocate; however, I would primarily seek to empower the service user to represent themselves if they are able as they can best communicate the impact to themselves.”

Overall, the information PCCs shared for this review demonstrates that there is no comprehensive and consistent support package across the country for victims applying for criminal injuries compensation.
2.3. Victim Support policy change

Seventeen of the 28 PCCs that took part in this review have commissioned Victim Support to provide support services in their area. These areas are affected by a recent change in policy for Victim Support.

In December 2017 a victim of historical childhood abuse successfully sued Victim Support Scotland for £100,000 in damages, claiming that he had missed out on tens of thousands of pounds in compensation because of the advice the charity had given him.\(^9\)

Victim Support Scotland had supported the victim in his claim for criminal injuries compensation, and he was awarded £17,000 in 2013 in recognition of the crimes committed against him. The victim had lost his job because of the trauma of the crime. When the victims’ brothers were awarded a much larger sum, the victim realised that he could have claimed compensation for loss of earnings, which he had not been informed about by Victim Support. The Judge ruled in favour of the victim, saying that Victim Support had failed to act with “reasonable skill and care, a duty to address the loss of earnings and to help [the victim] seek to have the award reviewed.”

This case in Scotland has subsequently had a significant impact on the availability of support for victims applying for criminal injuries across Scotland, England and Wales. Previously Victim Support Scotland and Victim Support England and Wales provided various levels of support for victims applying to the Scheme. This ranged from advice and guidance on eligibility, support for completing the application form up to the highest form of support, and acting on the victims’ behalf as their representative to the CICA. When a third party such as Victim Support act as an applicants’ representative to the CICA, they apply on the victims’ behalf and represent them in all dealings with the CICA including facilitating the gathering of evidence, communicating with the CICA, and receiving the award decision on the victim’s behalf which they explain to the victim. Representatives can also act on a victims’ behalf at the review and appeal stages. Victim Support policy on providing all of these forms of support for criminal injuries compensation applicants has changed considerably following the Scottish ruling.

From February 2018, Victim Support Scotland stopped any form of support for victims in applying for criminal injuries compensation. This included relinquishing responsibility for any victims that they had previously been representing as well as not taking on representation in any new cases.

In England and Wales, Victim Support will continue to represent victims, acting on their behalf if they accessed support before February 2018, but Victim Support will not act as victims’ representatives in any new cases.

Victim Support in England, Wales and Scotland will no longer give advice and guidance to victims about their eligibility for the compensation, and will direct victims to the CICA if they would like to find out if they are eligible. A representative of Victim Support reported:

“It was made very clear in the Scotland case that agencies must be very careful when they are giving advice around eligibility. It’s not our scheme to administer and there’s huge complexity around the scheme. We think it is right to talk to the CICA about their eligibility. They are best placed to give that advice.”

The CICA report that prior to February 2018, 5 per cent of new applications were represented by Victim Support. From February 2018 this fell to 4 per cent. Given the change in policy by Victim Support, this will eventually fall to no victims being represented by Victim Support once decisions have been made on the ongoing cases that they are currently supporting.

The CICA report that between April 2016 to December 2018, on average 39 per cent of victims were represented by a third party. The CICA are not able to determine which of those applicants are represented by legal representatives, charities or family and friends. The large proportion of applicants being represented by a third party indicates the complexity of the Scheme for victims and there is no way of knowing whether those who are representing them have the capacity, knowledge and skillsets to do so effectively.

CICA frontline staff who speak to victims on a daily basis report that since the Scottish ruling, they are hearing from more victims that would benefit from support:

“We speak to vulnerable people and they are aware they need support to go through their application and we speak to them and there is no one to support them. We make recommendations and we have telephone numbers we can supply them with if they are not able or capable of going through it with us. And that can be quite frustrating when you’ve got a vulnerable person that you are really trying to help. The amount of times I have said have you got someone there who can help you with this?” (CICA staff)

Victim Support in England and Wales now only provide emotional support for victims applying for criminal injuries compensation. A representative of Victim Support England and Wales explained:

“At the moment we provide emotional support in making an application because the process of making an application is quite stimulative to people. It can bring people back to the time of trauma. We help people to think about that there will be an emotional impact on making an application, to actually provide that ongoing support as they go through the process. Talking about the feelings this brings up for people. Thinking about the impact of an award or a rejection. Preparing themselves for the fact that they might have to submit medical evidence. It’s about the emotional impact of making the application.”

Currently, they also talk to victims at review stage if their application is initially rejected. Victim Support workers can explain what a review is and what the process will be. They don’t undertake the process, instead they explain the process and support victims emotionally. Victim Support does not support victims in appealing decisions made by the CICA. If an appeal is required they will offer victims information about paid legal representation or pro-bono legal representation who may be able to support them through the process. They will inform victims of their options and the financial and emotional impact that applying for criminal injuries compensation can have on them.

Victim Support also has a suite of accessible on-line videos available on their website which talk victims through the process of making an application. These videos are modular so that victims can watch the appropriate video for the stage they are at in their application and their claim type.

The ruling against Victim Support Scotland and subsequent change in policy across Victim Support has had a direct impact upon on the level of free support and advice available to victims applying for criminal injuries compensation in areas where Victim Support provide
commissioned victim services. It has also had an impact on the provision of support for victims in applying for the Scheme by other charities.

CICA front line staff reported that they have received calls from victims who are frustrated that they are no longer supported by Victim Support and think it is the fault of the CICA.

“I’ve dealt with a couple of people raising issues about us which are actually victim support issues because they stopped representing them. They are so frustrated, but they can’t approach Victim Support so they are broaching it with us and it’s frustrating. It’s upsetting because this person was let down and there’s only so much we can do. We can’t come out there and help them through the process. We can do it on our end as far as we can and that’s all we can do.” (CICA staff)

2.4. Other charities’ responses to the Victim Support ruling

One PCC that took part in the review reported that there has been a knock-on effect from the ruling against Victim Support Scotland, which has seen other charities become reluctant to provide in-depth support or representation for victims applying for criminal injuries compensation. This PCC reported that Rape Crisis England and Wales have revised their guidance, advising Independent Sexual Violence Advisors/Advocates (ISVAs) not to put their names to claims, and while they are to complete outstanding applications, new applicants should be signposted to the CICA website in much the same way as Victim Support England. They note, however, that their more general victim service provider does deliver more in-depth support and so points out that the outcome of this is that victims of sexual violence could be disadvantaged in their application for criminal injuries compensation compared with victims of other types of violent crime.

One of the legal representatives that took part in the review also identified a gap in support for applicants by charities:

“The charities themselves now are a bit paranoid to get involved and help and there seems to be a disconnect between the signposters and those who [are] like ourselves, the solicitors, who are there to help if we can. It just seems to be that there is something not quite working in the system to join it all up.” (interview 7)

In particular, this legal representative identified the lack of sufficient insurance as a problem for charities who could potentially face legal action if they give inaccurate information or support for applicants.

“If they do have insurances they probably aren’t covered for that sort of thing whereas being a law firm we are indemnified for that exact purpose, we are there to advise and give the legal advice on what is principally a legally based scheme and the charities aren’t and they can’t afford to get it wrong if you like because they haven’t got the expertise. They can read the guide but as we well know there are pitfalls and criteria and time frames that have to be met… [Charities] aren’t encouraging people to go down that route because they’ve seen problems and they don’t want to carry that burden.” (interview 7)

This lack of accessible free advice, guidance and representation from the charitable sector is likely to leave vulnerable victims with no option but to seek paid legal advice and representation when applying for criminal injuries compensation.
CICA staff discussed how they can see the short fall of support through their interaction with victims via the customer service centre:

“*We see the gaps in victims’ services. We see the gaps in the mental health service. We wish we could fix them all for people sometimes, but we can’t and we try to do the best we can with the information we have.*” (CICA staff)

3. ** Victims’ experience of support in applying for criminal injuries compensation**

Many victims that took part in the online survey reported that they did not receive any help or support in applying for criminal injuries compensation.

A third of victims (32 per cent) asked for help from their local victim services. Of those who asked for help, 19 per cent reported that they were refused help to complete their application.

![Diagram showing the distribution of help received for compensation applications.](image-url)
When asked at the end of the online survey for any further comments, some respondents spontaneously mentioned a lack of available support in making their claim.

“One other point [I'd] like to make is [Victim Support], a lot of people have said I should contact them for help, when I have contacted them the problem is [they are] not allowed to advise, [they are] only there to help fill out the form either online or [on] paper [,] is this true??”

“I should add that I am a qualified solicitor and well used to writing and still found it very difficult to do. I hate to think how some people can make an application. I was not offered support to complete the form.”

Some of the victim interviewees also reported not having any support to make their application for criminal injuries compensation, and some mentioned that they did not know that any support could have been available to them.

“No, I wasn't aware there was any [support available]. After the application had been refused and I was refused the right to appeal, a solicitor did write to me and she said well you could have had a solicitor to help you with this and I said well that isn’t much use to me now, nobody told me that at the time did they. It’s like you're just expected to know, but if nobody tells you how will you know what your rights are?” (interview 2)

Most of the victim interviewees who did not receive any support in making their application would have liked some help. Some victims would have liked emotional support to help them cope with the trauma of applying.

“I think so, I would have liked somebody to just be with me. Because I would get flooded with emotion.” (interview 10)

“It would have been helpful yeah, as it was all new, I’ve never done it before. It would have been good. Emotional support, it was quite distressing looking back and thinking about how you can word crimes committed against you. And strength, and the technical thing, I’m nearly 60, I’m alright but...[my husband] was good, he supported me through the case and everything. But I think some guidance from someone else would have been good, it was quite draining and emotional.” (interview 16)
Some victim interviewees had commented specifically on not having support from Victim Support:

“Well yeah, I think I would have, I know when you fill in the form there was a part where you had to put whether you were getting help from a Victim Support person but I didn’t have a Victim Support contact and by that point I was doing it so I didn’t know who I could have asked.” (interview 3)

“I’m an efficient person but it absolutely petrified me and I wanted help and I couldn’t get help anywhere, I’m a carer for my husband who has had a stroke, they couldn’t help me, my counsellor from the support group that I go to for childhood abuse she wasn’t allowed to help me, no one was allowed to help me and it was an absolute nightmare. In the end I finally plucked up the courage to ring them myself and say can I do this over the phone? Will someone help me if I do it over the phone and ask me the question? Finally, I did get help but there was no one from Victim Support, no, no help there from Victim Support! No help from anybody, and I’m quite a capable person but that really got me in a right tiz after what I’d been through so that was the first hurdle to get over actually filling out the form. Because I was a nervous wreck! After going through a long drawn out court case which was very emotionally draining, I didn’t have the courage or the confidence, I was brow beaten, I was absolutely drained.” (interview 5)

“I did try and get myself put on the waiting list several times but I keep seeming to fall off the radar, they never called me back, they never helped me. There was just nothing from them and that just contributed to the feeling that what happened to me, maybe that was ok, maybe it was what I deserved because nobody cared about it. All these organisations should be supporting people in my situation, they weren’t. You just get treated as though they want you to disappear, whatever the consequences for you.” (interview 2)

One victim interviewee said they would have preferred someone to talk to her and use the information she gave them to fill out the form on her behalf.

“Just to have someone to talk to really. Maybe if from the beginning if I had a telephone appointment where you can talk to the person and they can get that information for you, and then if they need information from the police they can then on your behalf, contact them and get the reference numbers for you and help you fill that out.” (interview 6)

Another victim interviewee suggested that support for victims in applying to the Scheme should be built into the process:

“Then at that point you need somebody to help you with the forms and it should be part of the whole system.” (interview 12)

One victim thought that they would have been likely to get a better outcome if they had someone official advocating on their behalf:

“It’s more to do with the fact that criminal injuries, it just kept feeling that if you approach them as a member of the public they think they can wipe the floor with you, but if you’ve got someone official to speak on your behalf I have a feeling they would have taken me more seriously and they would be less inclined to cause me additional distress.” (interview 2)
Another victim interviewee felt that victims who have the specific, tailored support of an Independent Sexual Violence Advocate (ISVA) were more likely to get help to apply for criminal injuries compensation:

“There seems to be a correlation, I don’t know it seems to be the situation where people who have had ISVAs as part of their support are more likely to have requested compensation or had help to claim compensation.” (interview 3)

One victim who received help from Victim Support commented on how much he valued that support in making the application.

“Oh, massively it really helped because there was so much going on in those opening few months anyway, as well as the grief that you’re going through, that if it wasn’t for our victim support worker at the time I don’t think we would ever have got around doing it without her help.” (interview 4)

In particular, this victim commented that it was the Victim Support worker’s help in completing the form that they valued. This was because they could tell the supporter what happened in their own words, and the support worker could prepare this into a coherent account for the application. The victims’ Family Liaison Officer from the police was also present when they completed the application, and this helped the victim to complete the form in one go, with all the necessary information.

“You’re having to run over the events of what happened so you’re having to describe what happened to your loved one and in this situation [the Victim Support worker] was able to do that for us, and also our FLO was able to be there at the same time so anything that was needed, anything official needed or dates [provided,] so they were there to help as well.” (interview 4)

A victim interviewee who received help from Victim Support, also reported that the process of being able to tell the support worker the circumstances of the offence, who could then type up the application, was most helpful. She felt that there was less re-triggering of emotions or trauma involved in having someone to type up the application form. Another also felt that help from Victim Support was vital because applying for criminal injuries compensation is such an unfamiliar situation to be in.

“At the time in our county we had Victim Support. I felt a bit weird applying for it. It’s that realisation that this has happened to my child. I didn’t want to do it on my own and at the time we had Victim Support who helped us through the application. So, I made an appointment with them and they went through all the information with me. They keyed in all the form and she was great… It was not being alone really and not typing in the words again, it was someone to type the words in… It was having someone there and not doing it on your own was the most benefit for me.” (interview 14b)

“…no one thinks they’re going to be in a predicament like this, you know, the Victim Support [worker] was as helpful as she could be, filling in [the application]. Later on, I got told that it was her first case so…you know, she was new to it all but I felt comfortable and I felt like she done her best for us. […] She actually wrote it, she done a statement here in the house with us, with me and my daughter. She wrote it out and we went through it, signed it, you know, agreed with what she put down.” (interview 20)
A victim who was applying on behalf of her daughter felt that if that help had not been available from Victim Support, she may not have applied to the Scheme and would not have wanted to call the CICA helpline for advice on how to complete the form.

“For me it was really emotional I couldn’t have picked up the phone and talked to someone, I need[ed] a faceless way of doing it to detach myself a bit.” (interview 14b)

Some victims reported receiving some support from charities or ISVAs to complete their application. One victim interviewee who works as an ISVA explained that although ISVAs can inform victims of their entitlement to claim criminal injuries compensation, their role does not extend to providing support for victims throughout the application process:

“Often what will happen is we will have supported someone through the whole criminal justice process, so we’re already working with them, so we tell them about criminal injuries compensation. And we’ll give whatever support we can within the limits of our role. At that point, our role comes to an end. We wouldn’t keep that case open while the CICA application is going. If someone approaches for one off support, we might give support over the phone and that might do it. The reason we gave support in the case earlier [was] because she needed support to go to trial. It was more that she felt she needed emotional support at court and for someone to accompany her” (interview 9)

Other victim interviewees valued the support they received from smaller independent charities:

“[The support worker] did it with us. She told us the parts we needed to fill in ‘cos some of the questions, it’s hard to understand what they want.” (interview 17)

One victim was informed by a member of the National Victims’ Association that they could appeal the CICA’s decision who subsequently supported them through the appeal process. The interviewee described the impact of support from people who had been in a similar situation to herself:

“I just didn’t feel nervous you know, I’m quite an anxious person but I just felt so comfortable knowing that we had their support and I just felt well what will be will be now, so they took over and basically helped me through it.” (interview 20)

Although the levels of support for victims applying for criminal injuries compensation has declined since the change in policy by Victim Support, victims and victim service providers report that victims greatly value any support they receive in completing the application form, and in the long application process that follows.

Victim service providers reported the following feedback through our call for information from PCCs:

“A county’s] SARC has had several comments regarding the compensation, most are really pleased and thankful, the funds have allowed people to now afford the appropriate counselling. One comment recently was that if they hadn’t worked with the ISVA they wouldn’t have known about the compensation.”

“We recently received a letter from a victim expressing gratitude for the help that he received completing the criminal injuries compensation application process. Our VCC [Victim Care Co-ordinator] acted as his representative throughout and advocated on his behalf with his consent. All communications went through the Signpost Hub rather than the victim at his request, which he felt helped him to manage the process.”
“One service user was very grateful for our support as she did not have the internet and was supported by a case worker in [the local] library to complete the online form.”

“Clients are grateful for the support as the forms usually are completed after the court process, a time when a client can be struggling with how they feel, the ISVA support ensures that a CICA claim is completed in an accurate, timely manner.”

“ISVAs locally have had very positive feedback following a number of successful applications and appeals. In particular the Child and YP [Young Persons] ISVA has submitted a number of claims.”

“There have been many occasions where we have received contradictory information from CICA on individual cases and only our persistence has resulted in victims getting what they are entitled to. Without the support many victims would not have received anything.”

“We have received positive feedback from those we have supported. One previous client in gratitude for ISVA support and assistance with CICA – gave a donation from the award to the service.”

“Service users are always grateful and thankful of the support.”

A representative from Victim Support also commented on the feedback they receive from victims regarding their emotional support for those applying for CIC:

“We get a huge amount of feedback about the impact of support… The emotional support is valuable, what is key is having someone who is totally impartial in the process in their corner. So, somebody who is not involved in any decision making, completely independent of the authorities, the government, the police, [w]ith no judgement about your case or your chances is really valuable… that’s a unique position.” (Victim Support)
4. Legal representation

Victims who took part in the online survey chose several reasons for using legal representation. The most common reason was that they were too traumatised to complete the application themselves and that the application process seemed too difficult.10

One legal representative also reported that some victims choose to seek legal representation to take away the burden of trauma experienced in applying for criminal injuries compensation:

“…some people want to have someone to fully lean on, they say here’s all the paper work you do it, I can’t face it. I get that a lot when you are dealing with domestic violence cases. They say well what do I have to do, and I say you might have to attend a medical appointment, but other than that, you can dump it all on me and I’ll do all the paper work and you don’t have to do much and they’ll say… I’d rather lose 25 per cent and not have to deal with it and get something because otherwise I’m not going to put in a claim anyway.” (interview 7)

Of those who decided to use a lawyer, two thirds (64 per cent) were satisfied and a quarter (25 per cent) were dissatisfied with the service.
One victim interviewee commented on their satisfaction with the services of their solicitor who coordinates all correspondence for them with the CICA and keeps them regularly updated on progress of their case:

“They provided help filling out any paper forms and getting any documents that need proof such as hospital things and photographs of all my injuries and ongoing, each operation documented, and he had told us he could probably get some interim payments… I feel we are kept up to date. The solicitors keep us updated as much as possible… Once a month if they’ve got anything they let us know. He does sometimes email to say unfortunately things have gone quiet at the moment and obviously delayed because I’m going in and out of hospital.” (interview 15)

Following the change in policy by Victim Support which no longer represents new applicants for criminal injuries compensation, and other charities mirroring this approach, there is a sense that the limited availability of free representation is pushing victims towards seeking representation from paid legal representatives.

It may be that without access to the less formal support of advice and guidance from Victim Support and other charities, victims are more inclined to seek paid legal advice. A representative of Victim Support reported that they talk victims through their options for paid representation if the case is particularly complex or the victim is particularly vulnerable:

“… where it is a very complex case and they’re already undergoing a lot of challenges because of that situation, then sometimes it might be worth taking paid representation. We never advise it because we never advise victims to take any course. All we can do is provide options, talk through what those options are and provide support and empower them to make that decision… That might be getting pro bono advise, a university might help them for example.” (Victim Support representative)

Legal representatives have a number of fee models. Some offer to work on an hourly based rate as a standard approach, but most work on a no win no fee basis. Some legal firms charge a sliding scale fee as a proportion of the award according to the amount of work that
they do for the client. This sliding scale fee can be between 5 per cent and 25 per cent of the victim’s compensation award. Other lawyers charge a flat no win no fee charge of 25 per cent. If a victim seeks legal representation at the review or appeal stage some legal representatives will only charge a fee based on any extra money awarded following their own input, i.e. if the award is more than the original offer. However, some legal representatives will charge the percentage fee based on all of the compensation awarded even if the sum does not increase following their representation at review or appeal. For these representatives, the percentage fee is capped at 25 per cent plus VAT.

Applicants are not entitled to access Legal Aid to support their application, neither are legal costs recoverable if an award is made regardless of the vulnerability or capacity of the victim. With a lack of current free support for applicants, many victims are faced with the decision to seek legal representation, and lose 25 per cent of their award, or represent themselves.

One legal representative felt that legal fees should be recoverable for successful applicants:

“Legal costs have never been recoverable, but if you are trying to wrestle with a complex brain injury case which goes all the way to a heavily contested appeal and have to meet your legal cost out of your award, I think that’s wrong.” (interview 11)

The potential fees charged by lawyers can put some victims off seeking legal advice or representation, and some don’t have a full understanding of fee structures and think they would not be able to afford costly legal advice:

“… we don’t have money for lawyers that’s ridiculous, we don’t get paid enough. I have heard of no win no fee but I think you need someone that’s fighting for you not just for the money. Unless you’ve got loads of money you can’t use the law to your advantage, you pay out the money and get nothing back anyway, I can’t afford a lawyer and neither can my sister.” (interview 17)

“Now if this would’ve been rejected, I would’ve had to have gone for a solicitor then but I wouldn’t have had the funds for that.” (interview 20)

Some of the victims interviewed for the review were not aware that they could be represented by a lawyer for their application. One victim reported that because they were not represented at court, it didn’t occur to them that they could be represented in their application for criminal injuries compensation.

“It’s also linked to the experience of being in court because you don’t have any representation in court, so I didn’t have a lawyer whose been involved at any point so it didn’t seem like, it just didn’t occur to me.” (interview 3)

Some victim interviewees reported not needing to seek paid representation because they were supported by Victim Support, though current and future applicants will not have this opportunity:

“we were offered [the services of a paid representative, but]… because Victim Support had helped us we said no we don’t need [the lawyers] help.” (interview 4)

“I know about that then but to me that’s no different than if Victim Support completes it on your behalf.”(interview 14a)

One victim interviewee felt that with hindsight, they would have benefitted from legal representation:
“I would have liked a solicitor to fight my corner for me… if I had known then yes, if I had known what I know now then I would have.” (interview 2)

Another victim interviewee who works as an ISVA felt that if one of her clients had received legal representation from the start of her application, she may not have had to go to appeal. She feels there is a need for free and independent legal advice for victims applying to the Scheme.

“…if she had legal advice from the very beginning when applying, would she have got to that stage? She would have understood why she couldn’t get what she was asking for. The tariffs and the scheme are really complicated to read, she had never seen that, it was just the judge knew the scheme and thought “we can’t give her what she’s asking for because she doesn’t understand the scheme, but there is this part over here…”’ It would be great if there was independent legal advice and representation for survivors applying, so they know what they need in terms of evidence, what they can apply for, and what they’re entitled to.” (interview 9)

One legal representative who represents a relatively small number of applicants and works closely with domestic abuse charities said they would encourage victims to apply for criminal injuries compensation themselves in the first instance if the case was relatively straightforward.

“I try and encourage people to make the application themselves in the first instance because you don’t need a solicitor to fill in the details you can fill in yourself. We have a fairly limited input beforehand, though we can be a pen pusher if needed. Usually people come to me once the initial decision comes in and they say ‘can you take a look at this?’ ‘Have they made the right decision, have they missed something?’ At which point I can actually be of use once the initial decision has been made.” (interview 7)

Another legal representative who works for a law firm which represents around 750 cases a year did not share this approach:

“…some of them come to us part way through for various different reasons but the majority come to us from the start.” (interview 8)

One victim interviewee reported that they had not used the services of a solicitor in their initial application, but they were encouraged to seek legal representation at the appeal stage:

“…all the way up until about June we didn’t use outside assistance, we were trying to do it ourselves but it was made clear to me at the court date that they were not comfortable without me having some legal assistance. I felt I had been arguing the case but we took the hint and just felt that maybe we were pressurised into a situation where we had to get some help, so we sought out not a solicitor but a barrister.” (interview 18)

If a victim carries out a search on the internet to find out more about applying for criminal injuries compensation, the websites at the top of the list returned by the search engine are likely to be law firms rather than official information from the CICA. Many of the websites created by such law firms can be quite misleading and appear to be official websites responsible for the administration of the Scheme.

One victim interviewee described how she had tried to find out more about applying for criminal injuries compensation, and had contacted experts on criminal injuries compensation that she had identified on the internet, but unknowingly had been speaking to a lawyer.
“… when you put criminal injuries compensation in to Google, lawyers come up on the website. I thought I had phoned [CICA] and it was a lawyer. He was asking me all these questions and I waited two weeks and he said he would phone back and he didn’t, and then I realised it was a solicitor. I was really stressed and it was quite upsetting when you do that, it was over Christmas as well. They weren’t interested though, they said I wouldn’t get anything. […] They were put off from it because of the same roof rule.” (interview 16)

The legal complexity of the Scheme is such that some victims are drawn to legal representation because they do not have the required knowledge and legal training to effectively represent themselves. In some particularly complex cases the CICA or the CICA Tribunal recommend that victims seek legal representation.

Legal representatives reported:

“There’s a lot of comment made in the courts when they have gone to judicial review about the complexity of the Scheme in certain circumstances. High Court judges have said it is inconceivable that a lay person could conduct one of these appeals without legal reps.” (interview 11)

“Although you are invited to apply for this they say do it yourself, it’s for the lay person but once you get involved in it, it’s not for the lay person. It’s complicated. We do get people, sometimes the CICA will say you need to go to a solicitor, you need some legal advice about loss of earnings….When you get decisions about loss of earnings or care that gets very complicated. Nobody would be able to do a complicated care case or a brain injury case on their own.” (interview 19)

Similarly, the capacity of some victims, for example with mental health injuries or brain injuries may be limited, and this may lead to a need for paid legal representation.

“We do a lot of work with people who have acquired brain injuries or severe mental health problems…Those are the types of cases that result in the full award under the scheme. You have a battle with the CICA about the tariff award for brain injury. You have a battle about whether you qualify for lifelong loss of earnings and you have a battle with them about the amount awarded for future lifelong care. [There are] Fees for court protection because you’ve got no mental capacity, and there is a trust for the award etc. Whether or not a lay person is ever going to be able to fight that battle with the CICA through to the Tribunal where most of these cases end up, it’s those sorts of choices.” (interview 11)

“We’ve got a case for a lady with learning difficulties who doesn’t have capacity. They want us to set up in the court of protection which is not appropriate for that amount of money. It would cost more and she doesn’t have anybody who can act as deputy so that’s getting quite complicated. How would she manage without [a] legal representative? She doesn’t have capacity to manage it herself. It’s the vulnerable groups that we have concerns about.” (interview 19)

Some victims are able to access free legal advice through a number of routes. One victim gained free legal advice through a charity which supports victims of sexual abuse. She found the free advice invaluable in completing her application:

“I spoke to a lawyer for free, I think I got his number through NAPAC. He told me the wording and told me I should carry on and do it. He said it wouldn’t be easy, but after talking to you I think that you can do it yourself, you don’t need someone to do it for
you if I tell you the words, so that was how it started. That was for the review, words like injustice and fairness that my case should be considered the same as my sister. ... I'll always be grateful to that man. I've never met him I just talked to him on the phone. He was a lawyer in sexual abuse cases. He gave me half an hour of his time and I think he would have given me more, but I got the key points of it and I felt just in what I was doing then." (interview 12)

Another victim interviewee received free legal advice through her Union membership. She would not have sought legal advice if she had to pay for it:

"Because I'm in the union I get free legal stuff. I had also been in touch with them about taking civil action ... I was very aware of that, how solicitors do this for people and then take a percentage so there was no way I was going to do that, this was all free through the union." (interview 10)

4.1. Legal support provided by PCCs

Two PCCs noted innovative approaches to supporting victims in applying for criminal injuries compensation in their area which aim to pick up the support for victims that has been diminished due to the reduced levels of support by Victim Support.

In Cambridgeshire, the Cambridgeshire Women’s Consortium is exploring holding free legal clinics for survivors to receive support to complete applications face-to-face.

In Northumbria, the need to support victims through the CICA process was identified as a funding priority and the Newcastle Law Centre has been commissioned to specifically meet that need. The Newcastle Law Centre provides support to complete the CICA form online, and generally provides support and assistance with the application including explaining how the scheme operates, and ensuring victims forms are completed correctly as errors often result in rejections and further delays. If applications are rejected because of insufficient evidence, or the CICA require additional information, the Newcastle Law Centre can support victims to provide additional information. The Northumbria OPCC commented:

"[We] believe it’s important to support victims but also encourage them to take ownership of liaising directly with CICA to support their empowerment. The Newcastle Law Centre will provide clients with comprehensive information including appropriate steps to follow to check the progress of their claim. Newcastle Law Centre’s role is to clearly explain the CICA criteria, evidence requirements, and most importantly, to manage the victims’ expectations in terms of the outcome."

5. Awards in trust and retention of awards for children

The 2012 Scheme provides for the establishment of a trust to protect awards in certain circumstances. This is likely to be required in order to protect vulnerable applicants who may be easily exploited financially, where the applicant lacks capacity to manage their affairs, to prevent an offender from benefiting from the award, or to ensure that an award for future special expenses is spent appropriately.

When the CICA establish a trust, the conditions and reasons for setting them are discussed with the applicant’s representatives beforehand. These are set in order to fulfil the CICA’s accountability for appropriate stewardship of public funds.
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Where the applicant is a child, the CICA may not insist upon a trust but may retain the award in an interest-bearing account until the child reaches 18 years of age. A deputy or guardian can be appointed in a separate process from retaining the award.

The CICA can instruct that any unused funds should be returned, for example, in the event of the applicant’s death.

Funds can be drawn from awards in trust and from awards retained for children in the form of interim payments. The CICA publish guidelines regarding interim payments, however, one legal representative that took part in this review felt that most victims’ guardians would not know how to apply for such payments:

“You can apply to have some of the money out of the award but that relies on somebody, a parent, who is going to be on it, and be able to think what they would like to apply for, and go through the process of applying to get the money out. We have a family where there are 6 children and the mother isn’t capable of doing that for whatever reason. She leads a chaotic life and isn’t able to think about what the children need so it’s up to us to do that for her. If she didn’t have legal representation, she would not know that she could do that because the award is there for when you are 18.” (interview 19)

Another legal representative commented on the insensitivity of informing victims that the award must be returned to the CICA in the event of their death:

“I understand the policy behind that because it is used to compensate other victims of crime, but it is deeply insulting to people who have waited a very long time and want to use the money to change their lifestyle as they feel fit to be told you can only spend the money as we say you can and if you die we get it back.” (interview 11)

If an award is placed in trust, the CICA can mandate how the money is spent. The CICA can insist that a large proportion may only be spent on care, it cannot be spent for example on property, going on holiday or medical expenses. The same representative reported that:

“…you can only spend it on what they tell you you can spend it on so your hands are tied.” (interview 11)

They went on to describe a case of a victim that they had represented who had been given the full award of £500,000 which was awarded in trust. The victim had wanted to buy property in order to improve her lifestyle:

“We fought on her behalf and she saw it as a way of changing her life, to be told we are going to tell you how to spend this money and you can’t do what you want with it. We know this was deeply upsetting to her… Sadly [quite recently] our client committed suicide. There is an inquest. We are going to be approached by the coroner to provide information about the background and circumstances. We know the CICA insisted on doing this and the client was extremely unhappy about this because she had fought for a long time to secure this award.” (interview 11)

This was echoed by a victim interviewee who was told that she could not access interim payments to pay for counselling for her daughter whose award has been placed in trust. She suggested that if interim payments could not be accessed for this purpose then perhaps direct payments could be made to clinicians, as the money could be best used on counselling while the victim is still young.
“The money needs to go to helping them in time with their difficulties. By the time the child had got to 18 their developmental cycle has gone on and that money or voucher could have been used in the interim. Whereas we have to pay privately, we can’t access it for that purpose. If you could access some of that money by vouchers to afford specialist child counselling to help the child [that] would be a good idea. I totally get why the money is in trust but if it can be a token or directly pay the psychologist. There’s the guilt that with you can’t afford it and there’s guilt or you pay it and leave yourself short somewhere else and that’s guilt. And your child is struggling.” (interview 14b)

6. Victims’ understanding of eligibility

More than half of victims that responded to the survey found it difficult to understand whether they were eligible for criminal injuries compensation (56 per cent, 112), whereas a third (35 per cent, 71) found this easy.

Some victims that took part in in-depth interviews also reported finding it difficult to understand whether they would be eligible. One victim who was told by a police officer that she would be eligible for the Scheme and who was subsequently rejected under the ‘same roof rule’ commented on her difficulty in understanding the eligibility criteria:

“I thought I was eligible because the police woman said I was. I did scan through the book but it’s so long and very confusing to read all the different – they have extras on every piece – unless this happened and unless that happened. Oh my word! I don’t get all of this. I wasn’t in a very good mind frame so I didn’t read the full booklet I just trusted what she told me and sent them off.” (interview 1)

Another victim whose application was also rejected commented on finding it difficult to understand the guidelines.
“It would be good if they told you the rules of compensation and the guidelines in plain English. If they told you it’s a waste of time then you wouldn’t waste your time actually doing anything.” (interview 17)

Some victim interviewees commented that although it was clear that they would be eligible for some sort of award, it was difficult to understand the tariffs to see how much compensation they might expect to be awarded:

“We were told we were likely to get it but it never gave us an amount that we would be likely to get. My partner had severe injuries to his fact so he needs to have 8 teeth redone and that’s £2,000 an implant. We don’t know what we can do because we don’t know what we will be getting back. That wasn’t very clear as to if we would get compensation and how much we would get. It was – you will get a percentage of 11 per cent of one then 50 per cent of the other, but I didn’t find that very clear. Knowing amounts would be good because especially in our situation, we’ve had to pay out so much for dental work.” (interview 13)

One victim interviewee demonstrated a misunderstanding of eligibility, thinking that an admission of guilt by the perpetrator made her daughter eligible for criminal injuries compensation:

“I think it was because he admitted it. There was admission of guilt there so it meant she would be eligible.” (interview 14a)

The CICA staff report a mixture of applicants’ understanding of their eligibility for criminal injuries compensation, with some being well informed by victim services about their rights, and others potentially being misinformed. They described how it can be difficult to explain to some victims that they are not eligible for the Scheme when they may have been misinformed, for example by a police officer, that they are entitled to compensation.

“You’ll have people that phone up that have been made well aware by Victim Support about what the Scheme is about and we will help them through the process. Then you’ll get the ones who’ve been given just the phone number by a police officer and maybe [they have] been slightly misled by the police officer that they are eligible and then to be honest that’s not ideal if they phone us and they believe they are entitled to compensation because of what’s happened to them. It could be very traumatic and then to say it doesn’t sound as though you are entitled…” (CICA staff)

The CICA staff say that if they have explained to a potential applicant they are not eligible to apply for compensation, and the applicant still wants to apply, they do not discourage them from doing so, partly because the applicant may not have fully explained their circumstances over the phone, and partly because it is their entitlement and the individuals’ choice as to whether they make an application for criminal injuries compensation:

“But, one of the things that we still do if the person is upset, we encourage them to put in an application form and we will look at it in more detail. Because, bear in mind when people phone it can be pretty upsetting in itself, and you might not be getting all that information from them there and then. So, we would never turn a person away. We would always say at the end you can go ahead and complete an online application form. We can’t give advice on whether or not they should apply. We can’t say don’t apply. It is their right to do so, everybody is entitled to submit an applicant and it’s their choice to so. At the same time if they phone up we can give all the information. But it’s a traumatic thing that happened.” (CICA staff)
However, one legal representative reported that he frequently talks to victims who have been told by the CICA staff on the telephone that they are not eligible to apply because they have gone past the two-year time limit from applications:

“People are sometimes misled. The call handler will not necessarily explore reasons why someone might have good reason with their application, and that is why it’s late. They don’t bend over backward to go into that with them. That’s a problem. Even recently we have had people ring us up and say I’ve been told I am out of time and the reasons why I am out of time have not been explored.” (interview 11)

7. Ease of application

Half of the respondents to the online survey found it difficult to fill in the application for compensation (51 per cent, 103), while 3 in 10 found the process of filling in the application easy (27 per cent, 54).

Some respondents to the survey commented on the difficulty of completing the application form.

“Gathering all the information about where, when, who etc. was difficult. I had the case number but had to go back and ask, for example, the officer’s name. I found the form a challenge.”

However, some legal representatives commented on the ease of application:

“The actual application written online is pretty well written, pretty user friendly.” (interview 8)

1173 per cent of respondents to the survey applied to the Scheme themselves, 11 per cent applied as a bereaved victim of homicide and 9 per cent applied on behalf of a relative or friend, 2 per cent of respondents were ISVAs acting on the victim’s behalf.
This was also reflected in the responses of victim interviewees, with some victims saying the application form was easy to use and straightforward, and some victims reporting great difficulties with completing the application, for example with accessing crime numbers and details of the crime.

“I found it pretty straightforward. I didn’t particularly struggle to fill it out, it was quite a straightforward process.” (interview 13)

“It’s fine, it’s not a big issue. It’s easy enough to see what the system is.” (interview 14a)

“It’s all very complicated, they don’t make it easy for victims. It’s a very complicated form actually. No wonder it puts people off. The way the questions were asked they needed a lot of detailed information we didn’t have. We were children, you don’t remember these things. The help was invaluable, if she wasn’t doing it we wouldn’t have a clue. They wanted the details of the court case it was up in [county], we had to get hold of people to get case numbers and incident numbers which was difficult because some of these people had left. It was very difficult to chase up the information.” (interview 17)

It may be that the ease of use of the application form is dependent on the circumstances and experience of the applicant as well as where they are in the criminal injuries process.

“It was stressful. It wasn’t difficult to understand; the thing was making sure – if you fill in forms day in day out you kind of understand the nuance of what they are looking for. When you are filling it in once for yourself you don’t know if something is a hidden trap, it just a bit like you can easily mess it up and rule yourself out. It didn’t feel designed to help you out.” (interview 3)

“Because we were in the midst of it, it was much easier because we were still in the crown court. It was reliving but it felt as part of the whole way to get justice.” (interview 18)

Given the differences in circumstances and abilities of applicants, the system needs to be designed with those who have only limited competence in mind, especially given the limited availability of free legal assistance and support from charities for victims applying for criminal injuries compensation.

The length of time it took victim interviewees to complete the application form also varied. Some interviewees reported completing the form within about an hour and a half, whereas one victim reported taking considerably longer due to the nature of the information required and the stress involved.

“Yes, I think what took me the time was you had to get postcodes and it’s all exhausting when you’ve been through something like that. So, I’d do a little bit then come back, then have to look for the postcode and I’d think I just can’t deal with it. And the usual me for something like that would hammer it out in 20 minutes. I think it took me a week. It’s just horrible.” (interview 10)
8. Victim satisfaction with their criminal injuries compensation application

The CICA report an overarching customer satisfaction measure of 95 per cent. They also measure the time and effort that applicants take when making an application which was deemed to be low to moderate in 2017-18 and 2016-17\(^{12}\). (CICA annual report and accounts 2017-18).

However, the majority of victims that took part in the online survey were quite or very dissatisfied with the overall experience of applying for criminal injuries compensation.

![Chart showing satisfaction levels](chart)

Sixty-seven per cent of victims who applied within the last two years were quite or very dissatisfied with their experience of applying for criminal injuries compensation, compared with 82 per cent who applied more than 2 years ago. The CICA report a number of improvements to the administrative process, and this is evidenced by the improvement in victim satisfaction. Although this difference is not statistically significant, and still over two thirds of victims are not satisfied with the experience, it is still a step in the right direction.

9. **Length of time to receive a decision**

The CICA reports that in 2017-18, 48 per cent of cases were given a first decision within 6 months compared with 30 per cent in 2016-17. Eighty-one per cent of cases were given first decisions within 12 months in 2017-18 compared with 47 per cent in 2016-17.\(^{13}\)

Victims who responded to the survey reported varying lengths of time for a decision to be made by the CICA. Approximately 1 in 3 (32 per cent, 43) stated that it took less than 6 months between applying for compensation and receiving a decision. One in 5 stated that it took between 6 months and a year (22 per cent, 30). However, a further 1 in 5 (20 per cent, 27) stated that it took more than 2 years.

\(^{13}\) CICA Annual Report and Accounts 2017-18, page 8
Three quarters of respondents (75 per cent, 55) who had received a decision that they would be awarded compensation had received payment of the compensation. However, a quarter (25 per cent, 18) of respondents who had been told that they would be awarded compensation had not received payment at the time the survey was completed.

Of those who have been awarded compensation and had received payment, 2 in 3 had received payment in less than 30 days (65 per cent, 36) and one third (35 per cent, 19) in more than 30 days. No respondents had received payment within 5 days of having compensation awarded.

Some PCCs noted problems with the length of time that it takes for victims to receive decisions about their criminal injuries compensation awards.
“The main bone of contention that victims have with the CICA process is the length of time that it takes for the CICA to make a decision regarding a claim. VCAS [Victim Care and Advice Service], for example, currently have legacy cases dating back to 2013 that are still no near a conclusion.”

“Victim Support explained that one client had waited eight years for his claim to be processed while assessments were made on the impact of his injury on his life.”

“Most of the feedback on the CICA process from caseworkers is around the length of time it takes for decisions to be reached. One of our cases was an elderly man who had been seriously assaulted (broken jaw) with a clear long-term impact. His case had been with the authority for two years when he was diagnosed with terminal cancer – he ended up dying without knowing the outcome. One of our current cases has also been ongoing for 4 years with no clear idea of when a decision will be reached.”

The length of time that it takes for victims to gain decisions about criminal injuries compensation has an impact on victims’ abilities to cope and recover from the effects of the crime. This is because victims continue to be reminded of the crime as long as the criminal injuries compensation claim is on-going. One PCC reported that:

“Feedback focuses on the amount of time it takes for a criminal injuries claim to be processed which may impact on a victim’s wellbeing.”

Respondents to the survey also took the opportunity to highlight their concerns about lengthy waiting times, with some waiting 5 years and more for an initial offer of compensation.

“My claim is now 3 years running and the continuous request for medical info has re-traumatised me again and again – CICA have been very kind on the phone, but what they say and what they do is actually questionable. I am unhappy as my police case [ended] 3 years ago yet [I] am still dealing with this.”

“It is therefore a disgrace that victims such as myself and my mum and dad have had to wait for this compensation 5 and a half years after the incident. Victims could have died in this interim period and never receive the money they were entitled to sooner that could have improved their quality of life as soon as the incident happened.”

Victims who took part in in-depth interviews also described negative effects of lengthy waiting times to receive a decision.

“So, what is taking them over a year to just sit on that evidence? I’m really angry about that as well as I’ve had episodes since then of profound mental difficulties… The process is affecting my mental wellbeing … People cannot believe I haven’t had my compensation yet, but it’s been nearly two and a half years that I haven’t had the money… It absolutely encapsulates it for me that he is nearly out of prison and I haven’t even had any compensation. “(Interview 10)

Some victim interviewees report relatively fast decision making on receiving rejections for their initial claim, but then going to review and on to appeal can be a lengthy process which can take its toll on victims.

“I think I probably got the rejection letter may be about October 2017, October / November. So, it wasn’t even a year I think.” (Interview 6)

“We are now into the 6th year which is an exceptionally long amount of time for such a claim… You think there is enough to show at the start, you would never think it
Legal representatives also highlighted the impact of long delays in decision making for victims:

“The perpetrator served two years in jail and he’s back out on the streets and my client still hasn’t got resolution to her issue. I think that’s where the principle frustration comes with people who engage with the system, they see their perpetrator wandering around on the street after being to jail and they are no closer to gaining a resolution on what they feel they should be entitled to [,to] a certain degree.”
(interview 7)

One legal representative described how the waiting times for decisions and interaction with the CICA decisions can be variable even amongst cases which are very similar:

“… sometimes there is no rhyme or reason for it. We get some cases that are dealt with quite promptly and quickly if they are dealt with by certain teams and other teams it’s like literally pulling teeth at every single step. And you phone up and nobody seems to know what is going on. And you send some post and it hasn’t been allocated. Then we’ll get a letter telling us to do one thing then another saying something else. We’ve got quite a substantial back log at the moment where nothing has happened for 6 months… We’ve had others that we sent through at the same time and it’s come through so why has nothing happened with [these] for 6 months?”
(interview 8)

Once an offer has been made by the CICA, applicants have 56 days to respond. The Scheme then allows this period for accepting an award or requesting a review to be extended by a further 56 days. The CICA CEO reports that “There is no requirement for this request to be made within the original 56-day period if there are exceptional circumstances.”
(CICA CEO written response)

The Scheme also sets out how an application can be withdrawn by the CICA two years after this time limit has expired. Applicants must be notified that the decision has been made to withdraw their application, giving them the right to review and appeal the decision.

However, these processes may not be entirely clear to victims who apply to the CICA. For example, one respondent to the survey reported:

“I always responded promptly and gave as much information as required. After 5 years I have just received an offer and have 56 days to respond. I needed [the] help of a lawyer to explain it so I could clearly understand. I have requested in writing for the evidence they have used to make their decision but have had no response, this makes it extremely difficult for me to make a decision as to whether to accept or decline.”

10. Setting expectations
The guide for victims applying for criminal injuries compensation advises applicants that:

“The length of time needed to assess your claim will vary depending on how complicated it is. Complex cases may take longer to decide. This is because we will not make a decision on your case until you confirm that you have recovered, as far as possible, from your injuries. We handle a large volume of claims every year and...
our awards are not designed to meet immediate needs. To ensure we can operate within our budget we have a priority system for settling claims. Although highest priority is given to our oldest cases we balance this with some newer cases where a straightforward decision can be made. All eligible claims will be paid, but you can expect to wait up to 12 months.” 14

Some PCCs reported that not only is the length of time it takes to receive a decision a big problem for some victims, but so is the lack of knowledge or expectancy that the process could take that long. They report that victims are not aware of the process involved and how long that process could potentially take.

“Victims often express frustration about the slow processing of cases as they can take years. CICA will not give details of timescales.”

Victims’ that participated in interviews also explained how setting expectations of the length of time CICA decision making can take would help them through the process:

“I think that you should be roughly told how long it would take, what you should probably expect.” (interview 15)

“I don’t know if they are supposed to contact you and tell you how long it will be but I haven’t heard anything since I sent off the medical records. If you knew a time frame and then that time passed you could legitimately ring them and say is there any news, but when you don’t know the timescale you don’t want to pre-empt something, or it sounds superstitious but I don’t want to rock the boat really.” (interview 3)

A representative from Victim Support reported this lack of clarity around decision times as a common issue experienced by victims:

“The general views and experiences that we hear is the concern about the length of time taken to assess the application. It can be a very long time and you enter the system without ever having indication of how long your application will take because at the time the authority doesn’t know how complex the claim will become.” (Victim Support representative)

The CICA do not confirm eligibility for the Scheme to victims until they have reached their initial decision with an offer of award. For example, one legal representative reported that if the CICA identify that the victim has an unspent conviction or there is an issue around the victims’ conduct or circumstances of the crime, this will not be revealed to the victim (or their legal representative) until the award decision is made. One legal representative reported the difficulties of not being kept informed of any new information that comes to light.

“It’s a legal point, but as a lawyer you generally want to know what information has come into their possession. Let’s say the police have said these are the circumstances as to what happened in this crime but they’ve got it wrong. You want to be able to say to them, no I’m sorry that’s not right, somebody has told them something that is wrong. Because there may be a misapprehension but they steadfastly refuse to disclose the information until they make the decision. That means they may make the wrong decision and if you don’t like it you can ask for a review. We think that’s a bit back to front.” (interview 11)

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One victim interviewee understood the difficulties and limitations of suggesting that there is one set process for all, but thought that the CICA could present a timeline of the process that applicants might be able to expect:

“They need, on their website a timeline. Obviously with the proviso that there may be some changes but just to set out we received your application, then this happens, then it goes there, then it goes to who knows – I don’t know. Then a decision is made. They could say this does not apply to everybody, every cases are individual.” (interview 10)

In an interview with CICA senior leadership, the CEO explained that historically the CICA Customer Charter has not set out explicitly how long applicants can expect to wait for a decision. She reported that the CICA Customer Charter is currently under revision. In it the CICA will explain that around 80 per cent of claims will be decided within 12 months and for over 40 per cent of applicants, decisions can be received within 6 months. The Charter will also set the expectations of victims of sexual assault cases who do not have additional physical injuries or disabling mental injury. Under a new processing route, victims can self-identify as not claiming for further physical injuries or disabling mental injuries, and the majority of these claims can be processed within 12 weeks. The CICA CEO stated that:

“The circumstances and evidence needed to assess a claim can vary considerably. We have recognised that we can give people a better, broad understanding of how long types of claim may take. We are introducing more information on this through the new customer charter that we are getting ready to publish in early 2019.” (CICA senior leadership interview)

If the CICA moved to a more casework based approach with victims being allocated a named contact, they would be more likely to gain a better understanding of the time their case will take to be assessed. They could be better informed about the stage their case has reached and be confident that it is progressing.

11. **Completing the application form is traumatic and re-triggering**

The current online application form requires victims to submit the following details about the crime: date and time of the incident; the address of the incident including the postcode; brief details of the incident; in which country the incident took place; and the category of crime which caused the injury. (See Appendix 2)

The form also requires victims to submit the following details about reporting the incident: whether the incident was reported to the police; the date and time of reporting the incident to the police; the name and address of the police station the incident was reported at (including postcode); the name and ID number of the police officer dealing with the incident; the unique police reference number; whether the police took a statement; whether the case has gone or is going to court; and whether the assailant has been identified by the police.

Victims, legal representatives, PCCs and charities report that victims find completing the application form for criminal injuries compensation and the on-going application process traumatic and re-triggering.

One PCC described victims’ experience of applying to the Scheme as:

“Having to relive the experiences over and over to furnish the required information, it is an impossible hill to climb.”
Another PCC commented:

“Unfortunately support services feedback demonstrates room for improvement with
the CICA process. In summary the feedback suggests that the CICA process is not
victim centred and the process has little consideration to the trauma/impact that a
victim has been through. Victims are vulnerable which needs a supportive process
and not a process that risks re-traumatisation.”

A representative from Victim Support described how the process of writing details of the
crime for the application form is both re-triggering and potentially unnecessary, given that the
detail of the crime will subsequently be gathered from the police report anyway:

“A lot of victims have been telling me they have to fill out the form and describe in
detail the crime and then have to have reported it to the police. Victims are saying it
is re-triggering by having to fill out the details of the crime... It’s unnecessary because
they are going to request the crime report. … they are making people give these
descriptions and actually for the claims assessors it’s based on the police report
which they will be requesting immediately in every single case. So other than the
crime reference number, they probably don’t need any more details than that.”
(Victim Support representative.)

The Victim Support representative went on to discuss how making victims relay the details of
the crime goes against known current best practice in working with victims:

“So much now of the system working around victims is trying to reduce the number of
times they have to tell their story and especially because it can be so much further
down the line. At the front end we try and reduce the number of times victims have to
go over it, and then it could be 18 months down the line and they are having to do it
again. It’s really impactful.” (Victim Support representative)

Through the Victims’ Commissioner’s call for information from PCCs, one victim service
provider highlighted the trauma caused to victims by having to describe intimate details of
the crimes committed against them in the CICA application form:

“It is a complicated process and the most difficult part of the process is gathering all
the necessary information to complete the form. Often the victim/survivor and family
are not able to answer the questions e.g. if the traumatic experience happened over
a year before and they don’t want to have to think about it again. It is potentially
unethical to question them in detail about e.g. visits to hospitals, where the abuse
took place etc.”

When asked if there was anything else that respondents wanted to tell the Victims
Commissioner in her online survey, some respondents spontaneously gave examples of the
traumatic impact that the application process had on them.

“Felt totally numb again brought back all the horrible feelings of not being listened
too. I just hate the system for doing this to people who have built the courage to face
the abusers and report them. They ruin a young child's life and the CICA just
compound that hurt.”

“I just got worn out fighting them and just [accepted] the much lower amount because
to keep reliving it made me ill, I just wanted to forget it all.”

Victims who took part in in-depth interviews also described the re-triggering nature of
completing the application form:
“The whole experience was draining and emotional, putting it in writing, the whole thing, psyching yourself up to do it and it takes quite a while as well. It was not particularly easy no, it wanted dates and things. Luckily, I got them all near but it was just distressing I think. Stressed, and depressed. Because it was just bringing back what happened to me but it puts it in your head again, and then when you see it in black and white, it makes it real because it's in your head all the time but seeing it as real. I understood it but I thought it was totally unfair, and it was very distressing for me.” (interview 16)

“It was emotional, it took me days to do because I had to keep picking it up and putting it down it was too emotional.” (interview 14a)

“It was stressful and distressing to have go through everything that happened to me in such detail…nobody there to make me a cup of tea or give me a cuddle or anything it was hard.” (interview 2)

A senior leader in the CICA said that one of the reasons for requesting that victims provide such details about the incident and reporting of the incident is to corroborate the victim's account with that of the police. The details can also be used to help the police trace the incident. She discussed how details are asked of victims at the application stage in order to minimise the need to go back to victims at a later stage to gain a more detailed account:

“A lot of what we ask for in the application is to try to minimise what we have to ask for during the processing of the claim. We know from our research with applicants that repeated contacts for additional information can be upsetting for them and can prolong the process of getting a decision in the case. So, everything we do to try and get information up front is to try and minimise the need to gather additional information from the applicant to enable us to process the claim.” (CICA senior leadership interview)

Using victim testimony to corroborate their story with that of the police does not seem logical. The CICA should have the totality of evidence in the police file and it is clear from the victims that took part in the interviews that it is the police interpretation of evidence that is used by decision makers in assessing claims.

The CICA senior leader went on to discuss plans for their new application process in which they will look to minimise the amount of information gathered from victims.

“On the new application process, we are looking to reduce where possible the amount of information that we are gathering, especially for the police.” (CICA senior leadership interview)

Victims reported varying experiences regarding the amount of detail they put into their application. Some victims said that entering details of the incident at length is stressful and retraumatising. However, some victims felt that they had missed out by not including as much detail in their initial application. They reported not realising that the initial application would be used to assess the extent of the impact of the crime and thought that the initial application form was just the start of a process which would provide opportunities to demonstrate the extent of their injury through an investigation.

A senior CICA leader confirmed that some victims do not include enough detail in their application, but said that this can be picked up by CICA staff:

“Sometimes people minimise the detail they put in their application and they don’t give us the full circumstances. For example, on the sexual assault cases it may be
when we get further information: from contact with the applicant or the police report, we can see that the applicant has had other injuries that they haven’t claimed for. Because our staff are so used to dealing with this information they can see where there may have been additional injuries, for example a serious trauma which could potentially turn into a serious disabling mental injury. So, they will talk to the applicant or if the applicant has said they don’t want us to phone we can write to them to ensure the full extent of their injuries are considered.” (CICA senior leadership interview)

The CICA CEO described the need for victims to include details such as the police force address and the address or location of where the incident happened. This is because the lack of a unified crime reference number system means that the CICA might need further information to pinpoint the relevant police force. The police force needs to be identified in order for the CICA to gain police evidence for the case.

“The police don’t use a single system of crime reference numbers, they’re regional so that makes it a little bit difficult for us sometimes to pinpoint the police force that the crime was reported to, especially if the applicant doesn’t have the crime reference number. That’s why we ask for more information about where and when the crime took place.” (CICA senior leadership interview)

Some victim interviewees suggested that the crime details could be obtained from the police rather than victims having to go through the traumatic process of providing detailed information about the crime.

“The biggest bit was actually saying what happened and what the outcomes were. Mine was more the actual input of what had happened that was the emotional side of it. The police had all of that information anyway. If there was a simpler way of not having to put that it. Talking about the effect [of the crime] emotion-wise, I was speaking on behalf of my child so that was harder to do. If that bit could be, see the case number, that would be less emotional for me. Not having to fill out the exact details of what happened. It’s ok to add in the emotional side of things. But you go to the police anyway to get the police report. So, for that it should just be the crime reference number it’s all there. As opposed to writing every detail again.” (interview 14a)

“The criminal injuries people said we need more information from the police. But we said the judge has found him guilty, he’s going to prison. He ended up getting 6 years so why do you need all this stuff? In the end we got the transcript from the judge somehow and sent it off to the CICA ourselves. We just wanted it all over with. We thought and felt that once we had stepped out of that court room we’d got that guilty verdict it was clear cut as that but it was not as clear cut as we expected it with the CICA. In fact, it was really, the following 6 months were probably the worst 6 months in our lives in some respect even though that had happened.” (interview 12)

The CICA CEO reported they have undertaken early investigations into the possibility of including an automated interface into their system which could use the police reference number to automatically collect police records on the case. Problems were encountered due to the lack of a unified approach to crime referencing, the use of different systems across police force areas, and different methods of collating data. Even in Scotland where there is one combined police force, the data systems still operate regionally. Separate solutions would need to be developed for each police force area across Scotland, England and Wales.
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in order to build an automated platform that could collect data using the associated crime reference number. The CEO describes this as

“Aspirational. It’s something on our wish list to develop in the future, but it is particularly problematic because of the fragmentation of the police systems.” (CICA senior leadership interview)

The CICA CEO pointed out that an automated process to gain police evidence could potentially save applicants the need to supply details of the crime, it may also reduce the length of the application by at least 30 days, which is the current service level agreement for the police to return evidence. She went on to discuss an on-going project with Police Scotland to share access to the relevant data:

“We are at the early stages of talking to [Police Scotland] about protocols to potentially allow data-sharing system access. However, there are complex security and confidentiality issues to be considered. It, therefore, seems to be quite a long way off in terms of being able to achieve this kind of access.” (CICA senior leadership interview)

The victims lead in the National Police Chiefs’ Council (NPCC) suggested that the potential for direct access to police records would need to be explored carefully. In particular, they noted that there could be significant issues relating to redactions, and the impact on police resources, data protection and integrity.

Victim interviewees also reported that they felt the continued application process, once the form had been submitted, was re-triggering and traumatising.

“Every email that you write, every letter that you send you churn it up again and it’s so hard to do.” (interview 4)

“The only thing is, it just makes you still feel like you are a victim. It doesn’t matter which way you turn you are still a victim in everything. So even trying to claim compensation, it’s just demoralising, it really is. People say it’s your right to claim it or just do it because it will help with this or help with that, but then you are made to fight for it as well. You just think, it just feels demoralised, I don’t really want to be doing this but you just keep going with it so I’ll see what happens.” (interview 6)

“I’ve got life experience and a good support network and it nearly finished me, it really nearly finished me. And I was very close to taking my own life at one stage and I thought about some of the people that I’ve worked with and supported and this would have destroyed them, there’s no two ways about it.” (interview 10)

One legal representative commented that victims seek legal representation to minimise the trauma of their application, but are still unable to completely put the case to one side and get on with their everyday lives:

“I think it’s difficult because it keeps the whole thing dragging on for them. Much as we’re trying to say to them just forget about it, leave it with us, we’ll do everything. But it’s still in the back of their minds. … they’ve been attacked or abused and been through the criminal court process and now they’re going through this. They can’t just draw a line under it. That does have an impact on them I think.” (interview 11)

A representative from Victim Support also described the traumatic nature of the application process. They described how some victims may be applying for compensation for a crime that happened some time ago, the victim may think it is all behind them but the application
process can re-stimulate all of those feelings. They highlighted victims need for emotional support throughout the application process:

“Often people can think they are past it now and actually CICA can re-stimulate all those feelings. It’s about supporters who understand that’s the impact, it’s not filling out the form it’s the psychological impact.” (Victim Support representative)

One victim interviewee who works as an ISVA described how one of her clients was not able to move on with her life because of the on-going nature of the application:

“For her, she couldn’t close that chapter of her life. Having to go all the way to appeal, it’s still a live issue for her. It’s something she wanted to put to bed and move on.” (interview 9)

12. Administration errors

Two of the victim interviewees reported errors in the administration process when applying for criminal injuries compensation. One victim had sent in supporting evidence regarding reasons for her application being outside of the two-year deadline. She was later informed that she had not replied within the required time frame and so the CICA assumed she would not be pursuing the claim. The victim had kept the proof of postage and so was able to demonstrate to the CICA that she had replied within the required time frame.

Another victim interviewee reported that detailed pictures of her partner’s injuries had been lost by the CICA. The CICA have apologised to the victim and admitted a breach of data protection, but the victims’ partner reported that not knowing where the photos are has had a significant impact on him:

“They are really horrible photos taken just after the attack. We have been quite private about it. … to know somebody has seen or could even have the photos that are lost, it’s really devastating for him that someone has the opportunity to have them in their hands right now, it’s awful for him.” (interview 13)

Another victim interviewee reported administrative errors by the police. She was refused compensation for her son’s murder on the grounds of his conduct. When the victim requested a review of this decision the CICA requested further evidence from the police. Unexpectedly the police sent a copy of all of the evidence directly by mail to the applicant’s home. She was shocked and incredibly upset to read witness testimonies to which she had not previously been privy.

“On Saturday the postman came. I went and picked the post up and it was what I thought a letter from the tribunal. So, I thought maybe it was a date or they needed extra information. But what they did was send me copies of all the witness statements from the witnesses of my son’s murder. So, me being curious I sat and read them all and I couldn’t stop vomiting from the detail of it being written in those police statements. I’d never read them before and there was no warning, it was just put through my door.” (interview 6)

Respondents to the survey and victim interviewees were not asked directly if they had experienced administrative errors, rather these examples were given spontaneously by victims that took part in the research. We therefore do not know the scale of administrative errors experienced by all of the victims that took part. However it is clear that such errors
have caused these victims yet more trauma and it is important that the potential for mistakes is minimised with appropriate administrative checks and processes.

13. Belief

Victims and victim support services report that the onus on victims to prove that they have been a victim of crime, and the extent of their injuries, can leave them struggling to feel believed in the criminal justice system.

One victim service commissioned by a PCC commented on the impact of victims having to prove their victimhood following a proven court case:

“Clients feel that they are yet again having to convince authorities that sexual violence has taken place, having already done this through the court process it can cause emotional distress for a person.”

Victim interviewees also reported concerns about being believed in the process of applying for the Scheme:

“It was really retriggering for me ‘cos you’re having to put yourself into this role and I suppose in a way it was easier because I had the conviction … But it was also putting yourself forward yet again for people to either believe you or disbelieve you.”

(interview 3)

“You’ve then got to prove that all over again to these CICA people that’s what is really, really hard. It’s almost like you are the one put on trial.”

(interview 12)

A representative from Victim Support identified the use of language in communication from the CICA as contributing to victims’ perceptions of whether or not they are believed:

“Often victims feel on the back foot about being believed anyway and feel they have to prove themselves when they are a victim of crime, and in the past the use of language by the CICA doesn’t help with the emotional aspect of belief.”

(Victim Support representative)
14. **Gaining medical evidence**

Six out of ten victims who responded to the online survey (59 per cent, 118) had to gather medical evidence to support their application.

![Q27 Did you have to gather any medical evidence to support your application?](image)

Of those who did have to gather medical evidence, a further 6 in 10 (62 per cent, 73) found this difficult. Only 3 in 10 (29 per cent, 34) found this easy.

![Q28 How easy was it to gather the medical evidence?](image)

Victims are advised in the guidance for applicants that they are responsible for providing “medical evidence that shows you suffered an injury that can be compensated under the Scheme”. They are also advised that the cost of obtaining medical evidence varies but that victims “will not be expected to pay more than £50 in total.” If an applicant can provide evidence that they cannot reasonably afford to pay to obtain the medical evidence, or if the
cost exceeds £50, the CICA will pay the costs and costs of up to £50 will be deducted from
the award if one is made.

A small number of respondents to the online survey identified the process of paying to
access medical records as a particular issue of concern.

“In my experience, asking clients to pay for the medical report has resulted in clients
saying they will not take things further. I am aware that if the financial element poses
a problem CICA will pay for the medical notes but this whole process puts another
hurdle in play.”

“I have been asked to provide many different [copies] of medical notes from various
health care professionals / agencies I have accessed support from. Each time further
medical evidence has been requested it has been myself that has paid the [fees]. I
do not have the money to continue accessing any further records and I do not feel
that this process has helped my mental wellbeing.”

One victim interviewee also questioned the need for victims to pay for medical records:

“I don’t think it’s fair. Because you’ve already suffered enough hardship and upset,
and you have to pay out some money, so no I don’t think that’s fair.” (interview 16)

Another victim interviewee gathered medical evidence through her solicitor and questioned
the need to have this fee recovered from the final award:

“To get all my hospital documents we went through him [the solicitor] which cost £50
for each hospital. But it does state that it will be taken off at the end from the
compensation. Personally, I don’t think that you should have to forfeit payment, it’s
not like it’s a normal accident. This was intentional. He wanted to kill us and he did
some people, and seriously injured others. I feel that why did we have to pay?”
(interview 15)

Paragraph 92-94 of the Scheme sets out the requirement for applicants to provide medical
evidence of their injuries. Historically GP surgeries have charged up to £50 for this
information.

One PCC reported that since the advent of GDPR in May 2018, in order to gain access to
their medical records, victims are required to serve Subject Access Requests on their GP.
The PCC said that victims in their area are still having to pay medical professionals for
access to their medical records despite the fact that Subject Access Requests should be
free. However, preparation of the medical records and potential redaction of non-relevant
data may result in administrative charges by the GP surgery which GPs can charge for
under the new GDPR rules. This fee will fall to victims if they are the ones who put in the
Subject Access Request, so the issues of victims paying to retrieve medical evidence still
remains an issue. Guidance from the Information Commissioner’s Office states that:

“A copy of your personal data should be provided free. An organisation may charge
for additional copies. It can only charge a fee if it thinks the request is ‘manifestly
unfounded or excessive’. If so, it may ask for a reasonable fee for administrative
costs associated with the request.” (Information Commissioner’s Office.)

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15 Information Commissioner’s Office. Your data matters / Your right of access. Available [here](#).
One PCC also commented that victims receive poor advice about how they should send their medical records to the CICA, reporting that there is a problem with:

“Victims being advised to send private medical records and details via post and not securely.”

Some survey respondents reported difficulties in obtaining medical records, feeling that this can be taxing and seem unnecessary. Some reported being asked for more medical reports when the victim had already given everything they have access to.

“Trying to get CICA to understand the mental impact because my son already had mental health issues (autism) was a nightmare. My son does not like doctors or hospitals. I got the impression CICA didn’t believe the mental impact the incident had on him and had to push and fight. In the end they got a specialist to assess him. The whole process was stressful and long winded. […] The extra work involved which has to be fitted in whilst caring for a disabled member of my family I believe is unnecessary. No reason why CICA can’t request health records instead of victims and their representatives doing it. I am sure some victims want to forget what happened and wouldn’t get the required evidence particularly those with less disabilities than my son who are not coping with what happened to them.”

“In my opinion this service is extremely lacking in personal contact and support. All I am asked to do is submit medical evidence and medical reports. I have already submitted ALL of the medical evidence and support available. Stop asking me for more medical reports!!!!! You have everything I have been given. It feels as though you are delaying the processing of this matter by constantly asking for more medical reports although I have told you, you have received everything. I’m beginning to think the CICA is a total waste of time and energy.”

One lawyer who took part in the review reported that the onus on victims to obtain their own medical evidence can be quite daunting for some and there may be issues around equality of access for victims who are less capable or willing to negotiate official medical channels, describing the process of accessing medical evidence as:

“…a serious difficulty for many people who hadn’t got a clue about how to go about obtaining the medical records themselves. … If you are relatively intelligent or articulate and you know how to go about engaging with your GP to do that you are ok. But if you are inhibited or a bit scared of the GP or they don’t know how to undertake that, it’s quite daunting. It might sound a bit trite but it really is.” (interview 11)

One victim interviewee described being too frightened to talk to medical professionals about her experience of crime and subsequent mental injury, and the implications for providing evidence for her claim:

“I was scared to talk to them anyway in case they said I was crazy and locked me up. I was really scared. I wouldn’t even talk to a GP about it at that point so I don’t believe so and if they did they wouldn’t be able to get it ‘cos I was too scared to tell anyone what happened to me especially anyone in the medical profession.” (interview 2)

The same lawyer also pointed out that although an applicant can have a long wait before hearing back from the CICA after their initial application, if they are required to return medical evidence, victims are given relatively short deadlines to return the evidence. The
time it takes to gather medical evidence can be out of the victims’ control, having to rely on medical professionals. This can also cause further stress to victims who are given a deadline to return evidence and who are told that if they do not submit their evidence on time their application will be considered withdrawn.

“An applicant can go 12 months without hearing from them. But, if they want something from you they send a letter saying can you send this, but if you don’t provide it within 28 days we have the ability to strike out your claim under the Scheme. If you don’t send it within the 28 days then they will send a letter to say we are striking your claim in 14 days. I understand why they are doing that to move things along but it’s highly insensitive. We have broad shoulders as solicitors and representatives… we can stand up to them, but if you are somebody who might be intimidated by threat. Say you have to go to the doctor to get the information or you are waiting for a third party for information to send to them, it’s highly intimidating.” (interview 11)

Some victim interviewees described their own difficulties with the tight deadlines to return medical evidence:

“They give you a very tight timescale to get that turned around and we got the letter in between Christmas and New Year about it. I remember it was in the time when nothing is open I couldn’t get an appointment until into the New Year and there was a fixed time when I had to get stuff back to them, and it all felt really quite pressured especially given the long silences in between, then you have to get the information to them.” (interview 3)

“I then went and did that [collected medical evidence] and you’ve got 30 days to do it or they stop your claim, which given the amount of time I’ve been waiting I think is absolutely outrageous. It seems they have a never-ending time frame that they work to and then as the victim you’ve got the 2 years in the first place and then when they asked for this.” (interview 10)

Proving mentally disabling injuries can be particularly difficult in a NHS system which does not tend to refer victims or patients to clinical psychologists or psychiatrists. Instead patients in the UK are often more likely to be referred for counselling or cognitive behavioural therapy, and there may be extensive waiting lists to access these services. One lawyer noted:

“Sometimes if someone has a psychological injury that’s a really tough [criterion] to meet. It might be that they have PTSD but they have never been referred to a psychologist because the NHS simply don’t do that, they refer them to talking therapies and counselling and things but because they’ve never had that formal diagnosis they sometimes miss out and it’s really difficult to get that. And [the CICA] don’t regularly do the specialist medical assessments.” (interview 8)

Another lawyer who also highlighted the lack of diagnosis and referrals to clinical psychologists and psychologists in the NHS said that:

“… there aren’t enough clinical psychologists and psychiatrists working within the NHS so they are few and far between. Therefore, getting a referral is very difficult and then you could be on a waiting list for 12 months. The referral comes out of the GP budget so you will get many GPs who will say – we’ll try and get you some counselling or prescribe anti-depressants but don’t refer to a clinical psychologist or psychiatrist. This causes two problems, people are not actually getting referrals to the
consultant they should see but it’s a double whammy because they can’t provide the evidence required to get what they should from the Scheme. This is a serious and fundamental flaw in the Scheme when it comes to the proper award for the mental injury.” (interview 11)

Two PCCs reported issues around the gathering of medical evidence in support of victims’ applications. One victim service commissioned by a PPC reported issues around the cost of accessing GP records having to be covered by victims. Another PCC Office identified difficulties in gaining medical evidence to prove mental injury in terms of a lack of access to professional diagnosis and the level of professional judgement admissible as evidence of mental injury for the CICA:

“At a young age, a permanent disabling mental illness is often hard to assess or diagnose. Clients sometimes feel unable to engage with the GP as a gateway to services, or with mental health services for this diagnosis to take place. However, in the absence of a diagnosis, other evidence such as a letter from an ISVA or a trauma-informed assessment by a therapist is deemed insufficient to override this, even with significant evidence of post-traumatic stress disorder and/or dissociation…Also, victims of sexual abuse often stop attending school for prolonged periods of time as a direct result of their trauma, yet a letter from school to demonstrate that a victim has not attended school since the incident occurred is deemed insufficient evidence in the absence of a mental health diagnosis.”

With other types of injuries, lawyers also report difficulties in gaining evidence from the right type of medical clinician rather than simply going to the GP as mandated by the CICA. For example, one lawyer said:

“The rigid CICA process always starts with the GP. You may have broken your arm and be under an orthopaedic consultant, but the CICA will go to the GP. They send a form saying take this to your GP [because] we want to see your GP notes, but the really important information is from the orthopaedic surgeon. We’ve said this to them over the years – why are you going to the GP when the important information is from the orthopaedic surgeon? We’ve got to start off with the GP which inevitably means that either they have to find the right information in the GP or it results in a second request for information going out to the orthopaedic surgeon.” (interview 11)

Another lawyer identified that this can also be the case where there is brain injury:

“The challenge generally is getting the right evidence in the first place. You’re dealing for example with a brain injury, the initial report tends to be a neuropsychologist to establish a baseline when it possibly needs to be a psychologist.” (interview 7)

The gathering and submission of evidence of physical injury appears to be much more straightforward for victims. One victim interviewee reported the ease with which they could submit evidence of their physical injuries:

“In actual fact, my husband was allowed to take photographs [of the injuries] and they were sent to the solicitor to go on file. So, it was quite easy really to get that done. It wasn’t like a photographer had to come in and photograph different parts of your body, so it was quite ideal to have it like that.” (interview 15)

One victim, however, found the requests for full medical records invasive and questioned the need to have access to medical records which do not relate to the incident:
“I’ve got a complicated gynaecological history and I wanted all of that pulling out. Why is some civil servant got to be seeing all that? It’s not relevant. I thought they would only ask for the relevant parts which I understand. I said will I have to see anybody? And they say we can’t say at this stage. I don’t understand the process.”
(interview 10)

The CICA are required to ascertain any pre-existing medical needs of the applicant because they can only make awards for injuries related to the criminal incident. If an applicant has pre-existing medical conditions which are exacerbated by the crime then this can be taken into account, but the CICA cannot make an award for a medical condition which was not caused by the crime. This left one victim interviewee concerned that her previous mental health needs would exclude her from being awarded compensation:

“Yes, nearly a year later they wrote to me and asked me for 5 years medical records which I was astonished at that they wanted 5 years. I rang them and asked then why do you need 5 years? Surely what you need is my notes about when I first went to the GP, and what my continuing care is that I’ve had around my mental health subsequent to the attack. They said no because they need to look at whether I’ve got any pre-existing conditions that have been made worse after the attack. Now I have a history of mental health issues myself and I was really worried when they said that because I thought they will look at my notes and think oh she was already on medication for mental health, but I’ve still heard nothing from them.”
(interview 10)

In order to gather the required medical evidence, and in particular, evidence of disabling mental injury, the CICA contracts independent clinical psychologists and has also recently employed a number of clinical psychologists who work for the CICA directly.

One legal representative raised concerns about the independence of CICA clinical psychologists, and about their ability to make paper based decisions without meeting and assessing victims face-to-face.

“As a lawyer I have concern about that. They are in the pay of the CICA. They are employed by the CICA, they are not working as independent experts. We’re talking about psychological damage and mental health injuries. They are assessing the damage to people who have suffered trauma without ever speaking to them. Without ever finding out what’s happening to them and where they are up to. Most psychologists would say, how can you make a professional clinical judgement without having spoken to the patient does cause some concern.”
(interview 11)

A senior leader of the CICA refuted this, saying that the clinical psychologists employed by the CICA are not making a diagnosis of a specific medical condition, rather they are carrying out a paper based assessment of the impact of the injury with reference to the Scheme’s definition of disabling mental injury. She pointed out the benefits of paper based assessments in terms of reducing the time delays that would be experienced for face-to-face assessment:

“The CICA can refer applicants for a medical examination to help us establish entitlement to compensation for a disabling mental injury. We recognise this can be emotionally difficult for applicants and potentially adding up to 6 months to the claims process. Even when arranging a face-to-face consultation with the expert practitioner, in many cases their diagnosis reflected what was already in the medical records. CICA trialled clinical psychologists making an assessment of “disabling mental injury” using treatment records where possible. This has reduced the number of applicants required to attend a medical. We now employ a small team of clinical
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psychologists alongside the contracted service. If the clinical psychologists say that there is insufficient evidence on which to assess the disabling mental injury claim and a face-to-face evaluation is needed, the case will be referred for the applicant’s consent and an appointment arranged.” (CICA senior leadership interview)

She went on to describe how the CICA clinical psychologists can discuss cases with other therapeutic professionals such as counsellors. They are able to identify enough information from medical records to make a paper based decision that if they were to read the victims' records prior to a face-to-face meeting they would be confident that they would be able to diagnose certain medical conditions. She said that applicants often welcome not having to go through a face-to-face assessment with a clinical psychologist.

“We are not replacing face-to-face medicals, we’re using this where we can clearly move to a faster and accurate offer of compensation, and we are not getting a lot of these cases back on review because the applicant is happy to accept the offer they get. User feedback says they welcome not having to go through that further process.” (CICA senior leadership interview)

One victim interviewee who was assessed by an independent clinical psychologist through the CICA, found it a positive experience which supplied the required evidence to support their claim. However, they were surprised that the CICA would not automatically supply them with a copy of the report and were advised by the clinician to request a copy:

“...in the review they said could we attend a psychiatrist to answer questions that would help them in the review. We did that. It was very difficult it was 2015-16 within the court process the perpetrator was found not guilty. It was difficult to relive it, all the questions were very personal. It went on for hours, but the doctor was excellent. It was difficult but felt a worthwhile process. The psychiatrist said you need to ask for the report because they won’t send it. I thought that was unusual… But they said we don’t feel we should give it to you because it could upset you… We demanded to have the report when we got it, it was a record of what my wife had talked through with the psychiatrist. The information in the report was upsetting but it’s what she told them, it was nothing new. It was very much in line with the psychiatrist that she has been meeting in order to recover as much as possible.” (interview 18)

Gathering evidence from independent clinical psychologists can also lead to further delays in decision making. When an applicant gives consent to be assessed by an independent clinical psychologist, the psychologist has a 91-day contract to carry out the work. On average it takes around 85-87 days for the evidence to be provided by the medical contractor and so this is another potential bottle neck and delay in decision making.

In a new initiative to optimise the customer journey, the CICA introduced an application option for victims of sexual crimes. The Scheme only allows compensation for either a Sexual Assault or a Disabling Mental Injury. There is an acknowledged assumption that victims of sexual crimes suffer some form of mental damage as a result of the crime. In order to qualify for the tariff of disabling serious or permanent mental injury for a potentially higher level of award, a clinical psychologist would need to make a diagnosis. Under the new initiative, victims can make the application on the basis that they do not have additional injuries or losses. This means the CICA can assess their claim with only the police supporting evidence and do not usually require medical evidence. The CICA inform applicants who have been a victim of sexual assault about what they may be able to claim for: the sexual assault, disabling mental injuries and other losses. Applicants are asked which injury applies to them and they are told what sort of evidence the CICA would need to
assess their application and how long it would usually take based on what they have said about their injuries.

The CICA estimated that around 10 per cent of all applications for compensation might be expected to relate to sexual assault claims without additional injuries or losses, and are therefore suitable for the streamlined service. In 2017-18 this would have comprised 3,228 applications based on the volume of all applications made. In fact, 4,084 or 13 per cent of the total applications applied in this way in the last year. This resulted in faster payment for many of these victims, with over 60 per cent of applicants receiving a decision within 8 weeks and 80 per cent within 16 weeks. Of the cases that opted for this application route, the CICA identified 198 cases that in fact would probably qualify for the higher rate and took these out to gather further medical evidence.

The CICA report that “By helping the applicant tell us about their injuries in this way, we aim to ensure they receive the correct entitlement with the minimum level of evidence needed, avoiding more extensive examinations where this would not result in a higher award for the applicant. We remain vigilant for applicants who may [have] misstated the level of their injury.” (CICA CEO written response)

15. Gaining police evidence

Once an application has been received, the CICA contact the relevant police force to gain evidence to support the application. Between April 2018 and Sept 2018, a total of 18,347 requests for police evidence were sent to police forces by the CICA. The largest proportion of requests for evidence were sent to the Scottish Police Force (15 per cent), the London Metropolitan Police (13 per cent), West Midlands Police (6 per cent), Greater Manchester Police (5 per cent) and West Yorkshire Police (4 per cent).

Service level agreements state that the police have 30 days to return the evidence to the CICA. The target is for police forces to return 80 per cent of requests for evidence within 30 days. Currently, approximately 73 per cent of requests are returned within that time. Between April 2018 and September 2018, 23 out of 48 police forces failed to reach this target. Those with the worst records of returning the evidence include Warwickshire police who returned 19 per cent within 30 days, Greater Manchester (20 per cent), West Mercia (29 per cent), South Wales (31 per cent) and Bedfordshire (34 per cent, see also Appendix 5).

It is not surprising that the police forces which receive the largest proportion of requests for evidence are in fact the largest police forces in England and Wales. It is interesting, however, that (with the exception of Greater Manchester) it is not the largest recipients of requests that seem to be the ones who fail to meet the target for returning evidence.

If the evidence is not returned within 30 days, the CICA have 5 days in which to take further action. If the CICA need to send a reminder to the police, the 30-day deadline starts again. The CICA report that police forces vary in the time it takes for them to return evidence, with some police forces being consistently slow to respond.

One lawyer commented on the delays they experience due to the slow return of police evidence:

“The police can be extremely slow in responding to the CICA. That’s not necessarily the CICA’s fault… In some cases it can take literally months and the Met are the worst for them to come back and provide information to the CICA about the circumstances of the crime. When you have a victim waiting for the outcome of their
application it is terribly upsetting for them to be waiting months and months, and it slows down the whole process." (interview 11)

A representative from Victim Support also commented on the delays to decision making caused by waiting for police evidence:

"Sometimes there can be really lengthy delays just while they wait for that police report. It seems crazy that in 2018 they are still having to wait for people to type up a form and send it back. You’d think in these technological days there would be a better solution." (Victim Support representative)

The issue of lengthy waiting times for responses to requests for police evidence also links in with the trauma victims experience in providing detailed accounts of the crime in the application. If the CICA were able to access police files directly, both of these issues could be resolved, improving victims’ experience in terms of reducing trauma and waiting times.

"[If the CICA could] access the police report that has all other details on, it doesn’t require a victim to fill that in. That should be a very speedy way in which they can initially judge eligibility and a lot of decisions are taken at that very early stage so the faster we could speed up that point of getting the report back, we could speed up the process for a lot of victims. But they are really beholden to the individual police forces for that." (Victim Support representative)

One of the victim interviewees suggested that the crime details could be shared automatically by the police to the CICA at the point when the victim is going through the criminal justice system

"So, when we were going through the police system, if everything was all kept by the police and that information was then shared with the CICA, then it would seem to be a bit more seamless. It’s almost like a muddle that doesn’t need to be a muddle." (interview 12)

The victims lead at the National Police Chiefs’ Council (NPCC) reported that they are working closely with the CICA on a revised protocol and Service Level Agreement for the submission of information to support applications in order to improve the process and timelines for returning evidence. She identified current differences across the country and how she will be working with the CICA to make improvements:

"There is a patchwork currently across forces based on how forces structure their response to requests, IT systems used, how this function is catered for / demands are managed etc. What I would hope to do is agree the new protocol and then launch it with revised guidance and advice to forces around their obligations. We have the opportunity now the data is available to understand where best practice is and where/what blockages there may be. I would intend to include this within our NPCC strategy on victims and witnesses which we are working on over the next few months. This should help regarding consistency and standardisation, but allowing for the flexibility that 43 forces require." (NPCC victims lead)
16. Communication with the CICA

16.1. Updates

Two thirds of victims who took part in the online survey had contacted the CICA to find out how their case was progressing (67 per cent, 135).

Of those victims who had contacted the CICA, 3 in 10 had contacted the CICA between 3 and 5 times (30 per cent, 40). Just under 4 in 10 had contacted the CICA more than 5 times (37 per cent, 50).
One victim service provider that gave feedback through the Victims’ Commissioner’s call for information from PCCs said that it was particularly difficult to get meaningful information or updates when contacting the CICA by telephone, and that their requests for information in writing are no more successful.

“Our Caseworkers phone to get a progress update, they are met with a phone message stating simply that the process takes a long time and they don’t have staff available to answer enquiries or give an update. This also seems to be the stock reply when writing to them to escalate matters. Two of our staff members (who have been supporting victims in the CICA process for several years) have commented that they haven’t seen the service function so poorly in all the time they’ve been working with it.”

A representative from Victim Support also highlighted the lack of updates as a problem and described the impact this has upon victims:

“Often the communication we have with victims is about not having any updates. Can you just check, is my claim still progressing? Sometimes the Scheme has not been great at the ‘we haven’t forgotten about you’ type communications. Nothing is happening at the moment or we are still waiting for this piece of evidence but everything is progressing ok. It’s that void of information. The frustration is increased because often people are feeling that void in communication from other areas of the criminal justice system. So, it’s one other agency that I feel isn’t telling me what’s going on.” (Victim Support representative)

Respondents to the online survey also described their difficulties in getting updates on the progress of their case.

“I rang many many times to ask for updates on my case. Every time was told that I would hear something soon and there was nothing more I could be told. The frustration was immense.”

One victim interviewee described how she scheduled regular phone calls to the CICA to see if there were any updates for her case:

“No without a doubt if there wasn’t a scramble and a constant call, I put in my diary every six weeks a call to say ok the last time we spoke you needed a medical record or evidence on two questions, we’ve sent that in, is it being looked at, what’s the next stage. I felt if the wheel wasn’t kept spinning by ourselves it probably would be even longer than 6 years.” (interview 18)

When asked if they received regular updates about their case, other victim interviewees reported that they did not:

“No not at all. Yes, not at all. Not told anything until I got the rejection letter.” (Interview 4)

“No, I had to keep asking them.” (interview 2)

“No, I didn’t get anything.” (interview 6)

“They need to acknowledge correspondence.” (interview 10)
The CICA report that legal representatives often send out bulk emails requesting updates on their cases. In order to cope with the level of correspondence with legal representatives, the CICA set up a separate email inbox for their correspondence and the larger law firms are given specific liaison to deal with their cases. One staff member commented on the waste of resources caused by having to reply to the bulk emails from legal representatives, which could be better utilised on furthering the case load.

“No sooner do you send out the update than you get another letter coming in saying can you send another update. It’s almost like a constant cycle as if they’ve got it on a diary. Push a button and it churns out letters… At the end of the day it’s a waste of our case workers’ resource. Where they could be making a decision or pushing a case forward or assessing evidence. Our call advisors could be answering calls from an actual applicant or pushing a case forward or assessing evidence. Our call advisors could be answering calls from an actual applicant that they can provide information on, but it’s wasted on blanket requests for information from solicitors.” (CICA staff)

Another staff member described an on-going dialogue with legal firms to help them understand the consequences of automated requests for updates on the work of the CICA:

“Next week we have a telephone conversation arranged with a representative to put it plainly – you understand if you send us a bundle of 500 letters, this is how it makes its way to a case officer and that case officer could well spend their time gathering and assessing medical evidence and get a decision for an applicant or one of your clients.” (CICA staff)

The CICA staff went on to describe a recent initiative set up to provide monthly updates to legal representatives on all their cases in a bid to cut down on automated email requests.

One legal representative described how the CICA had worked with them to avoid continuous calls to the helpline for updates on cases they are representing. The lawyers send a report once a month outlining any queries on cases that they haven’t heard updates on for 2-3 months, or where lawyers have sent in medical records or evidence and have not received an acknowledgement. The legal representative reported that this system worked well for both parties until more recently:

“That worked pretty well for maybe 9 months to a year but [it is] seeming now that the response we get on every case is that it’s still with the decision team, it’s with the case worker, so it’s not really working now… It sort of gradually got less and less effective. You are just getting a generic reply and it doesn’t seem to do any good so what can we do?” (interview 8)

Another legal representative reported a variable experience of receiving updates or responses to their queries:

“When you write to the CICA you usually get a response fairly efficiently in a couple of weeks unless it’s asking something particularly overbearing in which case you tend to go fairly silent for a while. It’s more the struggle we get, we don’t get updates from them. We have to chase for an update. I try not to do that more than once a month because 9 times out of 10 it’s sitting on a pile waiting for someone to deal with it. But if you ask for certain documents they are sometimes good at it.” (interview 7)

One legal representative described how they made formal complaints as standard practice in order to receive updates on the victims they represent:
“We are writing and writing and not getting a response. What we have to do now is we take it further and make complaints. We make a complaint on anything when we don’t hear anything for four months, that’s our standard practice. If we’ve had nothing for 4 months we lodge a complaint in the CICA complaints procedures in order to protect our clients… because when you make a complaint you get through to somebody to deal with it.” (interview 19)

16.2. Call charges

Victims who call the CICA customer service centre are charged up to 10p per minute if they are calling from a landline, and up to 40p per minute if they are calling from a mobile phone. Waiting times are often long and the lack of automated updates mean that if victims want to know what is happening to their case they must submit a query via a contact form online or make potentially costly calls to the CICA customer service centre.

16.3. Named contact or team

The operation of the CICA is task based rather than based on case work. This means that one individual case worker is not responsible for seeing an applicant’s case through from start to end, rather a number of staff could work on different aspects of the application throughout. The exception to this is in homicide cases where victims are allocated a named case worker.

Some legal representatives described how they sometimes manage to speak to an individual and how this facilitates a smoother application process:

“We have individual decision makers at CICA who we work with quite well and when you get to communicate with somebody and you find someone dealing with it, it can work really well. … it can save so much time if you can work together. It’s slow to say the least, so we do find that if we get through to somebody we can deal with it much better. It’s a shame there isn’t a more collective approach so we can work together which would be better for the victim.” (interview 19)

Another legal representative commented:

“I could imagine here with everybody being allocated all of the cases just dipping in and out of different things. I think if they are allocated to a specific person, that would definitely be better.” (interview 8)

Some victim interviewees also said they would prefer to be able to contact a named individual or team as this would help to facilitate their communication, prevent them from having to go through their case repeatedly, and make the process less bureaucratic and more empathetic to victims:

“I think … you should be assigned someone who’s assigned to go through that with you. Sometimes, it maybe could be an injury then you have to go and be assessed but when someone is actually killed or murdered and its terrorism then there should be a different process than going through the same process as everyone else. There should be a different way of approaching it, a different way of handling people just make it more responsive to the needs of the person.” (interview 4)

“…think getting an individual case handler and having contact details of the person dealing with your award rather than having to call and speak to so and so and them
not caring, saying they’ll call back and they don’t. We’ve waited over 3 years for it.” (interview 13)

“Either have a team or key person to act as an anchor for this. You may run against them when you discuss what you feel is relevant and they feel is relevant but at least you would have a contact. When you are going against CICA it’s so faceless that you feel as though you are shouting to an echo in a cavern.” (interview 18)

Since March 2018, fatal cases have been allocated a named contact in the CICA. Victims can’t contact that named person directly but when they call the customer service centre the operative will see that they have a named contact and will inform the victim that they will get a return call from that person. The named contact will not necessarily carry out all of the decision making relating to the case but will coordinate decision making and communication.

16.4. Communication with the CICA by telephone

Two out of three of the victims who took part in the online survey (65 per cent, 130) had spoken to staff at the CICA by telephone.

Almost half of respondents who had spoken to staff at the CICA by telephone were dissatisfied (47 per cent, 61) with the overall quality of telephone support. 3 in 10 were satisfied (29 per cent, 38).
Half of respondents were dissatisfied with the knowledge of the staff they spoke to (52 per cent, 67). A quarter (26 per cent, 34) were satisfied.
A larger proportion of respondents were satisfied with the kindness and respect shown to them by staff than were dissatisfied (39 per cent, compared to 33 per cent).

Three in 5 respondents (60 per cent, 78) were dissatisfied with the ability of staff to answer their query. Only 1 in 5 were satisfied (22 per cent, 29).

Two thirds of respondents (67 per cent, 86) were dissatisfied with the time it took to resolve their query.
One victim service provider reported that it can often take a long time for the CICA to pick up calls:

“Telephone service often involves very long waiting times when ringing in.”

CICA staff reported that their commitment to the Ministry of Justice is to provide a service level in which 90 per cent of calls are picked up, and an average waiting time of 4 minutes. They explained that their telephone provider says they cannot pick up 100 per cent of calls because they will drop out after a given time limit.

All CICA telephone operatives receive the same training on the Scheme as those staff working in the operations side of the organisation. They also receive call handling training delivered by senior managers or team leaders in the customer service centre. CICA staff discussed some of the difficulties with talking to vulnerable victims and the tailored approach with which they are taught to treat every victim:

“Every day is a different day. Every person is different so you really do have to judge the person that you are dealing with and when it comes to a very upset person, one of the big things is to listen to what’s being asked of you or what you are being told. For a vulnerable person you have to show empathy, you have to show a lot of patience. Sometimes it can be frustrating where you are really trying to help somebody and the person at the end of the phone doesn’t want to hear, so that can be quite stressful in itself. It comes down to good team work, everybody in our customer service centre.” (CICA staff)

The CICA has a quality assessment framework which includes financial accuracy and process accuracy of decision making as well as call assessment.

Calls to the CICA are recorded and stored for 120 days. Managers can listen into live calls for quality assurance and they regularly listen to a sample of recorded calls to identify any training needs or knowledge gaps.

The CICA does not enforce a limit on the amount of time a call handler can spend talking to an applicant when they call the customer service centre. There are also no targets for the
number of calls that staff should handle per day. One staff member described their bespoke approach to dealing with victims:

“Ultimately, for us it’s about having a conversation with someone who just might need to sound off. Yes, it’s about moving their case forward or making a decision for them, but sometimes you need to acknowledge that it causes a traumatic experience. You might actually just be the person they tell how they feel or vent, or it’s something that occurred to them and you’re the only person they have to speak to. So, our customer advisors or decision advisors would never be chastised for being on the phone too long.” (CICA staff)

The CICA CEO stressed that the aim of quality assessing calls is to develop good practice and high standards of call handling:

“There is a risk that staff feel they are being checked up on all the time and it’s punitive. But we are very clear that’s not what it’s about. This is about coaching for improvements. The main focus is on how things go, how might it have been done better. Making sure people have all the equipment they need to handle the situation they have to deal with.” (CICA senior leadership interview)

Victim interviewees reported a range of experiences with the CICA customer service centre. Some victims reported positive experiences saying they felt the staff treated them with kindness and compassion. Other victims reported a mixed experience, stating that some staff try to help but may be hindered by the bureaucratic system, whilst others reported a negative experience with one victim having a very recent negative experience of calling the customer service centre, and another choosing to withdraw her application due to the insensitivity she experienced.
Victims’ positive experiences of the CICA call centre

“They are kind. I think whoever is on duty that day answers the phones. I don’t rant, I just have a wobble in my voice, the tears starting.” (interview 10)

“I’ve got no qualms with how they did handle me. I’d say maybe I was a bit of a jittering mess if you know what I mean? I would say I was handled with compassion, I’ve got no complaints there.” (interview 5)

Victims’ mixed experiences of the CICA call centre

“I spoke to some operatives on the phone. You could tell these people wanted to help you but they couldn’t. They were at the level they could go to with telling you. There were only certain things they were allowed to tell you. They can’t ever give you a date or a deadline. They won’t ever say when it’s likely to end which I found the most infuriating thing.” (interview 12)

“Yes, I would say that three quarters of the staff were knowledgeable. Some were not very nice and some of them said not very nice things sometimes. I think they’re stressed because obviously they’re understaffed…Yeah it took a long time to get through, so it would take at least 5 to 10 minutes to get through. A few times I got cut off which was very annoying. But when I actually got them on the phone and they put the number in and they gave the information…yeah.” (interview 16)

Victims’ negative experiences of the CICA call centre

“No, people were incompetent just wanting to get us off the phone really. They were rude. I was told different things…. I would ring and say it’s been 8 months and I’ve not heard anything - oh it’s with the handler, can you chase it up? No- that’s just where it is. This is all within the last 6 months, incredibly recently.” (interview 13)

“Cold and abrupt. This is what it is, that’s what the book says, she quoted a page and paragraph and basically without a doubt what was in the letter that they sent me. I was sobbing on the phone ‘cos I didn’t understand how they could do that. I just felt like it would be just silly of me to put myself through any more upset so I just left it. I don’t know how they can obviously to be a bit more compassionate on the phone would help.” (interview 1)

“…the phone calls were just as insensitive as the letters. They were just (sighs) I dunno, I mean to me it’s as if they were reinforcing the idea that this was actually my fault and that I should pay the price for this, nobody else. That’s how I felt, that’s how they left me feeling and it got to the point where it was causing so much distress that in order for myself, I had to break connection with the Criminal Injuries Compensation Authority because they just do so much damage, and yet I was practically suicidal I thought of self-harm again which I hadn’t done since I was a teenager. For about 20 years. And they traumatised me so all of that started again. I thought well if I’m going to survive I’ve got to get away from these people they are doing too much damage.” (interview 2)
16.5. Changes to the CICA customer service centre

The CICA are currently trialling a new approach in their customer service centre. Previously the telephone lines have been operated by CICA administrative staff who were trained to take and log calls, but who did not have the authority to make award decisions. These staff would answer the telephone and record queries but they did not have access to applicants’ records or the training or authority to make decisions on cases. They would follow up more senior colleagues to find an answer to the applicant’s query, and then return the answer to the applicant. Under the current new approach more senior staff are working on the telephone lines in the customer service centre who can access the applicant’s records, see where they are in their application, see what the next action will be, and have the authority to make decisions and take direct case action. Because these staff have higher levels of ability and authority they can effectively set callers’ expectations about when they can expect to get a reply to their query.

One member of CICA staff commented on the improvements this approach has had on setting victims’ expectations.

“For me it has been better since the proof of concept. For me I did a year of it then and we were quite restricted in what we could say and do. I was away for 6 months then came back into proof of concept and it’s [as different as] night and day. We can actually deliver more. We can reassure the person at the end of the other end of the phone. Because we can actually look at the case, we can tell them potentially what the next step is going to be. We can manage their expectations a lot better.” (CICA staff)

Another CICA staff member described how the ability of call handlers to access applicants’ data and move cases forward has helped them to manage callers who are upset on the telephone.

“So, it might be a difficult conversation but when you can reassure someone these are the actions I am taking for you, this is the ownership that this department can do for you, and you can give assurances that can diffuse it. It ends up a far better call and they know someone within the building has taken me seriously and going forward it is usually very personable, and as a team member you don’t need to worry about talking to them in the future because you know they have got that trust back. That’s been a great part of doing this.” (CICA staff)

CICA senior leadership report that since introducing the new approach in the Customer Service Centre, complaints to the CICA have reduced by 26 per cent in the year to date compared with the same period last year. This is a measure of complaints about all aspects of the CICA rather than purely the handling of telephone calls, but the leadership feels this is in part attributable to the new approach taken in the customer service centre.

16.6. Written communication from the CICA

More than half of victims who responded to the survey (55 per cent, 109) were dissatisfied with the kindness and respect shown in the letters and emails they received from the CICA. Only 1 in 5 (21 per cent, 41) were satisfied with this.
One survey respondent said that the:

‘…decision letter was full of preconceived victim blaming language and assumption on how a victim should behave and act after a sexual assault. It was a traumatic read.’

A victim service provider commented:

“CICA communication is not often supportive or helpful. They are not victim focused and tone of the letters can often leave victims disengaged and puts them off pursuing the process (even when there is a legitimate claim).”

Three in 5 (62 per cent, 123) of the victims that took part in the VC’s survey were dissatisfied in terms of receiving information when they needed it. Only approximately 1 in 6 (15 per cent, 30) were satisfied.
A quarter of respondents (26 per cent, 51) were satisfied that the information they received was easy to understand. Half of respondents to this question were dissatisfied (50%, 100).

A representative of Victim Support suggested that although the language used in communication with victims had previously been insensitive, this has improved more recently:

“… in the past the language in communications has been felt to be insensitive at times. Particularly in rejection letters. There’s been some quite insensitive language used. It’s overly bureaucratic, nothing about the emotional impact that the wording might have. Particularly even on award letters. In the past, claims officers have written ‘on the balance of probabilities I don’t believe X’: That’s being really insensitive. I would say that has changed in the past couple of years and the language is now significantly more sensitive in communications.” (Victim Support representative).

Victim interviewees reported a range of experiences of written communication from the CICA. Some victims felt that the language was blunt and to the point, some thought it overly official and did not demonstrate empathy for the applicant’s experience as a victim. Others felt that the wording of letters and legal terminology within them was highly insensitive, particularly wording around the CICA being convinced that on the balance of probabilities, the crime and injuries had been experienced by the victim.
### Victims’ say the letters from the CICA are standardised and lack warmth

“They were clearly not personal it was all very standardised, like press a button and the computer will chuck it out. It’s not personal at all. No, I just thought the system was terrible.” (interview 12)

“It just looks like a standard, like, letter to anybody. It’s not got any kind of warmth in it or anything. Again, [that makes me feel] worthless. The letter they sent out after someone who’s applied for something so traumatic. It’s a traumatic experience anyway and affects you for the rest of your life. Little things like that bring you back down to feeling worthless again.” (interview 1)

They’re just very official there’s not, it’s difficult to discern a tone of voice on them. (interview 3)

### Victims’ report that the letters do not take into account the sensitivity of their experience

“No, the second one that I got I was very upset about because it’s got false in big letters. About the age where it happened. It’s got false in big letters, no that upset me and when I was rejected for the claim it made me feel just dismissed, belittled, not important, [of] no importance if you know what I mean. It made me feel like a kick in the teeth and I’d just been dismissed like, I can’t go into the ins and outs, but the way my father made me feel. That came flooding back.” (interview 4)

“Not at all there’s absolutely nothing, they were just ice cold and they were not considering what it’s like for someone like me. You are ill every single day sometimes psychologically often physically as well and it affects everything and they just weren’t considering the impact of what they do. They were making me relive the impact of all those traumas all over again. By treating me so badly because here’s someone else telling you that I deserve this, and it’s my fault and there’s no help or recompense in relation to the consequences. In other words, it’s your fault you’re in this on your own.” (interview 2)

“…they felt no more than if you just got a new car insurance policy. Dear so and so, this is the information, this is what we believe and we are now asking for more medical records. Thank you, yours sincerely. It never felt that there was a victim within this, it was more like a new car insurance policy.” (interview 18)

“It just made me feel like I was bothering people for something that they didn’t think I should have. I think one of the letters was worded like you know we send our deepest sympathies for the loss of [name] and then it was like he shouldn’t have been on the estate so therefore he must have known that going there it was likely he was going to be murdered.” (interview 6)

### Victims’ report that the legal language in CICA communication can be upsetting

“No, the second one that I got I was very upset about because it’s got false in big letters. About the age where it happened. It’s got false in big letters, no that upset me and when I was rejected for the claim it made me feel just dismissed, belittled, not important, [of] no importance if you know what I mean. It made me feel like a kick in the teeth and I’d just been dismissed like, I can’t go into the ins and outs, but the way my father made me feel. That came flooding back.” (interview 4)
The CICA system automatically produces letter templates to communicate decisions to applicants. There are currently 472 standardised letters for different scenarios, which has been reduced from 800. Because the Scheme is a legal scheme, there is a legal requirement for those letters to state the legal paragraphs of the Scheme on which their decision is based. In an interview with the CICA leadership team, the CEO explained that the need to translate the legal language of the Scheme into the decision letters can leave some content of letters sounding cold and legalistic.

The CICA has aimed to change the format of the letters, but have encountered difficulties with the system. Due to the way the system was set up historically, the CICA are required to pay a contractor for each system letter they wish to change. The CICA are currently responding to applicant feedback by undertaking a project to improve the presentation and tone of any of the 472 standard letters which are of particular concern for victims. Currently more than half of the letters have templates that staff can adapt. The CICA’s medium term goal is to build a new microservice, to disengage from the contractor that amends the standard letters so they are able to work on them in-house. This would give the CICA greater autonomy over the wording of the letters and make the process more cost effective in the long run. Although there are legal requirements that must be met in decision letters, the CICA redesign will ensure that along with the decision outcome, there is a suitable expression of empathy and more straightforward explanation of the decision which can then be accompanied by the full legal explanation of the decision, which they are required to set out. This will aim to redress the balance of what can appear to be overly officious communication with victim applicants.

CICA staff described quality assurance processes in which the letters are peer reviewed and the Quality Assurance team assess the decision letters in terms of suitability and reference to legal aspects of the Scheme, to ensure they are correct. The staff also commented on the frustration they feel in not being able to tailor decision letters to individual applicants.

“Some of the letters we have have been existing for a while and we would like to change them because we realise that they don’t portray our sympathy, our empathy to the applicant.” (CICA staff)

The CICA report that they have been able to produce a bespoke letter in specific cases where there have been a large number of applicants. For example, the CICA have not used standardised letters for the victims of the Manchester terrorist attack in May 2017. They have suppressed the automated letters for victims of the Manchester attack and have been able to produce bespoke letters which are tailored to the individual, recognising that it was a particularly traumatic time and an incident involving a large number of young people. This personalised service produces letter with greater warmth and empathy for the victim, recognising the impact that the crime has had on them. Unfortunately, the CICA report that they do not have the capacity to personalise all letters as this would greatly reduce the number of decisions they are able to make and increase waiting times. The CICA carried out a review of all their corporate literature and found that the cost in changing all communication is prohibitive. The CEO reported:

“We are a relatively small organisation, but building new and improved digital services takes as much resource as for a large organisation. We are now working with the support of the MoJ Digital and Technology Directorate to help develop incremental improvements, whilst still maintaining our core operations.” (CICA senior leadership interview)
16.7. General empathy across communication from the CICA

Some victim interviewees reported a general lack of empathy cutting across their dealings with the CICA. One victim described a catalogue of errors including losing emails, losing police evidence and a lack of empathy when she was asked to read out a detailed description of the crimes committed against her over the telephone:

“I sent an email [a more detailed email about her experience as a victim of crime] and they said they hadn’t received it, and it was a quite detailed email about what happened to me, and the woman really wasn’t very nice on the phone and she said could you read the email out to me then. And I said it was too distressing, and it was bad enough typing it! The email system is not very good. For one thing, they said they hadn’t had it and when I phoned them and could you read it out to me then, and I just broke down, I couldn’t. I sent it again. The email system is not good, losing police evidence twice and then my other emails. And asking to read it out I think [wasn’t] very sensitive. It had the perpetrator’s name and I don’t want to say his name let alone read out [what happened to her].” (interview 16)

Some victims reported feeling that the CICA did not demonstrate an understanding of what it was like to be a victim of crime and even went so far as to say that their experience in applying for criminal injuries compensation replicates the way that other parts of the criminal justice system have treated them, replicates the way they have been treated by perpetrators, and rocks their very perceptions of society as a whole:

“They’re pleasant on the phone but as an organisation it is not underpinned by any kind of understanding of what experiencing a violent crime does to you. It shakes your understanding of the world as a safe place, which intellectually we know it’s not but we conduct our daily lives on the assumption that it generally is. Well I don’t feel like that anymore. I am always looking for threat and for danger. In a sense a lot of these organisations replicate the behaviour of your attacker or the person who has committed the crime. It’s like oh this has happened, tough basically.” (interview 10)

“It would be nice if whatever the outcome they could be more sensitive and spare me anymore brutality, [I] would really appreciate that ‘cos they did do much damage the first time and they never apologised to me for that. So they made me feel like ok so I’m here and people can treat me as badly as they want and that’s ok. And that’s the worst thing that you can do to someone like me because you’re trying every day to think that you are a person like everybody else and that you are entitled to a life free from abuse, but if people treat you that way then won’t apologise then that happens again and again.” (interview 2)

One victim interviewee lodged a formal complaint with the CICA and also felt a lack of empathy in the way the complaint was handled:

“And just really their attitude. When we had to deal with the complaint, their attitude was awful. It was like they were above us and they can get away with, the woman that I mainly dealt with it was that she could speak to me how she liked – I was wrong – they didn’t lose my letter and I didn’t post it. And I was a liar and she actually called me a liar. I just think given they are dealing with victims, dealing with people who have been through a tough time, but the way they speak to people is just awful.” (interview 13)
17. Record of application

Some victims expressed concern that once they had filled the application out online, they had no record of what they had written in their application. One victim interviewee reported:

“They then close the portal so you can never go back and look at what you’ve written so I’ve got no copy of what I put, so I can’t remember what I put on it and I think that’s wrong.” (interview 10)

A legal representative commented that they were able to keep copies of application but this was something that potentially affects victims without legal representation:

“As a representative we’re in a better position because we’ve got a more sophisticated system where we will store everything but some applicants won’t. They may not have the capacity, it is a problem for them.” (interview 11)

18. CICA portal development

The CICA are currently developing a new online portal for applications. Applicants will be supplied with a unique log in. They will be able to complete the application on line and log into their account at any time to view their application. Applicants will be able to submit further evidence such as uploading pictures of injuries. The aim is for the system to produce email updates when there are any developments in the case, and applicants will be able to log into the system and see where their application is in the process. Decision letters will also be offered online, resulting in an end to end digital application process.

The project to digitalise the whole application process is being delivered in partnership between the CICA and MoJ Digital and Technology Directorate. This is in agile development against a development ‘roadmap’ with no set deadline, though the aim is to develop the first stage of the new application service within the current operational year. The online portal is currently being trialled for victims of sexual assault which makes up 12 per cent of the CICA case load. The approach will then be extended to all applicants. The current beta version for victims of sexual offences includes opportunities for applicants to feed back on the application process, which will be used in the further development of the system along with user research carried out by the CICA.
19. **Advice on when to apply**

Nearly a third of victims (30 per cent, 60) who took part in the online survey were told by the police or the CPS not to apply for criminal injuries compensation until after the trial was completed.

![Graph showing Q26: Were you advised by the police or the prosecutor in the trial not to apply for compensation until after the trial was completed?

Victims, legal representatives and PCCs have reported that the police advise victims not to apply for criminal injuries compensation before or during a trial because defence lawyers could use this against them at trial, and imply that they were only making allegations in order to claim compensation. Some legal representatives thought it unlikely that this would happen in reality, though others reported that they had witnessed defence lawyers using victims’ applications for criminal injuries compensation against them in court.

One PCC reported the following difficulty experienced by victims applying for criminal injuries compensation:

> “[The] two-year time frame to apply when cases of rape and sexual assault are exceeding this time frame and victims are advised to apply post court and not before.”

Through the VC’s survey of PCCs, three victim service providers reported:

> “Defence using an application to insinuate a survivor has reported for financial gain.”

> “Clients can be penalised for submitting applications, before or during trials.”

> “The CICA has been used against victims, with the victim blaming "she's only doing it for the money" which is hugely damaging.”

Some victim interviewees reported being advised by the police not to apply for criminal injuries compensation until after the court case had concluded because it could be used against them by the defence. This can deter victims from applying:

> “I suppose throughout the process the minute that people think or that it can be implied that someone is making a criminal complaint with an ulterior motive of getting compensation then it becomes a very complicated area doesn’t it. It hadn’t occurred
to me, then realising that there is this kind of possibility that people would think that or that the defence might use that, is really shocking and distasteful so I was kind of distanced from the whole idea of this and I think really, it’s not fair because it’s been 6 years of my life. I haven’t worked since it happened and actually it has had a big impact on me and my family. You shouldn’t be made to feel as though its somehow kind of distasteful to be applying from compensation.” (interview 3)

“And I had to hold on a little bit after that because I was told it would look like I’d just done it for the money.” (interview 5)

“I know they [the police] don’t [inform victims about the Scheme] when the case is live because it can be used as evidence in the court, so I’ve heard that they don’t tell you in the beginning… but I think they should tell you after.” (interview 16)

The victims’ lead for the NPCC, reported that there are occasions where police have suggested that victims don’t apply for criminal injuries compensation before the trial is completed, because of concerns that an application may be used against victims by the defence, including the questioning by defence lawyers about victims’ motivations for applying:

“The big issue I feel is one of how an application for compensation is viewed within the criminal justice system – from just my officers, it is clear that officers can be reticent to encourage victims to apply for compensation before court cases are heard – especially in historical cases – as it provides a question mark over motivation of reporting. I have an example of an officer who was questioned in court as to whether the victim had made a claim or not. Encouragement would seem to be preferred – and I do think this is done to protect the victim – to apply post-court. There is clearly nervousness about how the defence may use the fact any application has been made … I would anticipate this could be a widespread issue – done in best interests – and I’m not sure, other than giving advice and guidance about this, how we might address it from a policing perspective.” (NPCC victims lead)

Criminal injuries compensation is included in the College of Policing’s National Police Curriculum (NPC) learning standards. In addition, the College provides learning materials such as trainer guides and e-learning, however, the responsibility for training delivery sits with the local Police Force. (See Appendix 3).

The advice and guidance referred to by the NPCC victims lead is the College of Policing Authorised Professional Practice guidance. This states that police officers should not discourage victims from making their application because this could have implications for them in applying within the two-year deadline. It states that the CPS will manage any challenges put to victims in court regarding their application. The guidance instructs police to refer victims to Victim Support for independent advice about making a claim. However, as we have highlighted in the discussion above, since the December 2017 court ruling against Victim Support Scotland, Victim Support will no longer give advice and guidance on applying for criminal injuries compensation and will only provide emotional support for the application process.

A representative from the College of Policing said the College would welcome any opportunities to work with the CICA to further promote the aims of the organisation.

It is not only the police and crown prosecutors that advise victims to defer their application. One victim interviewee who works as an ISVA commented that ISVAs also recommend that victims do not apply whilst they are going through criminal proceedings:
“The ISVAs will leave mentioning the scheme until victims come to the end of the criminal justice process due to the fact that the defence can use the application against the survivor, to discredit the survivor and the allegation on which the trial is based… it’s the client’s decision, but you have to be really honest about the reality of the situation. If she applies, it could be potentially disclosed to the defence, it could potentially be used to discredit her… In addition, it’s something that the police/CPS can discourage you from doing.” (interview 9)

One victim interviewee reported that the police themselves insinuated that she was pursuing a criminal case for the compensation, even though she had not been aware of her entitlement to the Scheme at the time. This put the victim off applying for criminal injuries compensation in the first instance as she felt she would not be believed in the court case:

“Somebody from the police called me and said are you doing this for compensation or words to that effect. Well I thought you couldn’t even get compensation, but in my naivety, I didn’t even know it existed. So, it was put to me in a way that you are doing this – is that your motive for doing this. I told my sister and she said that clearly wasn’t what we were doing this for, so then we forgot all about it. Even when the police said I was doing it for the compensation I didn’t know where the compensation would come from. They didn’t say anything about the CICA it was just that they said I was doing it for the money. So, if someone thinks you are doing it for money the shame that creeps over me! For someone to think I would consider that really shook me. So, I think that’s why then it all got put – we didn’t think about making a claim. And you feel like you won’t be believed if you do claim compensation.” (interview 12)

One lawyer explained how they actively try to work with police and the CPS to stop the practice of discouraging victims from applying before the end of the trial:

“It is and remains a major problem, and I’ve done work with the police as well. We try to say to them and explain that they probably don’t understand the damage they are doing, and the CPS where they are advising people not to apply. I understand why, I personally don’t understand though how judges in a criminal court would allow cross examination along the lines of – well you’re only in this for the money aren’t you. I can’t see why a judge would allow it. I understand the concern but we have come across instances where people have been turned down under the two-year rule because people have said whatever you do, don’t apply because it will damage the prosecution and that is seriously dangerous. So, it is an issue with the police and it’s an area around which the police require education. “(interview 11)

20. The two-year rule

Some victims reported via the survey that the two-year time limit for claiming criminal injuries compensation was too restrictive, particularly if they had not been informed about their entitlement to claim criminal injuries compensation before the two-year limit expired.

“I was never told about the Scheme and therefore I missed the deadline. The last thing you need in this situation is to second guess the services available to you. If victims fail to be provided with victim support officers, they will also fail to be signposted towards the service.”
Compensation without re-traumatisation: The VC’s Review into Criminal Injuries Compensation

This was echoed by a lawyer who took part in the review, identifying difficulties with applying within the required timescale when there is a general lack of awareness of the scheme for victims.

“They only have 2 years and if someone doesn’t tell them very early on that you might be entitled to something, then they are not going to know.” (interview 7)

Some PCCs have also highlighted the impact of the two-year rule for victims:

“There have been lots of issues around the two-year timescale of reporting the incident to the police, unfortunately a lot of cases don’t get to court within that timescale due to the criminal justice system taking so long, so sometimes have had to apply before the court case, but without having a confirmed outcome.”

“Timescale is not appropriate for some cases which are complex. There is a two-year window from when the incident took place and not the resolution. For high risk cases this can involve several court proceedings spanning a lengthy time period. During this the victim is not in a position (mentally and physically) to apply within the CICA timescales. Most people are totally unaware of the CICA and any possibilities of compensation as they are only made aware after sentencing has taken place which is invariably outside the two-year window.”

A representative from Victim Support also identified the issue of police advising victims not to apply during the trial, particularly in cases of sexual violence in which the trial is often more than two years, taking victims over the application deadline.

“We still have feedback from victims of sexual violence that the police advise them not to claim until the trial has concluded. Given that the we know the average length of a rape trial is 2 years and the deadline for application to the CICA is 2 years, we know that people can have a false barrier put into place… There’s a lot of fear about the defence using that as a way in which to discredit victims. We know that sometimes still happens in court proceedings even though it should be stopped by judges. There are still a lot of issues particularly around sexual violence and how applications to the CICA are seen and used in the criminal justice system.” (Victim Support representative)

When police advise victims not to apply for compensation until the trial is completed, this can have an impact on victims applying within the two-year deadline. The CICA can accept this as a reason for victims not applying in time and one lawyer reported that the police were also helpful in supporting a victim’s application, corroborating their story that they were advised not to apply within the two-year window.

“We’ve had quite a fair few actually where police officers have told them not to do it, and we’ve asked for confirmation of that. Some police officers have been quite helpful. I’ve got one in particular who emailed and said I specifically told them not to put the claim in until now. That was accepted by the CICA so we do delve a bit deeper into the reasons why.” (interview 8)

The representative from Victim Support also confirmed that the CICA tend to accept applications that are late for this reason on review, and that the CICA are working closely with police forces to discourage them from advising victims not to apply until after the trial.
In October 2017, the CICA amended their guidance on extending the two-year time limit under paragraph 89 of the Scheme. The revised guidance makes it clear to CICA staff that there are likely to be exceptional circumstances when dealing with historical abuse cases, especially when the victim was a child or when the applicant has been through a criminal trial. CICA senior leadership also confirmed that the revised guidance is not limited to victims of sexual crimes.

The CICA report that this change reflects the fact that the courts acknowledge the direct effects of such crimes which include the silence of the victim and ongoing emotional and psychological trauma, which continues into adulthood, and that the effects of criminal investigations and giving evidence can add significantly to these.

In the year 2016-17, 21 per cent of cases were received over two years after the date of the incident claimed for. Of those cases, that applied after the two-year deadline, 4,934 had been resolved as of 25th October 2018. Eighteen per cent of the resolved cases that applied in 2016-17 after the two-year deadline were refused compensation due to the two-year rule.

This compares to the year 2017-18 when 21 per cent of cases were received after the date of the incident. As of 25th October 2018, 4,251 of those cases had been resolved. Thirteen per cent of those resolved cases that applied after the two-year deadline were refused compensation due to the two-year rule.

However, one legal representative reported that victims still get told by the CICA that they are not eligible to apply because they have passed the two-year deadline:

“We will often get people who have tried to apply themselves over the phone and they have been refused, and it's generally the most common reason is because they are out of time. We say to them did you explain why you were out of time and they say they weren't really given the chance. It might be abused victims who struggle to come to terms, or something has triggered them which prevents them from making an application. They may have suffered an injury which made it difficult for them to apply on time but they've just been turned down over the phone.” (interview 11)

Another lawyer reported encouraging victims to explain why they have missed the deadline in their application to the CICA:

“If they are out of time we ask them why have you not brought a claim before so if they say for example … I've had PTSD for the last however many years and they can evidence that we might say ok we'll pop that in.” (interview 8)

One victim interviewee who works as an ISVA argued that the two-year rule is discriminatory against victims of sexual violence, because it often takes these victims a long time to come to terms with what has happened to them, and to be in a stable enough mental state to make the application. In her experience it took more than two 2 years before she felt ready to apply. After calling the CICA to check whether she could still apply, she was assured over the phone that in cases of sexual violence the two-year limit can be extended as they understand that it can take victims a longer time to feel ready to make the application. The victim put in her application and after 12 months of no contact from the CICA, she heard back from them. Her application had been initially declined because it was made outside of

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16 See Appendix 1 for paragraphs 87-89 of the Criminal Injuries Compensation Scheme relating to the two-year deadline for application

17 This reduction in numbers of applicants refused compensation under the two-year time limit has not been tested for statistical significance.
the two-year deadline. The victim supplied a recording of her original conversation with the CICA in support of her request to review the decision, and eventually was awarded criminal injuries compensation.

“[They] sent me a letter asking to explain why outside the two-year time limit and can I evidence that […] It was very stressful, [I'd] already been through [the] trial process and got a not guilty verdict and [it was] really important for me, validation.” (interview 9)

Other victim interviewees who applied outside of the two-year limit also reported being declined initially and having to go to review, being asked to justify the lateness of their application or request a review of the decision despite the crime clearly being of a sexually violent nature.

“I couldn't have applied before the trial because the police advised not to do anything. So, I was in a bit of a bind in that situation. So, as it stands my application is in. The CICA have come back to me twice, first pointing out the time limit thing and saying do I have any mitigating circumstances. Which I responded to with – a lot!” (interview 3)

“The first time they turned me down because I hadn't done it in the timeframe so I put my application back in. The second time they made me an offer in Spring of 2017.” (interview 12)

One victim interviewee described how she supplied a letter from her GP to support her late application:

“So that was out of the two years, so if you don't know about it that’s a bit difficult. What I did, I got my doctor to write a letter why my application was late. Because I didn't know about it and my health was quite poorly after the offence, I had operations and things, but they did accept my application.” (interview 16)

Another victim interviewee who applied on behalf of her young daughter, felt that the two-year time scale was limiting because she did not yet know the full effects of the crime against her child.

“The message that was given was that you've got to do it within 2 years. It was almost like quick, quick, quick you're coming to the deadline. [My daughter] is having problems and she might need help later on, but you can only know what you know, you can't know what you don't know.” (interview 14b)

### 21. A scheme of last resort

The Criminal Injuries Compensation Scheme is a scheme of last resort, meaning that if compensation is awarded from other parties such as through a successful civil claim, the victim is not entitled to criminal injuries compensation from the State. However, civil claims can take a long time to go through the courts. Victims can still apply for criminal injuries compensation if they are pursuing a civil claim. If they receive an award from the civil claim, victims are required to pay back the sum of any award received from the CICA. There is confusion about this amongst some victims. One legal representative commented:

“Sometimes we get people who are told to wait until a civil claim has been finished until they put in a CICA claim, but you don’t have to do that. You can actually get around that.” (interview 19)
Compensation without re-traumatisation: The VC’s Review into Criminal Injuries Compensation

One of the victim interviewees reported that their claim for criminal injuries compensation had gone through and they understood they would need to repay the amount if their civil claim is successful. However, they report that victims who were involved in the same incident have had their claims put on hold by the CICA until such time as the outcome of their civil claims have been reached:

“…when Baroness Newlove came to the meeting [date] it was said that no claim should be on hold and they should still pay compensation then you would have to sign to say that if you did receive compensation from another channel then you would pay criminal injuries back, but that hasn’t happened unfortunately and the justice department have put all claims on hold.” (interview 4)

22. Criminal injuries compensation award decisions
22.1. Victims’ understanding of award decisions

Just under three quarters of victims that responded to the online survey (72 per cent, 143) had been informed of the decision on their application for compensation. Of respondents who had been informed of this decision, just over half (55 per cent, 78) had been informed that they would be awarded criminal injuries compensation.

Of respondents who had been informed that they would be awarded compensation, approximately 4 in 5 (79 per cent, 62) had the reasons for the amount of compensation explained to them. Only 1 in 10 (13 per cent, 10) stated that the reasons for the amount awarded had not been explained.

Of those who had been informed that they would be awarded compensation, just over half (55 per cent, 43) felt they understood the reasons why they had been awarded the amount of compensation they were given very well or quite well. However, approximately 2 in 5 (38 per cent, 30) felt that they did not understand these reasons.
Some respondents to the online survey reported receiving little explanation about their award. One respondent commented:

“…when I received the letter to say I would be awarded compensation, I would have liked more detail as to what the categorisation meant. It stated that the offence against me was categorised as a ‘B2’, some explanation of this would have been helpful as without knowing what that was, I did not know whether to appeal or not. I was able to find the categories online but it was not easy to find.”

One victim interviewee reported:

“They didn’t explain the reason for the amount, just this is the amount.” (interview 14b)

The same victim interviewee suggested that victims should receive support when they are informed of CICA award decisions. This support would help victims both to understand the reasons for the amount awarded and the implications of accepting the award or asking for the decision to be reviewed.

“Maybe consideration to how the outcome is delivered to people and have they got support. Just like with the court case there is support around that, there should be support… It just said the award had been awarded and it would be held in trust until she was 18. I didn’t know how they allocated the funding. I think it just came up with the amount. In the group another mum did it as well and one child got more than the other and she was worried about how she would present this to the children so she didn’t at the time.” (interview 14b)

Of those who had been informed of the CICA’s decision on their claim, more than 2 in 5 (45 per cent, 64) had been told that their claim had been denied.

Although this is a small sub-sample, there was wide variation in the reported reasons given by the CICA to respondents for declining their applications. The most commonly cited reason by almost 2 in 5 respondents to this question (38 per cent, 24) was that the crime was committed before 1 October 1979 by someone living under the same roof.
Three quarters of respondents who had their claim declined stated that the reasons for declining the claim were explained to them (77 per cent, 50). 1 in 5 stated that the reasons were not explained to them (22 per cent, 14).

Despite this, almost three quarters of respondents who had their claim rejected did not understand the reasons why their claim for compensation was declined (73 per cent, 47).
One victim interviewee described her lack of understanding of the reasons for being denied compensation for her son’s murder and the effect that this has had on her willingness to ask for the decision to be reviewed or take her case to appeal:

“I didn’t understand it at all. It didn’t make any sense to me. It was kind of like they were just, I don’t know it just all sounded a bit gobbledygook, like it was all written in secret code, according to paragraph this that, this that. Researcher this researcher that. The problem is that my son’s been dead now nearly 2 years but I’m still suffering from post-traumatic stress disorder. I’m still suffering from short term memory loss. Trying to actually get your head around these things is really difficult. To try and read the things that they write. It’s just very hard to get your head around it. To be honest I was willing to just not bother. I was willing to say, you know what you can keep your money I don’t really care. Because you don’t have the fight in you. You don’t have the fight to want to keep progressing with it. It just takes too much out of you.” (interview 6)

22.2. Under the same roof rule

Under Paragraph 19 of the Criminal Injuries Compensation Scheme:

“An award will not be made in respect of a criminal injury sustained before 1 October 1979 if, at the time of the incident giving rise to that injury, the applicant and the assailant were living together as members of the same family.” (Criminal Injuries Compensation Scheme 2012)

This contentious rule has caused a great deal of stress to applicants who have been denied compensation under this rule and those who have not applied because they knew they did not meet this eligibility criteria. In the Victims’ Strategy (September 2018), the Ministry of Justice committed to:
Compensation without re-traumatisation: The VC’s Review into Criminal Injuries Compensation

“Abolish the rule which denied compensation for some victims who lived with their attacker prior to 1979 and consult on further changes to the Criminal Injuries Compensation Scheme.” (Ministry of Justice Victims Strategy September 2018)

A Parliamentary Question answered on 10 December 2018 confirmed that an amendment to the Scheme will be laid before Parliament to remove the pre-1979 ‘under the same roof’ rule. The intention is to enable victims who have previously been refused compensation under this rule to reapply. In the meantime, applications made by any new applicants who meet the ‘same roof rule’ since September 2018 have been put on hold.

22.3. Level of awards

The maximum award under the Criminal Injuries Compensation Scheme 2012 is set at £500,000. This has remained the same since the Scheme was first set up in 1996. Accounting for inflation, £500,000 in 1996 is equivalent to £892,264.28 in 2017, though the maximum award has not been adjusted to reflect this.

One legal representative commented that:

“it is unconscionable that it hasn’t gone up even with inflation. I think that it’s a disgrace frankly.” (interview 11)

One PCC commented on the disparity of award for victims of terrorism who claim compensation from the CICA if they have been attacked with a knife during a terrorist incident, compared with those who can claim for a higher award from the Motor Insurance Board if the attacker’s weapon was a motor vehicle.

One victim interviewee felt that the level of compensation awarded to relatives of homicide victims is too low:

“To us the amount given in death I don’t think is enough now in terms of it was probably the same many years ago and I’m not sure if it has moved forward in years but it does seem quite low for someone being killed in such tragic circumstances and for what you’re going to go through for the rest of your life. I don’t think it was enough personally.” (interview 4)

One victim who was offered £2,000 for his injuries was concerned that this would not meet the £22,000 costs of the dental surgery required to aid his recovery.

Another victim interviewer explained that the relatively low levels of compensation devalued the effect of the sexual assault that she suffered and questioned how the low amount of compensation would make her feel:

“Who are they to say that because [details of crime] it is only worth £1,000. But it was painful and invasive and he did it twice. That doesn’t encapsulate the horror… I’ve given up now in a way I just think I’ll get a £1,000 that’s the least. Then I think what if I do get £1,000, what will that do to me psychologically?” (interview 10)

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One legal representative felt that the CICA were routinely offering applicants awards at the lower end of the scale and waiting to see if victims challenged the decision:

“You start to see a trend appear which gives the impression you have a government department saying we will start off pitching low and if you don’t like it you can have ago, if you come out of it better off then good luck to you, that’s fine. From many years of experience of doing this work that is the approach which I think the CICA take. As a representative where we think we know what we are doing – ok, we know that’s the game and we do our best for our clients on that basis. My serious concern is that’s fine if clients instruct us we will do that for them. My serious concern is how many hundreds or thousands of unrepresented applicants don’t realise that and just accept either they’ve been refused and not challenge it, or accept an award that is patently too low.” (interview 11)

This view is one that is not supported by CICA staff who described how they are taught from their initial training that applicants should be viewed as eligible until proven not eligible and that they aim to give applicants the best award outcome possible:

CICA staff members said:

“We come from a starting point of – how is this applicant eligible? How can we get this applicant the most amount of money that they are entitled to? It is never a question of how can we not give this applicant money. We’re coming from the view of how can we give this applicant money? How can we give them as much as we possibly can?”

“That’s what I remember from training. Everyone is eligible until they are told they are not.”

22.4. Victims feel vindicated when they receive an award

When victims are awarded criminal injuries compensation, they report feeling vindicated and that monetary award is an acknowledgement from society of the harm that has been done to them. This view point is further supported by victim service providers that made the following comments through their PCC:

“While a monetary gesture can no way make up for what they have endured – it’s the state’s way of acknowledging the severity of their experience and its impact – it says, ‘you are believed’.

“Service users feel empowered, and that the impact to them is recognised in receiving compensation. It is very rarely about the monetary gain. It can be an important part of the support journey.”

“Victims who had a not guilty at court, but a pay-out from [the] CICA feel vindicated for putting themselves through a trial despite the outcome not being what had been hoped for. They understand proving beyond reasonable doubt, and proving to [the] CICA are different standards of proof.”

Some victims also reported feelings of validation when they received an award. One survey respondent reported that:

“It felt like I was validated and felt very supported that someone had believed me even if the police did drop the charges.”
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Victim interviewees reported:

“I said to my husband, it’s not so much about the money. I want it in writing what caused me the most harm… Because you feel completely validated. Over so many things and finally totally believed. Because although you’ve been to court, you feel as though you’ve still not been heard. Yes, they’ve said this man’s done a really bad awful thing but they haven’t said we really understand how bad that thing was and this is how it’s harmed you. That didn’t happen. So, I think that was a huge moment actually. It’s quite a long process isn’t it. It is really good to get that piece of paper to say the injury, the harm that the crime has caused you is a really important thing to have.” (interview 12)

“I need it, even if it’s not much more money I need the piece of paper to say why I’ve been given compensation.” (interview 12)

Another victim interviewee felt that the award provided some sort of validation from the justice system, but that the process was retraumatising:

“Reality is compensation may be the only thing you can get to legitimise-validate/get justice for that experience. But you have to be revictimized in order to get that, you may have to fight them for that as well. Where’s the compensation for the trauma experienced as a victim of criminal justice processes?” (interview 8)

CICA staff also noted that through their interaction with victim applicants, they can see that receiving criminal injuries compensation can be meaningful for victims, not only because of the money awarded, but also for the sense of being believed and vindicated by the criminal justice system:

“Some people just want to be believed and resolve a traumatic experience that happened to them. We’re here, we bring that resolution. We’re saying we see what happened and its‘terrible and we recognise that the thing shouldn’t have happened to you.” (CICA staff)

One victim who knew she would be rejected under the ‘same roof’ rule applied for the Scheme as a way to officially log the sexual abuse that she had suffered as a child at the hands of a perpetrator who had since died:

“After I had a break down once I discovered there were other victims in the family. That’s when I started to explore the painful issues and part of that was that I wanted to have an opportunity to report in some way to say this person did this thing. And [the] CICA gave me the opportunity to do that…. So even when I knew it would be rejected and I knew it would hurt, but I filled it in because someone was going to read it and there’d be a document with his name on. It nearly destroyed me, even though I knew it would be rejected.” (interview 14a)

22.5. Inconsistency in decision making

A representative from Victim Support identified concerns that discretionary aspects of the Scheme are perhaps not being applied consistently. They reported cases where victims in the same family apply together. They are victims of the same crime with the same perpetrator yet they receive different forms of communication, receive awards at different times and different levels of award.
“... [victims] don’t understand why when the circumstances are so similar, that they get different results or different style of communication. There’s an internal issue for the CICA there, where they get people from the same incident or the same family apply they could think about how they could group that and make sure there’s a consistent approach.” (Victim Support representative)

Another legal representative also commented on potential inconsistencies in decision making, particularly relating to whether or not there has been a conviction in the case:

“There is no consistency a lot of the time. You think how has that person got an award and that person hasn’t when it’s the same thing. I think I’ve heard that in sexual abuse cases as well when some have not got a conviction and still get compensation and some have got a clear conviction and don’t get it.” (interview 8)

One victim interviewee discussed the lower level of compensation she was offered compared with her sister who suffered the same childhood sexual abuse by the same perpetrator. She felt that they had each been given different opportunities to evidence the extent of their mental injuries:

“They offered my sister six thousand and something. They offered me three thousand and something. But, the problem for me was there was nothing that took into account my mental health problems and the judge had said this in court about the serious impact of it. It was all in the transcript, everything was there and I sent that to them. They didn’t take any of that into account. So, I didn’t accept the money.” (interview 12)

A senior leader in the CICA explained how they aim to take a joined-up approach to linked applications:

“We try very hard to link applications at case working and decision making. Sometimes it’s not picked up because the information given is insufficient for the link to be recognised. Where we know the name of the perpetrator and there’s a range of claims, we aim where possible to direct them to the same decision maker for consistency. We have processes to identify links but we rely heavily on information from applicants and the police to be able to identify these. (CICA senior leaders interview)

When asked how related victims of the same crime with the same perpetrator can receive different outcomes in their claims for criminal injuries compensation, the CEO of the CICA explained that all victims of crime are different and can be affected differently by the same crime and it is the injury that is compensated under the Scheme rather than victimhood of a specific crime:

“In the main, the Scheme doesn’t allow compensation for the crime but for the impact of the crime. Although, two people may attacked in the same way by the same perpetrator at broadly the same time, the injuries sustained and the prognosis for recovery of each individual may be different, especially with regard to disabling mental injury claims. CICA relies on the medical evidence for an assessment of injury and ability to recover. Loss of earnings and dependency payments will also make a difference to an award. By way of further examples, the age of the children when a dependency payment is made and the extent of a financial dependence award for a spouse can be different case to case. (CICA senior leadership interview)
23. **Reductions in tariff**

23.1. Convictions

Under the 2012 Scheme, an award will be withheld or reduced for an applicant who has an unspent conviction at the time of their application. This is a non-discretionary aspect of the Scheme.

One legal representative revealed that there has been opposition to this from before the 2012 Scheme was published:

"When the 2012 Scheme went to consultation, many people expressed concern about the lack of discretion around convictions. For some convictions there is no discretion for the CICA or the Tribunal and you simply can't receive an award. Even Tribunal judges at the time expressed concern and it remains a terrible problem."

(interview 11)

He went on to give an example of an applicant whose subsequent criminal conviction was closely linked to the injuries he was claiming compensation for.

"...we had a case recently where we were consulted by somebody with a stain free character who suffered a brain injury in an assault. After that he acquired a conviction through a relatively minor assault because he had become aggressive through his brain injury. He got a conviction himself post his own assault which precluded him from an award. He had a blameless character before his injury, but because of his injury he became aggressive and we think that's entirely wrong because there's no discretion whatsoever exercisable."

(interview 11)

Another legal representative reported that their organisation has dealt with a number of cases where applicants have received criminal convictions which are in some way linked to the initial assault. She gave the example of a client who made herself ineligible by gaining a conviction after being teased about the injuries she was claiming compensation for. The legal representative is taking this case to appeal:

"One of our clients had her jaw broken by a partner coming up for nearly 2 and a half years ago now. She had spent convictions on her record, but after the assault she received a community order after committing an offence that was triggered by the assault. Someone was teasing her about her appearance after the assault and now there is a very good chance that after that she won’t be entitled to any compensation."

(interview 7)

One legal representative reported confusion amongst applicants about what it means for a conviction to be spent. She explained that they advise applicants to delay their application until the conviction is spent:

"That also becomes quite complicated because convictions can become spent so if you’ve had a criminal conviction with a custodial sentence or community order that doesn’t deny you from making claims. If it’s not spent, what member of the public understand the rules about whether a conviction is spent or not...When we’ve got people coming to us with criminal convictions very often we will hold back on making the application because somebody has a conviction that is becoming spent in a couple of months so we will advise them to wait."

(interview 19)
23.2. Conduct and character

Under the 2012 Scheme, “an award may be withheld or reduced where the conduct of the applicant before, during or after the incident giving rise to the criminal injury makes it inappropriate to make an award or a full award.” In addition, “an award made in respect of a fatal criminal injury may be withheld or reduced if:

(a) the deceased’s conduct before, during or after the incident giving rise to their death, makes it inappropriate to make an award or a full award. Conduct does not include the deceased’s intoxication through alcohol or drugs to the extent that it made the deceased more vulnerable to becoming a victim of a crime of violence; or
(b) for exceptional reasons, the deceased’s character on the date of their death, whether due to their unspent convictions or otherwise, makes it inappropriate to make an award or a full award.”

When asked about the application of the conduct rules in practice, a senior leader at the CICA reported:

“We are required to consider the application of those paragraphs which are set out in the Scheme. The applicant may have been completely blameless but the deceased person may not have been. What it states in the scheme is that both the conduct of the deceased and the conduct of the applicant should be considered.” (CICA senior leadership interview)

One legal representative gave an example of a case that had been turned down due to the applicant’s conduct which they were able to win through appeal. The implication is that without legal representation, the victim would not have known that he could contest the reason for the rejection or would have had difficulty in getting the decision over ruled.

“I’ve had ones in the past where the CICA tried to refuse a payment on the basis that he provoked his own attack which isn’t a valid argument to choose, but the client wouldn’t have known that. But you know you can’t provoke an attack to the extent that it was. He was giving it a bit of mouth and the other guy hit him over the head with a bottle, then you know he wouldn’t have known that he had a leg to stand on to argue that and that’s where we come in and provide help.” (interview 7)

One victim interviewee also described how they successfully appealed the CICA’s decision to reduce the award on the grounds of conduct by providing evidence that he did not instigate the attack which he was claiming for.

“Initially they refused [the victims’] compensation altogether. They said they believed [he] instigated his attack. We had a lot of complaints going on with the police. I sent them a letter with the police apologies that we had and their investigations and said this proves that he was a genuine victim. It was an unprovoked attack.” (Interview 13)

One victim interviewee applied for compensation on behalf of her grandson following the homicide of her son and was rejected at the initial application and review stages. The interviewee described how the award was reduced by 25 per cent when she took her case to the CICA Tribunal because in summing up the judge had said that her son had instigated the violence. However, the interviewee feels that at appeal the Tribunal panel failed to take into account further comments made by the trial judge about the character of her son. This left the interviewee feeling that not only was her grandson missing out on some small comfort.

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that the award could bring him in the future, but also that she was once again defending the honour of her murdered son.

“[At the appeal hearing] They mentioned something about the judge, her decision, thinking that [her son] was the initial aggressor, the first one to hit out, because she stated in the summing up, so I bought all the papers of the judges summing up a while back and sent them to the panel and they said with the judge saying that, they still have to go on that, and [her son] was the initial one to start the fight so I think it was something to do with that, even though the judge went on to say that he was a respected man and he’d help anyone out and he loved his son, and she got the character of him, and she got the character of our family as well. I think it was just that initial, what the judge said, that they took the 25 per cent. … I feel like I’m having to defend my son again and his reputation.” (interview 20)

Another mother who took part in the victim interviews was denied compensation altogether under the conduct clause of the Criminal Injuries Compensation Scheme. One of the reasons given by the CICA was that her son was attacked in a location which they suggest he had been told by the police not to go. In a sense the CICA have also said to this interviewee that her son had instigated his own attack by being in that location:

“I think one of the letters was worded like you know, we send our deepest sympathies for the loss of [name] and then it was like, he shouldn’t have been on the estate so therefore he must have known that going there it was likely he was going to be murdered. Because it’s unfair that we have to go through all this extra stress. I feel like I’m begging you for money and we’ve had to … the thing is it’s not gonna bring my son back. All that money would help me to do is put a headstone down without me having to shout about it anymore. That’s £3,500. To put a head stone down. I’ve already paid £12,000 for the funeral.” (interview 6)

In this case the police initially applied on the interviewee’s behalf and informed the CICA that the victim had himself been carrying a knife at the time of his attack. The interviewee questions the refusal of compensation under the conduct clause and feels that applicants who apply to the Scheme on behalf of homicide victims should automatically be entitled to criminal injuries compensation.

“… in the police report that they submitted with the application, they wrote on it that my son was, had a knife on him as well. No, he’s never been convicted for any offences. It was like, you know my son’s dead. Someone has taken his life and been convicted of murder for it so you know the blame is there. I shouldn’t have to prove these things to you because it has already been proven in a court …, that they took his life unlawfully. It’s just too much to be honest. I think that personally … if somebody is murdered like my son was and there’s a suspect and they go to court and they are charged with an offence, I think everything should just happen automatically. Because you know my son never killed himself and that’s been proven by a court… Boys took it upon themselves to kill him. They didn’t have the right to do that. They’ve gone to prison now. They’ve been charged, four of them. Two for murder, two for manslaughter. And I really think that you know it should be awarded at that point. (interview 6)
24. **Reviews and appeals**

24.1. **Awareness and understanding of the right to review and appeal decisions**

The CICA report that information on how to review or appeal decisions along with the necessary forms are issued with all decision letters. Of those victims that responded to the online survey and had received a decision, six in 10 (59 per cent, 85) recalled the CICA providing them with information about how to review or appeal this decision. Three in 10 (29 per cent, 42) did not recall being given this information.

Just under half of respondents (45 per cent, 65) appealed against the outcome of their application for compensation.

The CICA reports that 75 per cent of cases that went to review in 2017-18 were given a decision within 6 months of the review application compared with 51 per cent in 2016-17. The long waiting times for victims to get resolution on the initial decision is compounded by further long waiting times for the decision to be reviewed or appealed.

Two victim interviewees who were rejected due to the ‘under the same roof rule’ reported being distressed because that they felt there was no real avenue of appeal because of the statutory basis of the rule under which they were rejected.

“Yes, there was a piece at the end of the letter saying what happens now if you accept the decision no need to reply. If you don’t then you can apply for a review. I rang them. And … I was literally just sobbing down the phone at them – that’s what it says in black and white, is it worth me getting upset again by trying to appeal the decision and basically, they answered not really the law states that and that’s the rule and I don’t fall within the date period so really it would be up to me if I wanted to appeal it but that is the law. So, I just felt that was the final decision if you like. I thought I can’t put myself through. I didn’t have any fight. You know everything was still so very raw.” (interview 1)
“And it’s so grossly unfair and they didn’t consider for a moment how distressing and how much courage it took me to make the application in the first place. How really hard that was and they were brutal and then they said I had no right of appeal. I thought well even a dog has a right of appeal. Maybe that’s exaggerating slightly but even a violent criminal has a right to appeal against a sentence passed against them. But I have no right of appeal against this and I’ve never hurt anybody in my entire life. In fact, people have hurt me and I have no right of appeal? How does that work am I somehow less of a citizen than everybody else? That’s how they make me feel. It’s disgusting.” (interview 2)

One victim interviewee did not find the instructions on how to appeal the CICA review very clear and carried out her own research in order to take her case to the Tribunal.

“I didn’t really understand from what they sent me. I had to go online and look it up and research how I went about doing that as well.” (interview 6)

Another victim interviewee also found the instructions on how to appeal the CICA decision at Tribunal unclear. She misunderstood the instructions and her request to take the CICA decision to appeal was initially rejected because she had not included all sections of the CICA communication in her documentation:

“Yes, it was a letter on the back which I messed up and now they don’t know if they are going to accept our appeal. Because all it said was that we needed to send the decision notice along with why we want to appeal it. So, I sent the 3-page letter where they said exactly why they weren’t going to pay out but I forgot to include the sheet with the monetary amount. They’ve now refused it because I left that out… I find it quite daunting, I don’t think it’s particularly clear…But they have just been rude. The appeal letter – I didn’t find that very clear which is why I messed up on that. I didn’t find that particularly clear at all.” (interview 13)

24.2. Proportions of decisions going to review and appeal

The CICA report that almost a quarter (23 per cent) of decisions to refuse compensation in 2017-18 were taken to the review stage. In turn 23 per cent of review decisions were taken on to appeal at the CICA Tribunal in 2017-18 (a total of 584 cases).

Just over a quarter (26 per cent) of Tribunal decisions resulted in a different decision to the CICA (151 cases in total) and 87 per cent of those decisions resulted in an increased award for victims.

Some of the legal representatives that took part in this review reported 50 per cent to 60 per cent of their cases going to review. This raises the question; are victims with legal representation more likely to have their decision reviewed or appealed and are these victims more likely to achieve a higher award?

“…probably 50 – 60 per cent that go to appeal and we find that we have to do that to get the right outcomes for our clients… a high proportion of our cases go to appeal and generally they are more successful at appeal.” (interview 11)

A senior leader at the CICA thought that legal representatives taking decisions to the review stage was not necessarily a positive approach:

“Some reps did routinely appeal almost everything and we are trying to work with them to take a more customer focused view. For applicants, if they find the process
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traumatic, to elongate that process into review and appeal without good grounds may be more distressing for them. We have seen some cases going to appeal where the case being put is a long way from the provisions of the scheme. I don’t think the review and appeal rate is an indictment of our decision making. We have had a look to see how we can reduce the number of reviews coming in, through learning and making improvements in decision making, but often it’s about people presenting additional information or telling us something has changed. The access to review is loosely set in the scheme, it’s just if you are not satisfied with the decision we have made. Every decision letter explains the right to request a review which means a different decision maker will reconsider the claim. We are trying to get reviews dealt with more quickly. We have given ourselves an 80 per cent within 6 months aspiration and we’re not there yet but the time to review decision has improved to over 70 per cent within 6 months.” (CICA senior leadership interview)

This legal representative who works closely with a domestic abuse charity expressed concern that unrepresented victims may not challenge decisions:

“My serious concern is how many hundreds or thousands of unrepresented applicants don’t realise that and just accept either they’ve been refused and not challenge it, or accept an award that is patently too low.” (Interview 11)

Leadership judges in the Tribunal Service reported an increase in the numbers of appeals heard, but they do not have access to information regarding why this is the case. They pointed out that delays in hearing cases are often experienced due to availability of CICA staff to attend the hearing. They suggested that these delays could be avoided if the CICA representatives did not attend hearings unnecessarily, attended hearings by video link rather than in person, or if appeal cases moved to an online platform.

A senior CICA representative commented that the CICA always seek to attend hearings to provide their support to the Tribunal. They have been working with HMCTS to attend hearings by video link since 2016 and more recently have been able to establish agreement with HMCTS to conduct controlled testing of this approach.

24.3. Support for victims at Tribunal

Victims have little opportunity to be supported at the Tribunal other than paid legal representation. Victim Support do not provide support for victims at the review or appeal stage. Victim Support workers can inform victims about the review process if they have received an initial rejection from the CICA. They can provide emotional support and information but do not undertake the process for victims. Similarly, Victim Support workers can only provide emotional support and will not represent victims at Tribunal.

“In general, going to appeal can impact on [victims] health and wellbeing. But we wouldn’t get involved in the appeal itself.” (Victim Support representative)

24.4. Feedback on decision making from judges

Leadership judges in the Tribunal report a need for sensitivity in engaging in in-depth discussions with the CICA directly about their decision making because the CICA is a party to the proceedings.

The Tribunal judges send a written report to the involved parties in every case.
CICA decision makers do not receive feedback about individual cases from the CICA Tribunal. Tribunal decisions are returned to the CICA policy team rather than the case worker that made that specific decision. The CICA policy team examine any particularly complex decision making, lessons learned from the appeals process or trends in reversed decisions at the senior decision-making forum, and are responsible for continuous improvement through staff guidance and training. They can also take any lessons learnt from examining tribunal decisions into their learning programme. In an interview for the review, leadership judges said they would welcome a feedback loop to the decision maker in each case.

CICA staff report that the differences in decisions at the Tribunal stage is often down to the Tribunal receiving additional evidence about the case:

“A lot of the time Tribunal Judges are not basing their decision on the same information that the decision maker made the decision on. By the time it reaches them at appeal additional information will be received and they also have the testimony of the applicant there and then. So, whenever a decision is overturned by a judge that doesn’t translate into the other decision was wrong or incorrect. It just means that they have made a different decision based on the evidence they have at that moment in time.” (CICA staff)

Leadership judges at the Tribunal said that differences in decision making can be down to the Tribunal’s engagement with the appellant (victim applicant). They said that one of the main reasons why decisions made by the CICA are overturned is because someone has seen or spoken to the appellant.

24.5. Victims’ experience of the Criminal Injuries Compensation Tribunal

The Criminal Injuries Compensation Tribunal forms a part of the tribunal and courts system and falls under the Social Entitlement Chamber. It acts independently from the CICA. The Tribunal does not have a set number of panels with fixed members. Rather each panel is convened with 3 members drawn from a pool of around 50 – 60 appointees. Members come from a number of backgrounds and skill sets which include judges, medical professionals, people with experience of the criminal justice system and/or working with victims or lay members such as criminal psychologists, solicitors or accountants. Panel members for each Tribunal panel are chosen according to the specifics of the case.

All tribunal panel members must undergo induction training relating to aspects of the Criminal Injuries Compensation Scheme including the law, procedures and cultural issues such as maintaining empathy with victims. Members also receive annual training and regular updates to training throughout the year.

The Tribunal also has two legal advisors. Members can send their proposed decisions to the legal advisors who can provide advice in regard to the law and case law history. Legal advisers will also support the Tribunal leadership judges in monitoring consistency of decision making.

Some legal representatives reported that victims can find the process of appealing decisions by the CICA traumatic. One legal representative observed that:

“It’s very difficult for victims, it’s very traumatic…A lot of clients go to their GP and have to be medicated to go through the tribunal.” (interview 19)
They went on to describe how the stress of the Tribunal can lead some victims to withdraw their application, feeling that the money awarded would not be worth the stress and trauma of going through the appeal process or attending the Tribunal:

“I’ve had ones where they’ve just not turned up. We have one where we think, I don’t think this lady is going to come. To be honest if I was in her shoes I might not either, because it’s money and it’s not really worth it for them to put themselves through it… We do tell people it’s informal and not to worry but sometimes I don’t know if I’m saying the right thing because sometimes it can be quite formal and traumatic, but you don’t want to put people off so it can be difficult to give people the right advice.” (interview 19)

This legal representative also described her experience of variation in approaches taken by different Tribunal panels:

“Some of the tribunals are quite nice and quite good and some are not and make the victim feel very uncomfortable. You wouldn’t believe the way victims are treated at these hearings, it’s quite astonishing. It’s difficult for us to advise people because on the one hand you have panel judges that are really nice then we go to another one and it’s difficult and they are being asked really difficult questions… we end up telling them it will probably be horrendous and you will probably get cross examined, something is going to be raised about your past and we have to cover all that.” (interview 19)

She also commented on the lack of appropriate settings and facilities for victims at the Tribunal:

“It tends to be in immigration offices. You are sat in an open corridor trying to discuss things.” (interview 19)

Leadership judges in the Criminal Injuries Compensation Tribunal discussed how victims’ needs are taken into consideration when determining the location of hearings. The Tribunal is currently working on arranging for more venues to be available in which to hold hearings so that victims can attend hearings closer to home. There is a challenge in terms of having enough appropriate accommodation versus arranging timely hearings without long waiting times close to the victims’ home.

Some legal representatives and victims reported long waiting times for Tribunal hearings. Letters are sent out to victims to inform them that their case will be heard within the next 6 months and victims are asked if there are any dates that they cannot make due to previous commitments. One victim interviewee misunderstood this request and thought she had to be on standby for the hearing for the full 6 months and could not make any further plans for that time period.

A number of cases are listed on the day and on occasion victims’ cases may not be heard because of delays in cases that were listed before theirs, though the leadership judges report that such delays are reasonably rare.

Decisions about whether or not Tribunals’ will hear a case must be made by judges responsible for case management. Following a backlog of cases, the Tribunal has recently engaged 20 extra salaried judges to work on case management decision making.

In contrast to the views of legal representatives, some of the victim interviewees spoke positively about their experience of the Criminal Injuries Compensation Tribunal. One victim
Interviewee described how the Tribunal panel members put her at ease and how the charity workers she was accompanied by supported her through the Tribunal:

“They were lovely… they introduced themselves and …they made me feel at ease, they were all smiling. There was only one who spoke, the other two didn’t speak, but looking at them made me feel relaxed you know they had like smiles on their faces. Two ladies it was and a gentleman. So that made me feel relaxed, I felt…as relaxed as a I could be anyway because I had the National Victims’ Association with me, you know the two men who we’d met up with for like two and half years more or less so I felt confident with them, not that I was gonna win the appeal but going in knowing I had someone whose got my back, you know. But yeah the panel was lovely.” (interview 20)

One victim interviewee who also works as an ISVA described accompanying another victim to a Tribunal hearing in which the victim had found the experience traumatic but had been put at ease by the Tribunal panel members:

“It was very traumatic for her. She was a nervous wreck. There was a panel of three, a judge, doctor and one other person. The panel were really great, they did everything they could to uplift the award, and they really explained it to her. They explained the rules to her really well, in a way [that had] not been done previously. They looked at ways to work the scheme in her favour. The CICA didn’t object to that.” (interview 9)

Another victim interviewee felt that her experience of contacting the Criminal Injuries Compensation Tribunal was better than when she contacted the CICA:

“They seem more helpful at the tribunal. I think just the tone when they answer the phone. They seem like they’ve got a lot more time for you whereas they [CICA] just seem like they’re just so busy, whereas the tribunal office seemed better.” (interview 16)

One victim interview described a long, drawn out process in the organisation and listing of their Tribunal hearing. This interviewee was representing his wife who suffers from severe mental health difficulties. The victim did not feel able to attend the Tribunal because of her mental health difficulties and when the victims’ representatives attended the Tribunal on her behalf the Tribunal was postponed because the Tribunal panel required the victim to attend. The victim was informed that she could attend the Tribunal by video link, but this was not arranged in time for the Tribunal.

“They said can you get her to come today. I said no. You are talking about someone who has had several suicide attempts, she is not prepared to go through this in front of you in a court of law. They say can you not explain we will be fair? I said its court, you’ve got a barrister against us. It doesn’t do the victim any good. We would rather you make the decision based on information you have. We told the organisers of the tribunal that it would just be me, but they were surprised on the day that she wasn’t there so they hadn’t been told. They made it clear they could not make the decision without seeing the person.” (interview 18)

A teleconference was subsequently arranged for the Tribunal and it was agreed that the victim could attend the Tribunal in this way. When the victims’ husband and her barrister arrived at the Tribunal the panel members still had not been informed that the victim would not be attending and the equipment had not been arranged. Tribunal staff organised an ordinary telephone and the victim was able to attend the meeting by telephone. Despite the
difficulties in organising the Tribunal the victim interviewee was satisfied with the Tribunal panel when the case was eventually heard:

“I have to say, the Panel were excellent, though they did not get chance to see the documents relating to the case until that morning… which were nearly 1,400 pages at this point, only giving them an hour’s reading time.” (interview 18)

In an interview for this review, leadership judges identified difficulties in setting up video links but provided assurances that the Tribunal Service has a duty in ensuring a fair hearing and making reasonable adjustments. The Tribunal Service ensures that all judges are aware of the guidance on special measures, but said that some tribunal areas are more technological than others. There are sometimes issues of controlling live video links at both ends, particularly when the video link is between different geographical locations.

Leadership judges described their hopes to develop an online system for appeals in the future. This system would involve an asynchronous forum in which judges could interact directly with victims and decision makers. Judges would be able to ask for the evidence they require through the forum and would be able to question victims and decision makers. Participants would have time to supply a considered response and to supply the evidence required. This would enhance the inquisitorial role of the judge who could take a more active part in searching for the evidence in the case rather than being given papers on the day of the hearing and only interacting with victims on the day. The judges also reported delays to hearings due to the availability of CICA representatives. An online system would help to solve this problem and could potentially give judges access to the actual decision makers in the CICA rather than their representative.

This form of online Tribunal case work is currently used in Traffic Penalty hearings and internationally in Tribunals in Canada. Leadership judges suggest that with this approach judges could have enough information available to them to make decisions without holding a hearing, though victims would always be given the choice to have their cases decided upon by judges online or in a face-to-face hearing.
Conclusions

The Criminal Injuries Compensation Scheme is a government funded scheme designed to compensate ‘blameless’ victims of violent crime in Great Britain. Victims eligible to apply under the scheme are those who have suffered the most serious sexual and violent assaults or who have lost a loved one to homicide. Many of them will be extremely traumatised as a result of the crime and many will have been subjected to a difficult and often distressing criminal justice journey.

The underlying purposes of the scheme should, therefore, be to assist these victims in the process of coping and recovering from crime. It should be regarded as integral to the support available for victims in the same way that witness services support victims through their appearance in court, and commissioned victim support services ‘help victims to feel safer and find the strength to move beyond crime.’

The evidence from this review shows that victims feel validated when the impact of the crime is recognised by society in the form of an award of compensation. All the evidence collated from victims, service providers and lawyers indicates that rather than acting to support victims, the process for claiming criminal injuries compensation in fact adds to victims’ experience of stress and trauma. To many that we spoke to as part of the evidence gathering, the Scheme seems calculated to frustrate and alienate victims. This cannot be acceptable.

The reasons for this alienation include: application forms which require victims to set out in detail what has happened to them, thereby re-triggering trauma; poor and confusing communication about progress of cases; delays in decision making and award payments; and the frustration of handling reviews and appeals to the tribunal.

But our concerns are not restricted solely to the Scheme. As well as identifying defects within the process of making a claim, this review highlights a lack of awareness of how the Scheme operates, not only amongst victims, but police and the CPS. It also highlights inconsistency and often a complete absence of support from commissioned victim support services for victims who wish to submit an application. There are other aspects of the rules of the Scheme where we have identified concerns and which warrant further exploration. Our overriding concern is that at present, we have an overly complex transactional process, which pays insufficient regard to the complex needs of its users, many of whom are likely to be suffering from the effects of trauma. There is a sense that the victim must fit in with procedures rather than the system being built around supporting victims to cope and recover from crime.

If we are to place victims at the heart of the criminal injuries compensation process we believe that the system must be simplified. It should be organised in such a way that the process does not re-traumatise those it sets out to support, but instead sees itself as aiding a victim’s recovery. It also needs to provide targeted support for the most vulnerable groups of victims in helping them apply for criminal injuries compensation without having to forego a substantial proportion of their award in legal fees.

Criminal injuries compensation should de-traumatisé not re-traumatisé.

“*It just made me feel like I was bothering people for something that they didn’t think I should have. I think one of the letters was worded like you know we send our deepest sympathies for the loss of [name] and then it was like he shouldn’t have been on the estate so therefore he must have known that going there it was likely he was going to be murdered.*” (interview 6)

Evidence from the victim survey, victim interviews, service providers and lawyers indicates many victims are stressed and traumatised as a direct consequence of completing the application form for criminal injuries compensation.

Along with the crime reference number, victims are currently required to complete details of the crime including times, dates, incident addresses, relationships to the perpetrators and details of the incident. Evidence from this review demonstrates that completing this part of the CICA application form is highly traumatic as it re-triggers memories of the incident. Some victim service providers make the point that the level of detail required from victims is unethical, given current knowledge about the negative effects of continually asking victims to repeat their story.

Yet, in every case, the CICA apply to the police for a full copy of the victim statement and reports so the need for the victim to repeat their story on their application form is unclear. One explanation offered by the CICA is that the victim’s own account can be used to corroborate the police reports. We are not convinced that this is a compelling reason as the evidence provided by police will often be more comprehensive, and often collated soon after the offence occurred.

For most victims, the crime committed against them will be hugely traumatising. We note that one of the main reasons victims sought legal representation was that they felt unable to cope with the trauma of applying themselves. We conclude that an important step in de-traumatising the process is to remove the requirement for victims to have to provide a detailed account of the crime on the application form. If the information about the crime from victims could be limited to submitting the crime reference number, so that the CICA could find the information it needed from police reports, this would greatly alleviate the trauma.

However, if the CICA are to rely solely on police reports and evidence it is important that they have easy and speedy access to this information. The CICA have identified difficulties accessing details of crimes through the crime reference number alone, and this is due to police forces across the country using different systems. Service level agreements state that the police have 30 days to return the evidence to the CICA. The target is for police forces to return 80 per cent of requests for evidence within 30 days. Between April 2018 and September 2018, 23 of 48 police forces failed to reach this target. Those with the worst records of returning the evidence included Warwickshire police who returned 19 per cent within 30 days, Greater Manchester (20 per cent), West Mercia (29 per cent), South Wales (31 per cent) and Bedfordshire (34 per cent). If claims are to be processed more swiftly, these delays on the part of police forces need to be tackled.

In addition to identifying the case and requesting police evidence based only on the crime reference number, a further step would be for the CICA to be able to directly access police evidence. The CICA identified potential issues around data protection and redaction of irrelevant information, but are in the early stages of working with the Police in Scotland on protocols for data sharing agreements. The CICA have described the ability to directly access police evidences as ‘aspirational’.
We conclude that the ability to access police evidence directly and quickly would not only improve the experience for victims in terms of reducing trauma, it would reduce the application process by at least 30 days. It is therefore important that police forces and the CICA work together to develop pathways for information to flow directly to the CICA.

Given the volume of applications and the number of staff to process them, it is inevitable that the CICA has developed what we consider to be a “transactional process” to deliver the business. CICA managers and staff have put considerable effort into making the process more efficient and are keen to improve their interaction with victims, for example, by making the forms more user friendly and their standard letters more empathetic and easier to understand. There have been initiatives to improve the experience of victims contacting the customer service centre and the use of in-house psychologists has accelerated the process for victims claiming compensation for psychological harm. The average waiting time for an application to be processed is falling. These changes are to be welcomed and demonstrate the commitment of all CICA staff to make the processes as quick and as efficient as possible.

We acknowledge that some of the victims we spoke to related experiences that took place before the recent enhancements to the process were implemented.

Evidence from this review indicates that victims do want decisions returned as quickly as possible. However, they also place great importance on how they feel the process has treated them.

The current system for processing applications is largely transactional. It is based on the victim fitting around CICA procedures, which in turn are based on attempts to improve efficiency and return decisions as quickly as possible.

Inevitably, this means that victims do not get a personalised service from the CICA. They call the customer service centre and must explain themselves each time to a new call handler. Having to constantly repeat information is stressful and often traumatic, particularly given that many of the victims who spoke to us had cause to contact the customer service centre on multiple occasions.

Based on the evidence we have received, we conclude that the impersonal nature of the service appears to have created an unintentional but inevitable barrier between the service provider and user.

There is a place for transactional services. However, given the purpose of this service is to provide an element of support to victims of the most serious of sexual and violent crimes, many of who will be suffering from ongoing psychological trauma as a result of their experience, it is clear that a transactional service is not an appropriate model in this context. This is particularly the case at a time when local victim support services are withdrawing their support to victims in making claims.

Victims, legal representatives and victim service providers all suggest that a single, named point of contact for victims would provide a more personalised service. Since March 2018, a named contact has been provided in fatal cases. When these victims call the customer service centre, the call handler will see that they are allocated a named contact and suggest that the victim is called back by that individual. Victims do not contact their case handler directly. The named contact does not make all decisions relating to the case but does coordinate communication with the victim.
A named contact for other applicants would reduce the need for victims to repeat their story, and would remove the barriers that appear to exist between many victims and the service provider. This in turn would be less traumatising for victims, would help to facilitate a supportive rapport, and would be more likely to aid in their coping and recovery. Evidence of how this might improve the quality of the service on offer has been provided by the CICA themselves. The CICA has recently implemented a change whereby staff in the customer service centre can take decisions in straightforward cases, giving the caller the satisfaction of speaking to the decision-maker. They claim that this has been well received by victims and by staff.

We recognise that adopting a “victim centred” approach as opposed to a “task based approach” may mean that additional resources need to be allocated to the CICA to pay for this. Although if it works well, it will generate savings by resulting in fewer chase-up enquiries, and by negating the need for victims to have to endlessly repeat their stories. If the CICA is to play a role in helping victims to cope and recover, we believe that this will be a price worth paying.

The ability for criminal injuries compensation to help support and de-traumatisate victims can be limited by rules which dictate what victims can spend the money on. For example, parents and guardians can draw from an award in trust for a child, but only for very specific expenses. One victim reported that she could not use money from her child’s award to pay for counselling for the child. Another victim whose award was held in trust was told she could not purchase a house with the award. Buying her own home could have been exactly what the victim needed to get to the next stage of coping and recovering from the crime committed against her.

We have not had the opportunity to consider this aspect of the scheme in detail, but would welcome a review of the restrictions currently in place with a view to offering greater flexibility.

If a victim dies while their award is held in trust, the funds are returned to the CICA. Communication of this rule causes victims a great deal of stress. This policy is re-traumatising for victims and their families and again it should be reviewed.

Rules of the Criminal Injuries Compensation Scheme on victims’ conduct mean that awards can be refused or reduced if the CICA deem the victims’ conduct to have been integral to the crime. This also applies to awards for families of bereaved victims. A mother who took part in this review was denied compensation due to the conduct of her son. In another case the award given to a child was reduced due to the conduct of his deceased father. We feel that bereaved families should not be punished for the conduct of their deceased family members. No person deserves to be murdered and their families should be afforded the same entitlements as other victims of homicide. Again, this aspect of the Scheme should be reviewed.

Victims with unspent convictions are not eligible for compensation and their applications are declined. Given what we now know about crimes such as childhood sexual abuse and exploitation, childhood criminal exploitation, coercion and control within the context of modern day slavery or domestic abuse, we would question whether it is always appropriate to deny victims compensation on the basis that there is a direct link between their criminality and crimes committed against them. Some injuries such as brain injuries can also cause victims behaviour to change, and this should be a consideration.
We have not had the opportunity to look at this in detail and believe that the policy of declining such applications should be reviewed in light of our better understanding of the complex relationship between abuse and exploitation, and the committing of offences.

Victims are only informed about any conduct or character limitations that have been applied to their award decision when they receive their final decision letter. This can be a shock and very distressing to the victim; in some cases, it can lead to protracted reviews and appeals. It is not clear why this assessment of character is only relayed at the decision point. There must be scope for victims to be shown this evidence and asked to make representations before the final decision is made. Whilst this approach might extend the decision-making process, it should reduce the number of reviews and appeals.

The CICA report that almost a quarter (23 per cent) of decisions to refuse compensation in 2017-18 were taken to the review stage. In turn, 23 per cent of review decisions were taken on to appeal at the CICA Tribunal in 2017-18. Legal representatives reported that 50 per cent to 60 per cent of their cases go to review or appeal. With such a high rate of challenges to CICA decisions, and represented victims being more likely to challenge decisions than unrepresented victims, the Scheme is clearly highly complex. High levels of challenged decisions also lead to additional bureaucratic processes in the form of reviews and appeals. The MoJ should review the complex and bureaucratic nature of the Scheme as well as opportunities and procedures to challenge decisions in their forthcoming review.

One of the common reasons given by Tribunal Judges for overruling CICA decisions, is that they have access to further evidence and opportunities to discuss the case with victims. A more case-based system of operation could provide opportunities for interaction with victims, enabling CICA staff to gain access to this additional information at the point of first decision making.

More direct feedback on Tribunal judges’ decision making to individual CICA decision makers could help to provide continuous improvement in decision making. It was not always clear the extent to which individual decision makers received direct feedback from Tribunal decisions.

Tribunal judges suggested that an online tribunal process could help to facilitate speedier appeal decisions and allow for more interaction with victims and CICA decision makers, as well as reducing the stress caused to victims appearing at Tribunal hearings. The review identified that victims found the process of attending Tribunals very stressful. Anything that might be done to speed up the process and avoid victims having to attend in person would again enhance their experience of the process.

**Simplify the system**

“They may have people who care but they have their time limits, their priorities, without someone on the side of the victim you will not get justice truly.” (interview 18)

This review has found that CICA staff are working hard to improve processes so that victims receive their compensation as soon as possible. The CICA report that in the year 2017-18, new ways of working incrementally increased the percentage of new applicants receiving a decision within 12 months, from 52 per cent in April 2017 to 81 per cent by March 2018. Their live caseload was reduced from 40,140 to 35,147 by March 2018. In 2017-18 48 per
cent of applicants received decisions within 6 months compared with 30 per cent in 2016-17.  

Previously, on 1st April 2016 there were 21,000 older ‘stock’ cases still sitting on the CICA files. The CICA received additional funding from the Ministry of Justice to manage these old cases, and the number of stock cases is now down to approximately 11,000.

It is a positive development that far fewer victims are having to wait more than 12 months for the initial CICA decision, and this is certainly a move in the right direction.

However, 12 months is still an unacceptable period of time and for those victims who challenge their CICA decision, the wait can be much longer. Some of the victims we have spoken to have described waiting years before their claim has been resolved.

During this time, many victims report that they receive no unprompted updates on their case. This can be stressful, particularly as many victims will already be suffering trauma and stress as a result of the serious crimes committed against them. Importantly, many feel they are unable to move on to the next stage in their coping and recovery whilst the application process is underway.

When the CICA contact victims for medical evidence, victims are told they have 28 days to return the evidence or else the CICA will withdraw their claim. This is resented by victims, given that in some cases they may have waited months before hearing back from the CICA. Victims describe this deadline and the threat of closing their claim as traumatic and intimidating, not least because the length of time taken to access medical evidence may be out of their hands.

Victims also often face long waits to receive payment of their award. More than a third (36 per cent) of respondents to the online survey waited more than 30 days to receive their award.

Victim interviewees told us of long delays in having their appeal heard at Tribunal. This prolongs the stress and trauma of the application process, particularly for the most vulnerable and those with complex claims, as these are likely to be the ones going to Tribunal.

When victims apply for criminal injuries compensation, they also face many issues in relation to communication with the CICA. Applicants do not have access to a copy of their application form once it is complete. They do not receive updates on their case or even acknowledgement of receipt when evidence they have submitted is received by the CICA. This means victims and their representatives must contact the CICA themselves if they want assurance that the information has been safely received. Again, incrementally, this adds to the stress of making a claim.

To further add to this stress, when victims call the CICA customer service centre they must pay up to 10p a minute from a landline and up to 40p a minute from a mobile phone. With a lack of automated updates, if victims want to know what is happening in their case they can either complete an online contact form and wait for a reply, or call the customer contact centre and pay the costs themselves.

The CICA are currently undertaking work to develop an online portal which should address a number of these issues. A new simplified application form is being trialled with victims of sexual violence. We welcome this simplification of the process for victims of sexual violence.

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and would like to see the approach extended to all applicants as soon as possible. The project to further digitise the application process through the development of an online portal is in agile development and the timing of its final release for all victims has not been set. The online platform would help all victims to use this improved application process sooner, reducing trauma and waiting times for victims.

The Scheme is complex and awards are based upon a detailed tariff of payments. This means that many victims (and sometimes, those who are advising them) struggle to understand how much they might be entitled to receive. Those who represent themselves when making an application find it difficult to ascertain whether they have received a fair or reasonable offer, which prompts some to simply accept the award at initial offer stage as they do not feel qualified to challenge.

Lawyers and charities feedback that on occasions they deal with similar cases which attract different levels of payment. Lawyers who specialise in handling these applications report that they can refer up to 60 per cent of their initial decisions to the CICA internal review (and in smaller numbers, to the Tribunal) as they are able to challenge the awards on offer. They claim that in a reasonable proportion of these cases, the challenge results in a higher amount being offered (albeit this process incurs further delay for the victim). This might imply that many of those victims who opt to represent themselves may be accepting amounts that are less than they might be entitled to.

When challenged about this, the CICA staff talk about the range of awards depending upon the impact upon the victim. They regard a decision to vary an award at review or at the Tribunal as not necessarily implying the initial award was incorrect.

Having considered all of this feedback, the impression we have is a system of such complexity that determining a final award might never be described as a precise science. We do not underestimate the complex range of physical or mental injuries (or in many cases, a combination of both) that the Scheme is required to consider, but if there is scope to simplify the tariff, it would enhance the transparency of the Scheme, speed up the processing of claims and reduce the need to challenge. We consider these to be worthy objectives, in that greater clarity would enhance victims’ understanding of their potential entitlement, which in turn might empower them to challenge. This clarity and empowerment can only enhance the victim experience applying for compensation.

Criminal injuries compensation is billed as a scheme of last resort. As such victims are encouraged to follow other avenues of compensation such as civil claims. Interim payments can be made to victims by the CICA which should then be returned to the public purse in the event of a successful civil claim. However, this is not applied consistently in practice. One victim that took part in the review was able to claim criminal injuries compensation whilst his civil case was pending, another’s claim was put on hold until such time as the civil case has concluded.

There needs to be more clarity regarding procedures for victims who wish to pursue a civil claim.

**Targeted support for victims applying for criminal injuries compensation**

“When you are going against CICA it’s so faceless that you feel as though you are shouting to an echo in a cavern.” (interview 18)
A High Court ruling against Victim Support Scotland (D against Victim Support Scotland, Dec 2017) has had a significant impact on their policy on supporting victims through their application for compensation. As a result, Victim Support Scotland have dropped all representation of victims in claiming criminal injuries compensation, whereas Victim Support England and Wales will continue to support victims who are still going through the system but will not take on any new cases. Both Victim Support Scotland and Victim Support England no longer provide advice and guidance about eligibility for criminal injuries compensation, but will provide emotional support for victims going through the process. This has had a knock-on effect on other charities who are also now less willing to support victims applying for criminal injuries compensation following the Scottish ruling.

The complexity of the scheme and the vulnerability and ongoing trauma experienced by many victims leads them to request that a third party represent them in making their claim. Equally, there will be many others who make their application themselves, but in the past, they have been able to rely upon the advice and guidance of victims’ support services or charities in doing so. Currently 39 per cent of criminal injuries compensation applicants (nearly one in four) are represented by a third party. We were surprised this figure was so high. It is an indication of how victims view the complexity and/or potential trauma presented by the process of submitting and pursuing an application.

Throughout the review, we were often told by the CICA that the scheme was sufficiently accessible, and that most victims should be able to make their own application (although the above data might suggest otherwise). However, the CICA acknowledge that in certain complex cases, or cases that are going to the Tribunal, they do advise the victim to seek legal advice. Legal representatives can charge up to 25 per cent of the award in payment. Seventy-five per cent of victims who reported in our survey that they had chosen to use a lawyer for their application, did so because they were too traumatised to apply for themselves or they found it too difficult. We sensed that victims who are most vulnerable or traumatised, and those with the most complex cases, are most likely to have to rely on legal representatives, thereby losing large proportions of their awards in fees. The taxpayer funds the Criminal Injuries Compensation Scheme in order to provide assistance to victims of crime, yet millions of pounds from this pot of money is being paid out in legal costs.

In the absence of representation, advice and guidance by commissioned victim support services, PCCs need to seek alternative ways to ensure that the most vulnerable and traumatised victims, and those with highly complex cases, receive appropriate support through their application for criminal injuries compensation.

Only 12 out of the 28 PCCs who took part in the review included support for victims applying for criminal injuries compensation in their tenders to commission victim support services. All PCCs should ensure that provision for emotional support, advice and guidance, and if necessary representation in respect of criminal injuries compensation, is included in the commissioning of victim services.

Following the Scottish judgment, we accept that it is likely that some of this support will have to be commissioned from legal practitioners. We accept that this will come at a cost. This legal support will therefore have to be targeted on the most vulnerable of victims, those who are assessed as unable to make their own application. The important point is that the cost should be borne by commissioned victim support services (funded by PCCs) and not by the victim.
Equally, in cases of significant complexity, where the CICA recognises that the victim needs legal assistance, it would be fair that this cost be met by the CICA and not by the victim.

In the case of all other victims, reducing the reliance upon third parties to help them through the process of claiming criminal injuries compensation can only be achieved by simplifying and de-traumatising the process, as set out above. Possibly a measure of the CICA’s success might be the proportion of applicants who feel compelled to go through a third party in making their application.

When victims require legal representation at Criminal Injuries Compensation Tribunal, legal representatives charge fees from final award. If the Tribunal overrules the CICA’s decision, and that the decision was based on the same information as the CICA had available, it cannot be right that victims must pay the cost of up to 25 per cent of their award. In such cases the Tribunal should be given the power to award costs against the CICA.

**Making victims aware of their entitlement to claim**

“It was only when I joined a therapy group that it was mentioned then. That’s when I went ahead. I didn’t know it was only by word of mouth it wasn’t a procedural effect if you like.”

(Interview 14b)

Just over a third of victims (36 per cent) who took part in the online survey found out about their entitlement to claim criminal injuries compensation from the police and a similar number heard about criminal injuries compensation from local victim services (37 per cent), the rest found out through other avenues such as friends or family (11 per cent) or searching the internet (11 per cent). Two per cent found out about criminal injuries compensation through the CPS. This, along with the fact that the recorded rise in recent years in violent crime has not been met with a rise in applicants to the CICA in the same proportions, is an indication that victims are not always being told about their entitlement to apply for criminal injuries compensation through the official channels that are there to support and inform them. We do accept that some victims may decide not to apply because they cannot face the trauma of the application process.

If potentially almost two thirds of victims are not being made aware of their entitlement to criminal injuries compensation by the police, and a similar proportion are not being told about it by victim services, this is worrying. It suggests that thousands of victims are being left to find out for themselves or not finding out at all and going without access to funds intended to assist them in their recovery from the physical and psychological harm that has been done to them.

More needs to be done across the criminal justice system to raise awareness of the Criminal Injuries Compensation Scheme. This must include all practitioners who come into regular contact with victims. Otherwise, victims of serious violent and sexual crimes, struggling to cope and recover from the impact of those crimes, will not receive the financial support that they are entitled to.

**The two-year cut off point**

“People are sometimes misled. The call handler will not necessarily explore reasons why someone might have good reason with their application and that is why it’s late. They don’t bend over backward to go into that with them. That’s a problem. Even recently we have had
people ring us up and say I’ve been told I am out of time and the reasons why I am out of time have not been explored.” (interview 11)

Evidence from this review indicates that police and the CPS along with some well-meaning victim support services routinely advise victims not to apply for criminal injuries compensation until after the court trial, so that it cannot be used against them by the defence. We sympathise with their reasons for giving this advice as we are aware that victims are being challenged in the witness box that their complaints are false, and are being driven by a desire to seek compensation.

With certain categories of cases taking longer to get to trial, in particular sexual violence cases, this often means that victims who delay their claim can end up applying after the two-year application deadline.

In their evidence to this review, the CICA state that it has relaxed the guidelines on how the two-year rule is applied and there is more scope for discretion, particularly in cases of sexual violence. Nevertheless, some victims report that they are still being turned down initially because they have applied after the two-year deadline; however, after challenging the decision, they have had it overruled at review. We suspect that there may be victims who do not challenge this decision and therefore do not receive compensation.

We understand the need for a cut-off point and we also understand why some victims are being advised to apply after trial. We welcome the CICA’s relaxing of the guidelines but remain concerned that there may still be victims who are having to challenge in order to benefit from this greater discretion.

We believe it would be better to remove discretion and make the extended timeline more transparent. For example, one option might be that victims are given two-years from reporting the incident to submit a claim, or alternatively, one year from the end of the trial, whichever date is later. This would offer more transparent framework for victims, CICA staff, police, the CPS and victim service providers. It would stop victims from missing the deadline for fear of their application being held against them, and would give victims a chance to apply after they have had some time to recover following the trial.
Recommendations

Based upon the findings and conclusions of this review, the Victims’ Commissioner makes a number of recommendations to enhance the accessibility and transparency of the Scheme and to improve the victim experience when making a claim.

On 18 December 2018, the Ministry of Justice announced the terms of reference of its own review of criminal injuries compensation. The Commissioner would like to see these recommendations being considered as part of this wider review.

De-traumatising the Criminal Injuries Compensation Scheme

Many victims, lawyers and support services describe the traumatic impact upon victims who make a claim under the Scheme. The trauma can be triggered by a number of aspects, including recounting the events leading to the crime, constantly having to repeat their story, the frustration of an impersonalised service and uncertainty arising from lack of updates. Victims required to submit further evidence are given just 28 days to respond and are told their claim might be terminated if the deadline is not adhered to. Victims are anxious about claiming compensation before a trial in case they are challenged on this by defence barristers at trial.

A service which is intended to provide support and assistance to victims should not inadvertently have a detrimental impact on their ability to cope and recover.

The Victims’ Commissioner makes the following recommendations to address this:

- The CICA currently offer a named contact to bereaved victims in fatal cases. It is recommended that the CICA extend this to offer all victims a single point of contact or named caseworker to avoid them having to repeat their stories, and to build a relationship of trust between victims and the CICA;
- The CICA should consider how the victim might be able to communicate directly with their single point of contact in a way that avoids going through the customer service centre, so that communication is less stressful for victims and more productive for both parties.
- The CICA should consider how to provide victims with proactive communication on the progress of their claim, including a clear summary of key milestones in the claims process.
- The CICA should put in place arrangements for victims to routinely receive confirmation of receipt of documents.
- The MoJ to consider investing further in IT processes to develop the CICA online portal for all applicants as a matter of priority, thereby enabling victims to track the progress of their claims on line.
- The CICA, MoJ and Home Office should develop pathways for information to flow direct to the CICA from other agencies, in particular, the police, so that victims are no longer subjected to the trauma of having to explain the details of the crime committed against them on the application form.
- The CICA should consider how to communicate the deadlines for victims to return medical and other evidence so as to avoid causing anxiety and frustration on the part of the victims.
- As part of its review, the MOJ should consider extending the application deadline for submitting a compensation claim to two years after reporting the incident, or, one year after the trial has concluded, whichever date is the latest, thereby giving victims the option to submit their claims once the trial is complete.
Compensation without re-traumatisation: The VC’s Review into Criminal Injuries Compensation

Simplify the Criminal Injuries Compensation Scheme

Most victims we spoke to had waited months and in some cases years for their claims to be assessed. Many did not understand how their award had been calculated. Solicitors claimed that they were referring up to 60 per cent of cases to review. Police and prosecutors did not understand how the Scheme operated and some victims had been erroneously advised only to claim post trial. Victims whose compensation claims were being held in trust expressed frustration about the restrictions imposed by the CICA. Complexity of the Scheme was the second most cited reason for victims instructing solicitors to act on their behalf.

The Victims’ Commissioner makes the following recommendations:

- As part of its forthcoming review, the MoJ should examine the Scheme with a view to making it simpler. This in turn would make the Scheme more accessible to victims wishing to apply on their own behalf, reducing the reliance upon legal representatives, truncating the amount of time taken to process a claim and reducing the need for reviews.
- The CICA and the College of Policing should work together to develop further training for police officers on victims’ entitlements and the operation of the Criminal Injuries Compensation Scheme.
- The CICA should clarify guidance procedures for applications and interim payments for victims who pursue a civil claim so that victims have a better understanding of their eligibility to claim.
- The MoJ as part of its forthcoming review should reconsider the fairness (and potential conflict of interest) of the current policy on awards held in trust being returned to the CICA in the event of the victims’ death.
- The MoJ should consider, as part of its review on criminal injuries compensation, whether there is sufficient flexibility in decision-making regarding how awards held in trust can be spent if the money will pay for on-going support of the victim.
- HMICFRS should consider including in their PEEL inspections an assessment of police performance in notifying victims of their entitlement to apply for criminal injuries compensation, as well as to monitor the speed with which forces respond to requests by the CICA for information.
- The NPCC should consider requesting forces to add information about criminal injuries compensation to notifications about the outcome of the investigation.
- HMCTS should consider adding information about criminal injuries compensation to notifications about the outcome of trials.
- HMCTS should consider funding development and implementation of online criminal injuries compensation Tribunals with a view to speeding up the appeal process and making it more accessible to victims.

Support victims in claiming for compensation

This review has highlighted the variation in the level of support victims can expect to receive in submitting their application for criminal injuries compensation. The Scottish High Court ruling in the case of D against Victim Support Scotland, Dec 2017, has prompted Victim Support and other charities to withdraw their support to victims wishing to make a claim. Nearly 2 in 5 victims appoint a third party to make claims on their behalf. Whilst simplifying and de-traumatising the process might give more victims the confidence to make claims without representation, there will always be vulnerable victims who need assistance or complex cases that need legal input.
The Victims’ Commissioner makes the following recommendations:

- The **MoJ** should fund PCCs to commission legal advice and representation for the most vulnerable and traumatised victims who wish to claim criminal injuries compensation. Their needs will be greater than most and without this legal support many will have no option other than to hire solicitors on a no win no fee basis, thereby losing a significant amount of their final award.

- The **CICA** occasionally identify complex cases where they recommend to victims that they instruct solicitors to act on their behalf. In this small proportion of cases, it is only fair that the CICA be funded in order to meet in part or in full these legal costs. The input of solicitors in such cases can only assist with case progression, which in turn assists the CICA in being able to make a final offer.

- The **MoJ**, as part of its review into criminal injuries compensation, should consider whether the Tribunal should be given the power to award costs against the CICA in cases where it makes a revised and increased award on the basis of no new or additional material. At present, if a CICA award is overturned by the Tribunal, the victim will have to pay for their legal costs in bringing the challenge to the Tribunal and in certain circumstances, this cannot be fair.

- Accessibility of the Criminal Injuries Compensation Scheme is an important measure of its success. The **CICA** should continue to monitor and report upon the proportion of applicants who claim through a third party. A rise or reduction in this proportion reflects how accessible victims perceive the Scheme to be.

- There is a significant variance in the approach of PCCs to providing support through commissioned victim services in claiming criminal injuries compensation. The **APCC** should consider whether to issue guidance to PCCs on this issue, particularly in light of the impact of the December 2017 ruling in the Scottish courts.

**Other Recommendations**

We were surprised that nearly two-thirds of victims who responded to the survey did not find out about criminal injuries compensation from the police and nearly two-thirds did not find out about it from local victim support services. Many victims are left to find out this information themselves and may not be receiving the information they need to know about their entitlement to claim criminal injuries compensation as set out in the Victims’ Code. We also note that despite the upward trend in violent crime and increased reporting of sexual crimes, the number of claims received by the CICA has stayed reasonably static in recent years. This might suggest that there are hundreds, potentially thousands of victims, who are simply unaware of their entitlement to compensation or feel unable to withstand the process of making a claim.

We also received information from victims about aspects of the criminal injuries compensation process that caused us concern.

The Victims’ Commissioner makes the following recommendations:

- As part of its review of the Criminal Injuries Compensation Scheme, the **MoJ** should consider how it might improve the publicising of the Scheme and how agencies can monitor and be sure that the Scheme is being brought to the attention of eligible victims who contact their staff.

- The **CICA** should review its online information and online profile to see how it can be improved, making it easier for victims to contact them. For example, an online search highlights four private companies ahead of the CICA site.
The only way victims can contact the CICA for a progress check is by telephone. At peak periods this can be a frustrating experience and victims have to pay up to 10p per minute if they are calling from a landline, and up to 40p per minute if they call from a mobile phone. The MoJ should consider reviewing call charges to the CICA. The CICA should consider offering a call back service.

As part of the MoJ review of the Criminal Injuries Compensation Scheme, it should consider whether there is greater scope for discretion when considering claims by victims who have unspent convictions. This consideration should be based upon our improved understanding of the impact of child sexual abuse and exploitation and child criminal exploitation, as well as other crimes involving coercive control, and the causal link in criminalising many of these victims.

As part of its review of the Criminal Injuries Compensation Scheme, the MoJ should consider the devastating impact of refusing compensation to bereaved victims on the basis of the conduct of the deceased. One option might be to base the consideration of conduct on that of the recipient as opposed to that of the deceased.
Appendices

Appendix 1

Criminal Injuries Compensation Scheme paragraphs 87-89: Relating to the two-year deadline for applicants

Subject to paragraph 88, an application must be sent by the applicant so that it is received by the Authority as soon as reasonably practicable after the incident giving rise to the criminal injury to which it relates, and in any event within two years after the date of that incident.

88. (1) Where the applicant was a child under the age of 18 on the date of the incident giving rise to the criminal injury, the application must be sent by the applicant so that it is received by the Authority:
   (a) in the case of an incident reported to the police before the applicant’s 18th birthday, within the period ending on their 20th birthday; or
   (b) in the case of an incident reported to the police on or after the applicant’s 18th birthday, within two years after the date of the first report to the police in respect of the incident.

   (2) An application will not be accepted under this paragraph unless a claims officer is satisfied that the evidence presented in support of the application means that it can be determined without further extensive enquiries by a claims officer.

89. A claims officer may extend the period referred to in paragraph 87 or 88 where the claims officer is satisfied that:
   (a) due to exceptional circumstances the applicant could not have applied earlier;
   and
   (b) the evidence presented in support of the application means that it can be determined without further extensive enquiries by a claims officer.
Appendix 2

CICA online application form: Incident details and reporting details
Compensation without re-traumatisation: The VC’s Review into Criminal Injuries Compensation

### Reporting details

While making your application, please avoid using the back button on the browser as this may lead you to having to re-enter information.

**When was the incident reported?**

<table>
<thead>
<tr>
<th>Date</th>
<th>01/10/2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Time</td>
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</tr>
<tr>
<td></td>
<td>17 [minutes]</td>
</tr>
</tbody>
</table>

Please select which police force the incident was reported to

- [ ] Greater Police

Who reported the incident?

[ ]

**Name and address of the police station where the incident was reported**

<table>
<thead>
<tr>
<th>Line 1</th>
<th>Line 2</th>
<th>Line 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>CRIMINAL INJURIES COMPENSATION</td>
<td>ALEXANDER BAIN HOUSE</td>
<td>15 YORK STREET</td>
</tr>
</tbody>
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<table>
<thead>
<tr>
<th>Town/City</th>
<th>Postcode</th>
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<td>GLASGOW</td>
<td>G2 8JQ</td>
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**If you are applying from outside the UK the address finder will not work so you must enter your address manually. Please do not use the separate postcode field as it will only accept a UK postcode. You can add a non-UK postcode after the name of your town or city in the comments field.**

**Save & return to my applications**

**Next**
Appendix 3

College of Police training on criminal injuries compensation

The College of Policing publish learning standards which describe the desired learning outcomes for students in different areas of policing.

Individual Chief Constables have autonomy about how the training is delivered.

The College of Policing produce learning resources such as trainer guides and e-learning packages which can be used by local learning leads to design and deliver local training.

The learning standards underpin all pre-join qualifications for any policing role, which includes: the Special constabulary training courses, Police Community Support Officer’s (PCSO) training and Police Officer’s basic training. All are formally required to have a reference to victim compensation and the Criminal Injuries Compensation Authority (CICA).

Criminal injuries compensation and the CICA are referenced in the learning standards in 4 places:

- In the learning delivered on the Victims’ Code (in ‘entitlements’);
- The point where victim or witness statement taking is taught;
- In a section explaining the role of support agencies, to police staff (the CICA is one of the agencies explained) and;
- In a standalone section entitled ‘Compensation’ (where the detail is described regarding how a victim may apply, what documents should be completed, desired contact routes, and how to manage any other evidence required to support the claim (so the Police can provide advice to the victim).

Further detail is provided within Authorised Professional Practise available at the links below:


https://www.app.college.police.uk/app-content/investigations/linked-reference-material/?highlight=cica?s=cica
Appendix 4
Compensation without re-traumatisation: The VC’s Review into Criminal Injuries Compensation

Police evidence returns

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<tr>
<th>Police Force</th>
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<tr>
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Total number of cases: 18,347
Compensation without re-traumatisation: The VC’s Review into Criminal Injuries Compensation

Proportion of total requests made to police forces for information, by police force (Apr’18 to Sep’18) (%)

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<thead>
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<th>Proportion (%)</th>
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<tr>
<td>Derbyshire</td>
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<tr>
<td>Devon &amp; Cornwall</td>
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<td>Dorset</td>
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</tr>
</tbody>
</table>

Base: 18,347
Compensation without re-traumatisation: The VC’s Review into Criminal Injuries Compensation

Proportion of cases (Apr’18-Sep’18) where targets were met for form return, by police force (%)

- Proportion of cases where targets were met for form return (%)
- Target proportion (80% returned in less than or equal to 30 days)

Base: 18,347
Compensation without re-traumatisation:
The VC's Review into Criminal Injuries Compensation