



### **Who should apply for Criminal Injuries Compensation**

You should consider applying for Criminal Injuries Compensation if one of the following applies to you: -

- 1) You have been physically or psychologically injured within the last two years because of a violent crime
- 2) Your parent, child, husband, wife or partner died within the last two years as a result of a violent crime
- 3) You have a close relationship with another person who has been the victim of a violent crime within the last two years where you were present when the crime took place or involved immediately afterwards, and your involvement in the incident caused you a psychological injury

### **Where compensation cannot be paid**

The Criminal Injuries Compensation Authority (CICA) cannot pay compensation in the following circumstances: -

- The crime took place outside England, Scotland or Wales
- You suffered only a single minor injury such as a black eye
- The crime took place more than two years ago, unless the CICA can still get enough information about what happened and there is a good reason why you did not apply before. Usually, the CICA will not accept a late application unless you were injured as a child, or your standard of English is poor or you have a learning difficulty
- You were the victim of sexual abuse or other sexual assault, which ended before October 1979, and you and the person who assaulted you were living together as members of the same family
- You were the victim of a road traffic accident, unless the vehicle was used deliberately to injure you

### **Other things which may affect your claim:**

#### **Helping the Police**

In assessing an application, the CICA normally ask the Police for a report on the incident, and the Doctor or Hospital which treated you for a report on your injury.

There does not need to be a conviction for the CICA to pay compensation, but it is important that you do what you can to help the Police.

The CICA will be checking on the following: -

- a) Did you report the crime to the Police or Authority as soon as possible after the incident?
- b) Did you help the Police investigate the case, for example by making a statement or going to an identity parade?
- c) Did you tell the Police that you were be prepared to go to Court and give evidence if the offender came to Trial?

### **Circumstances before, during and after an incident**

The CICA will refuse compensation or reduce the amount if: -

- a) You started a fight in which you were injured
- b) You agreed to take part in a fight in which you were injured or
- c) You provoked the person who assaulted or injured you, for example, by behaving in an aggressive or threatening way

### **Criminal Record**

The CICA may refuse compensation or reduce the amount they pay if you (or in the case of an injury which causes death, the victim) have a criminal record. This will depend upon whether the convictions are “spent” under the Rehabilitation of Offenders Act, and if not, on how long ago they were and how heavy the sentence was.

The CICA takes account of all “unspent” convictions, including driving offences, whether they are related to the incident or not.

### **Compensation**

There are two main types of compensation the CICA will pay: -

1. **Personal Injury Award** - You may receive a payment for your own pain and suffering whether mental or physical. You may be able to claim a separate payment for loss of earnings and special expenses.

You may also be able to claim a Personal Injury Award if you were present when someone very close to you was injured as a result of a violent crime and this caused you mental injury.

2. **Fatal Injury Award** - If your parent, child, husband, wife or partner has died as a result of violent crime, the CICA may be able to make an award because of your loss (currently £10,000 if there is just one person who is able to claim an award, or £5,000 each if there is more than one).

If you depended financially on the person who died, you may also be able to claim compensation for this.

The CICA can also refund funeral expenses to the person who has paid for the funeral.

### **Loss of Earnings**

You may be able to claim compensation for loss of earning as long as you have lost earnings or been unable to work for a full 28 weeks or more from the date of the injury.

The CICA will ask for evidence, such as written reports from your employer and your Doctor, so they can decide whether you are entitled to compensation for loss of earnings, and if so, how much.

If you receive DSS Benefits for your lost earnings, the CICA will take these from any amount they pay you.

### **Special Expenses**

You may be able to claim compensation for any specialist medical treatment or special equipment you need as a result of your injury. However, you can do this only if you have lost earnings, or been unable to work, for longer than 28 weeks from the date of the injury.

### **Victim Support**

Victim Support provides support and information for anyone affected by crime. If you need help, you can call the **Victim Support line 0845 303 0900**. You will also find details of your local Victim Support Scheme in the phonebook.

*Dunn & Baker – Here to help you*

*Disclaimer: The material contained in this fact sheet is for general guidance only. It is specific to the law of England and Wales, and represents a brief outline of the law current as at the date of the fact sheet. It is not intended to constitute, or to be a substitute for, legal advice specific to your case. Dunn and Baker will be responsible only for advice specifically given to you.*