

## **Criminal Injuries Compensation Authority – Update**

The Criminal Injuries Compensation Authority (CICA) Scheme was introduced in 1965 in order to compensate victims of violent crime.

On 27<sup>th</sup> November 2012 the Scheme was amended by the government and any application made after this date will be subject to the new rules. Many of these rules make it harder for victims of crime to obtain a fair level of compensation; this Factsheet is designed to assist.

Ordinary residence of the UK is an essential requirement under the Scheme although there are some exceptions.

Detailed below is a summary of the changes;

### **Exclusions as to who will be compensated under the Scheme**

- Railway employees who have suffered a mental injury as a result of witnessing or being involved in the immediate aftermath of offences committed on the railway are now excluded from bringing a claim under this Scheme.
- Those who have suffered as a result of an animal attack, where the animal has not been used to deliberately cause harm, are excluded from the Scheme.
- The death of a foetus due to a mother willingly ingesting harmful drugs with the direct or reckless intent to injure the foetus is not a crime of violence for the purposes of the Scheme.

### **Level of compensation for injuries**

- Multiple minor injuries will no longer be eligible for compensation Scheme; these include injuries such as partial deafness/blurred/double vision lasting more than 13 weeks but that are not permanent.

### **Claims for expenses incurred as a result of injuries**

- An Applicant will now only be able to claim for a loss of earnings if they have been in paid employment for 3 years before the incident or have a good reason for not being in work i.e. they have been in full-time education.
- Any loss of earnings will now only be compensated at a flat rate of Statutory Sick pay (currently £85.85 per week) even if you were earning much more money than that before the incident.
- Private healthcare costs can no longer be recovered from the CICA.

- In relation to other expenses they are only recoverable if they cannot be sought for free from another body i.e. the NHS.
- Where there is a need for continuing special equipment a deduction will be made for the amount for which the Applicant's existing equipment could be sold for.

### **Cost of medical evidence**

- The CICA will only pay for medical evidence if they think that the Applicant cannot afford to obtain it or the cost exceeds £50.
- Where the CICA has met the cost of obtaining medical evidence it may deduct up to £50 from the Applicant's damages to offset the cost.

### **Procedural Changes**

- Under the Scheme an Applicant will only have 56 days to request a review of an application if it has been refused by the CICA, this has been reduced from 90 days.
- The CICA can require repayment of all or part of an award if they consider that an Applicant has not cooperated reasonably in bringing an assailant to justice
- The CICA can also require a repayment of an award if they consider the Applicant has misled the claims officer in relation to a material aspect of their application
- In certain circumstances the CICA were allowed to refuse to grant an award if it was not deemed in the applicant's best interests to do so i.e. a vulnerable adult who might be targeted because of their compensation. However, this has now been removed as there is more provision for assistance for these people.

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