

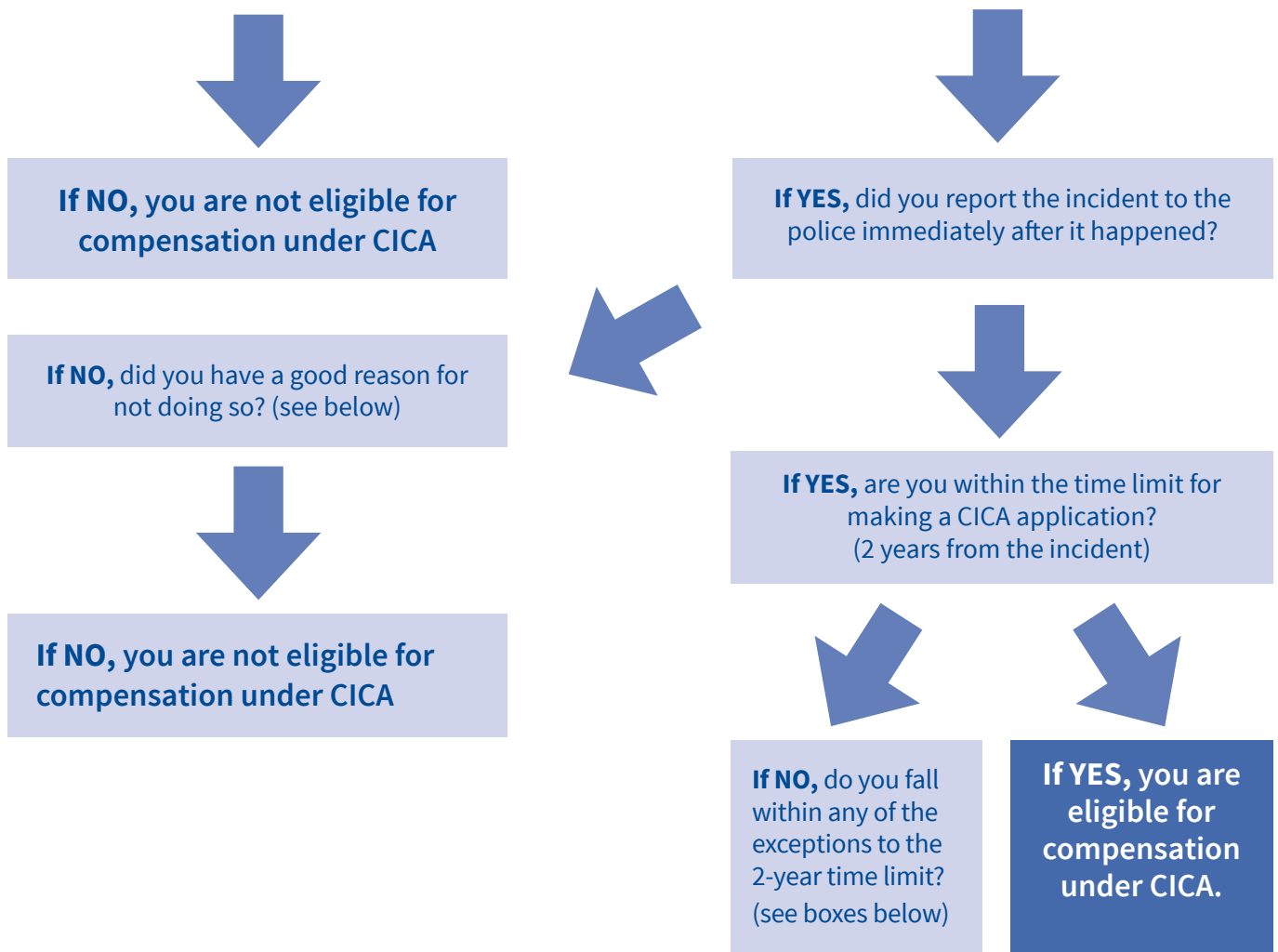


Queen Mary
University of London

Are you eligible for Criminal Injuries Compensation?

qmul.ac.uk

Are you a direct victim of a violent crime or are you a qualifying relative of such a victim?



What are 'good reasons' not to have immediately reported to the police?

All circumstances will be considered, but particularly:

- if you were too young to report the incident yourself;
- if you lacked the mental capacity to report the incident; and/or
- if your injuries prevented you from immediately making a full report to the police.

You must report the incident to the police even if you have already reported it to someone else (e.g. school, workplace etc.). You must do so straight away to have the best chance of success.

However, if you have not reported the incident, it is still worth applying. Please note that forgetting or not knowing to report the incident may not be considered as a good reason.

What are the exceptions to the 2-year limit?

The time limit may be extended if the application could not have been made earlier because of exceptional circumstances and you will need to show evidence of this.

If your incident was reported before you turned 18, but no CICA claim was made for you, you will have time to make an application up until your 20th birthday.

If your incident took place before you turned 18 but was not reported to the police at that time, you will have 2 years to make a CICA application from the day you report your incident to the police. The CICA decision makers have discretion to allow you to make an application, if they can make a decision without having to make extensive further enquiries - so it may still be worth you applying even if you are out of time.

Full descriptions of words and terms can be found in the glossary.

If your injuries are not serious enough to fall within the tariff of injuries, the Government has introduced a **Hardship Fund**.

It is the expectation that you take all reasonable steps to obtain compensation through other methods i.e. social benefits or insurance before applying.

Pre-application FAQs

Q	Where can I find the application form?	A	Please use the following form from the government website: https://www.gov.uk/claim-compensation-criminal-injury .
Q	Do I need a solicitor?	A	The application is designed for you to be able to complete yourself. A solicitor may be available on a 'no win no fee' basis. You may also be able to get support from organisations who have supported you through a criminal court process, local rights charities, law centres or CABs. If you do choose to get paid representation, CICA will not meet the costs.
Q	What do I need to have with me before making the application?	A	The application may ask you to provide the details of the police station you reported the incident to, the date and location of the crime, GP name and address, dentist name and address (if dental injuries), details of any unspent convictions. Ensure you have all these details readily available.
Q	How long do I have to complete the form?	A	You have 30 minutes once you begin to complete the claim, you are able to save your application as you complete it. The application should take no more than 20 minutes to complete.
Q	If I do not have internet access?	A	If you have no access to the internet or you are unable to use a computer or mobile device, you can call the following number to fill out the application over the phone: 0300 003 3601.
Q	What will they ask me?	A	On the next page is a short summary of the questions you can expect. Each application will vary slightly depending on your circumstances. They may also ask you to provide the following: <ul style="list-style-type: none">• the date and location of the crime;• the name of the police station where the crime was reported;• your crime reference number;• your GP's name and number; and• details of any unspent criminal convictions. Please have these details readily available before starting your application.

The application

1	Personal Details	<ul style="list-style-type: none">• Contact details, address and date of birth.
2	Facts of the Crime	<ul style="list-style-type: none">• Nature of the crime, which led to your injuries.• Date and location of the crime.• Police force the crime was reported to.• Crime reference number.• You will be given the option to briefly describe the crime in your own words. You should include as much detail as you can and try and do this in the order things happened.• You will be asked for the offender's name (if known) and if you have any contact details.
3	Injuries	<ul style="list-style-type: none">• You will be asked about the nature of your physical injuries.• You should include all of your physical injuries.• You will be asked about whether the crime caused you disabling mental health.• You have the option to describe how the crime has affected your mental health.
4	Evidence	<ul style="list-style-type: none">• You may be asked for your GP details and if you have received treatment for physical or mental health. You may be asked to provide evidence.
5	Your Money	<ul style="list-style-type: none">• You will be asked if you have lost money as a result of the crime.• Think about anything you might have spent or lost as a result of what happened, such as taxi receipts or time off work.• You will be asked if you have received any other compensation for the injuries.

You may still be eligible for an award even if the offender is not known or convicted.
CICA will never contact an offender. This is to ensure they do not have access to any reward.

What happens next?

You will receive a reference number. Use this whenever contacting CICA about your claim.

Your claim will be assessed on:

- the information you provided in your application;
- information from the police, including the evidence you gave them (such as your witness statement or interview);
- your criminal record; and
- medical evidence (if needed).

Medical evidence

Sometimes CICA may instruct an expert and they will inform you of this and organise the appropriate medical records to be gathered. This may cost up to £50 but can be deducted from the award at the end, so should not be an upfront cost. You might also need to attend a psychological assessment if you are claiming compensation for mental injuries.

The award is decided on a tariff basis. You can have a look at the tariff chart here: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/808343/criminal-injuries-compensation-scheme-2012.pdf.

CICA will contact you if they need more information and when they make a final decision. Do not worry if CICA do not contact you immediately, claims can take a while to process.

Appealing the decision

If you disagree with CICA's decision, these are the steps you can take to appeal

STEP 1

Write to CICA and ask them to review the decision you disagree with.

- Respond within **56 days** of receiving a decision.
- Provide a formal letter with reasons why you disagree with their decision.
- Send the letter to the following address:

CICA, Alexander Bain House, Atlantic Quay, 15 York Street, Glasgow, G2 8JQ.



STEP 2

Appeal to the Criminal Injuries Compensation Tribunal.

If you disagree with the outcome of CICA's review from Step 1 because you are refused compensation or unhappy with the amount, you can appeal to the Tribunal. For more information about the Tribunal please see: <https://www.gov.uk/criminal-injuries-compensation-tribunal>.

You have **90 days** to appeal to the Tribunal from the date of CICA's review decision.



Appeal Process

- Download and fill in the following form: <https://www.gov.uk/government/publications/form-t210-appeal-form>.
- You must give reasons why you disagree with review decision.
- You must also provide the decision letter from CICA and documents supporting your case, for example, medical records or evidence of loss of earnings.
- Send the form, decision letter and documents to the address on the appeal form.

The Tribunal can uphold CICA's decision, increase or reduce your award, decide you should not get anything or ask CICA to make the decision again.

What happens after appealing to the Tribunal?

The Tribunal will send a copy of your appeal form to CICA. You should have a response in 6 weeks.

You have **1 month** to respond to the Tribunal with any extra information or arguments.



How your appeal will be decided?

The Tribunal will tell you if your appeal will be decided using either:

a) the paperwork in the case or; **b) a hearing.**

- If decided using paperwork, the judge's decision will be sent to you via post.
- If the case is to be decided in a hearing, you may be given at least 14 days' notice.
- You can request a hearing if you are unhappy that you were not given one.

What happens at a hearing?

- You will be asked questions about the crime and your injuries.
- You will present your case to the Tribunal (someone else can do this for you on your behalf, such as a lawyer, family member or friend).
- Witnesses will come into the hearing room to give evidence, and leave after giving evidence.
- You can ask questions during the hearing and make points at the end.
- You will normally get the decision on the day of the hearing.

Who will attend the hearing?

- Two or three Tribunal members; a clerk; a representative from CICA and any witnesses. A police officer who knows about your case may also attend if they can help.

Offenders do not usually attend Tribunal hearings.

Expenses

The Tribunal will give you details on claiming expenses for going to the hearing, such as travel costs.

Appealing the decision

If you disagree with CICA's decision, these are the steps you can take to appeal.

STEP 3

If you lose your appeal.

There is no right of appeal, however, you may be able to ask for a judicial review of the decision if you think the decision was wrong for a legal reason. The Tribunal may hear the case again.

Before applying for judicial review:

Before applying for judicial review:

- write to the Tribunal saying why you think the decision was wrong;
- ask for written reasons for the decision; and
- **you must do this within 1 month** of the date of the decision.



Applying for judicial review:

- get permission from the Upper Tribunal (Administrative Appeals Chamber);
- fill in the following form: <https://www.gov.uk/government/publications/form-n461-judicial-review-claim-form-administrative-court>; and
- return it to the address on the form.

You can find out more about appealing to the Upper Tribunal here: <https://www.gov.uk/courts-tribunals/upper-tribunal-administrative-appeals-chamber>.



Glossary

Appointed representative – someone you have asked and confirmed with CICA to represent you.

Balance of probabilities – CICA makes a decision based on the evidential test, evaluating evidence and determining whether it is more likely than not based on the facts.

Child – not limited to someone under 18, includes adult children and a child of the deceased born after the incident.

CICS/CICA – Criminal Injuries Compensation Scheme/ Authority.

Deputy or financial welfare guardian – if someone lacks capacity, you can apply on their behalf.

Direct victim of crime of violence – someone directly injured as a result of a crime of violence.

Disabling mental injury – affects your day-to-day performance at work or school, your relationships, or your sexual relationships, must be diagnosed by a psychologist or health professional.

Exceptional and justified risk – risk will not be considered exceptional if it was something that you might reasonably have been expected to do in normal course of your work – will consider whether the risk was unusual.

First-tier Tribunal (Criminal Injuries Compensation) – A court where an independent government decision-making body will listen to both sides before making a decision.

Immediate aftermath of an incident – period of time immediately following the incident at which you were present at or a loved one was injured as a result of a violent crime. This does not include being told later about the incident.

Judicial review – A court which will listen to the CICA and to you, and then make a decision about your award.

Main carer – person who meets the majority of care needs.

Multiple injury formula – the formula CICA use to calculate the amount of compensation you will receive in cases with multiple injuries. You will only receive compensation for the first three most serious injuries. 100% of the first injury, 30% of the second and 15% of the third.

No win no fee – a solicitor who will not charge if the case does not succeed, but will take some of the award as payment if successful.

Qualifying relative – someone who, when the victim died, was in one of the groups listed in paragraph 59 of The Criminal Injuries Compensation Scheme 2012.

Special expense payments – certain costs incurred as a direct result of incident, only considered if injuries mean you are unable to work for more than 28 weeks or have been incapacitated.

Tariff – for the purposes of the scheme, refers to payment/compensation awarded.

Further Resources:

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

<https://www.victimandwitnessinformation.org/>



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