

Criminal injuries compensation



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Criminal injuries compensation

If you have suffered an injury as the result of a homophobic or transphobic attack, sexual assault/abuse or domestic violence you may be entitled to financial compensation from the government. This factsheet tells you about the Criminal Injuries Compensation Claim and how Galop can help you.

What is a criminal injuries claim?

If you are a victim of a violent crime and suffer physical injury or mental trauma as the result of an attack you may be eligible for a financial award – this is called criminal injuries compensation.

The Criminal Injuries Compensation Scheme is funded by the government and is administered by an organisation called the Criminal Injuries Compensation Authority (CICA). Under the Scheme, each type of injury is given a financial value depending on the seriousness of the injury. CICA use this to calculate the total award.

What you can/cannot apply for

Criminal injuries claims cover a wide range of injuries. The minimum payment for a single injury is £1,000 and the maximum payment for a single injury is £250,000.

A claim can not usually be made for a single 'less serious' injury, such as a graze or small bruise. However, if you have suffered at least three 'less serious' injuries, such as cuts, a black eye, or severe bruising you could be eligible for an award for 'multiple minor injuries'.

You can not claim for mental trauma alone (i.e. where there was no physical injury).

In certain circumstances you may also be entitled to additional payments for loss of earnings, if for example, you are unable to work for more than 28 weeks. CICA can also award special expenses, such as help with care costs.

Who is/isn't eligible?

Anyone who has suffered an injury as a result of being a victim of a violent crime in England, Wales or Scotland can apply. You do not have to be a British citizen but the criminal injuries scheme does not apply to incidents that took place outside Great Britain.

However, the criminal injuries compensation scheme does have specific criteria that you need to consider.

What are the other criteria?

- Normally you would have to make a claim for an injury that happened within the last two years unless there were circumstances where this was not possible, such as suffering abuse in childhood.
- You must have suffered a physical injury or a disabling mental injury which can be medically verified (i.e. by a medical professional such as a doctor or consultant). For example, if you were assaulted, including sexual assault, or wounded in an attack you may be eligible. For a more serious mental trauma CICA will need a psychiatric diagnosis.
- Your injuries have to be serious enough to qualify for the minimum compensation award (see above).
- Usually you need to have reported the incident/ crime to the police (though sometimes there may be exceptions such as reporting to another organisation). However, you are still eligible to make a claim whether or not the perpetrator was charged.
- CICA will not pay an award if there is a continuing close link between you (the victim) and the offender and it is likely that the offender would benefit from your award. For example, if you were living with a partner or family member who inflicted the injury on you.
- CICA may take your own behaviour or conduct into account when deciding whether to award you compensation. For example, you may be refused an award (or get a reduced amount) if you have a recent criminal record.
- CICA will also check that your behaviour did not contribute to the incident where you got your injuries. This might include if, for instance, you acted aggressively or threateningly in a manner that was likely to provoke an attack or the use alcohol/drugs had contributed to the incident.
- Finally CICA may also consider the degree to which you co-operated with the police and other agencies before, during and after the incident relating to your claim.



How can you apply?

You *don't* need a paid representative such as a solicitor to apply for criminal injuries compensation. You can apply directly to CICA yourself, either online or by post. CICA can also provide advice on how to complete the form (tel: 0800 358 3601). Alternatively, you can get advice and assistance from your local Victim Support.

How can Galop help?

Some LGBT people may want to get help with their criminal injury claim from an LGBT organisation. If you live in the London area and have suffered a homophobic or transphobic assault, sexual assault or domestic violence, Galop can provide advice and assistance with your claim. For example, a Galop advice worker can help you:

- fill in the CICA application form
- contact CICA about the progress of your application and advocate on your behalf
- provide a letter to support your claim
- assist with an appeal, or sign-post you to specialist legal advice.

What happens after you apply?

Once your claim is submitted CICA will list all the necessary evidence that is needed to assess your claim. This includes confirmation from the police that you were a victim of a violent crime and a criminal conviction check. CICA may also need to contact your doctor and/or other medical specialist who can verify your injuries. Any claim for loss of earnings or special expenses will also need to be verified.

When CICA have all the evidence it will be assessed by a Claims Officer who will decide on the case based on the 'balance of probabilities'. This means that their decision is based on what is more likely to have happened than not have happened. Once CICA have made a decision they will contact you (or the agency representing you).

If your claim has been successful you have 90 days in which to tell CICA that you accept the award. Usually you will be sent a single 'lump sum' as payment.

How long does it take to assess a claim?

The length of time to assess a claim can vary depending on the circumstances of each case. CICA has to contact other agencies such as the police or hospitals to gather information and make an assessment. Sometimes it can take a long time to gather all the information necessary and Galop has found that it is not uncommon for applicants to wait for between twelve and fifteen months for a decision from CICA. Appealing a decision will also take additional time. Once a decision has been made to award criminal injuries compensation then the payment usually follows within a week or two.

Can you appeal a decision by CICA?

If you disagree with the decision, you can ask for your claim to be reviewed by another Claims Officer. This appeal must be submitted within 90 days of the decision and you will be asked to submit additional evidence to support your appeal. If you are still not satisfied with this decision, you can appeal to Tribunals Service dealing with Criminal Injuries Compensation which is independent of CICA – though you might need specialist advice by this stage.

For more information contact:

Galop

www.galop.org.uk

shoutline: 020 7704 2040

Criminal Injuries Compensation Authority (CICA)

www.cica.gov.uk

helpline: 0800 358 3601

If you have questions about the law or think that you might need legal advice Galop can refer you to Pink Law. Pink Law can provide free legal advice for the LGBT community. For more information contact Galop.

Always dial 999 if it is an emergency and you think you are in immediate danger.