

# Guide to: The Criminal Injuries Compensation Scheme 2012

## The Criminal Injuries Compensation Scheme (CICA)

- Established in 1964.
- Pays state compensation to the innocent victims of violent crime.
- It is possible to make a civil claim for damages as well, particularly if the assailant was at work.
- The maximum award is £500,000, and injuries must be serious enough to qualify for the minimum award of £1,000.

## Exceptions and exclusions

Applications must normally be made within 2 years of the injury, or by the victim's 20<sup>th</sup> birthday if they were a child.

Applications may be refused or reduced due to the applicant's conduct by:

- Not reporting the crime to the police, formally, at the earliest opportunity;
- Not co-operating with the prosecution, for example by not giving a statement or attending trial;
- Voluntarily becoming involved in a fight;
- Any other conduct making them undeserving of public money; or by
- Unspent convictions (except things like driving license points, discharges etc.).

There must be no likelihood of the assailant benefitting from the money, for example if they live with their victim.

## Procedure

The CICA contact the police for details of the incident, and doctors for details of the injuries. They may also ask for further information from the applicant.

It can be hard to know whether to get your own evidence such as a medical report before the CICA have assessed the claim.

If you are unhappy with the decision you can request the evidence relied upon, and can ask for the decision to be reviewed. If you are unhappy after the review you can apply for a tribunal hearing. The review or appeal can increase the award, make no change, or even reduce or refuse it.

### **Compensation**

There is a fixed tariff of compensation for various injuries. In addition a claim can be made for loss of earnings and other losses and expenses, but these are very limited.

Any state benefits available in the past or future are credited against the claim to reduce it so compensation is not paid twice for the same thing.

### **Legal representation**

The CICA stress that applicants do not have to use a representative, but the failure rate of applications is very high.

Solicitors generally charge on a no win-no fee basis a percentage of the damages (Hunt & Coombs charges 35%). Some charge on an hourly rate. Legal Aid is not generally available.

## Links & further reading

### Hunt & Coombs' web page on the CICA:

<http://www.hcsolicitors.co.uk/criminal-injuries-compensation-scheme>

### CICA:

<https://www.gov.uk/government/organisations/criminal-injuries-compensation-authority>

### CICA Scheme 2012:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/243480/9780108512117.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/243480/9780108512117.pdf)

### CICA's guide for applicants:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/351316/guide-to-the-scheme.PDF](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/351316/guide-to-the-scheme.PDF)

### CICA's detailed guidance notes:

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

### Tribunals website with judicial review decisions:

These decisions are when the court has ruled on how the CICA scheme should operate, and the CICA should follow them. However, the database only goes up to 2009 and is no longer maintained, and does not consider the new 2012 scheme. Much of the wording between schemes is the same, but you must make sure that the wording in the reported case is the same or similar to that in the 2012 scheme:

<http://www.cicap.gov.uk/Public/publicsearch.aspx>

For further information and advice concerning CICA and if you are eligible for a claim under the scheme please contact:

Richard Moon, Senior Solicitor on 01733 882800 or email [richard.moon@hcsolicitors.co.uk](mailto:richard.moon@hcsolicitors.co.uk) .

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With almost 100 legal and support staff, impressive accreditations across numerous professional bodies and a transparent fees structure, our culture and standards make us the ideal place for you to come whenever you need legal advice or practical support.

We hope that the information contained in this brochure gives you a useful summary of the CICA.

Please contact Richard Moon on 01733 882800 or visit our website for more detailed information at [www.hcsolicitors.co.uk](http://www.hcsolicitors.co.uk).

  
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