

A guide to the Criminal Injuries Compensation Scheme 2012

Criminal Injuries Compensation Authority

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SECTION 1 — Introduction

What is the Criminal Injuries Compensation Scheme?

1. The Criminal Injuries Compensation Scheme is a government funded scheme to compensate blameless victims of violent crime. Payment can never fully compensate for the injuries suffered, but it is recognition of public sympathy.
2. The Scheme is for people injured in England, Scotland and Wales (Great Britain). Northern Ireland has its own Scheme, as do many other countries.
3. The rules of the Scheme and the value of the payments awarded are set by Parliament. The Criminal Injuries Compensation Authority ('the Authority') administers these rules. Payments are calculated by reference to a tariff of injuries. In certain circumstances you may also be entitled to additional payments for loss of earnings and special expenses (see section 4 of this guide for more information).

Purpose of this guide

4. This guide is for blameless victims of violent crime or their representatives who are thinking of applying, or who have applied, for compensation under the Criminal Injuries Compensation Scheme 2012 (we call this 'the Scheme'). The 2012 Scheme applies to all applications received on or after 27 November 2012. Welsh language copies of the 2012 Scheme are available.
5. This guide refers only to the 2012 Scheme and aims to assist applicants in understanding the Scheme. It tells you how to make an application and how your claim will be handled and explains the eligibility rules and your responsibilities. This guide should be read in conjunction with the Scheme, which remains the authoritative document.
6. You can get a copy of this Scheme (or earlier Schemes and guides if you applied before 27 November 2012) from our website www.justice.gov.uk/victims-and-witnesses/cica.

What payments are available from the Scheme?

7. We can consider claims for the following:
 - personal injury following a single incident;

- personal injury following a period of abuse;
- loss of earnings;
- special expenses payments – to cover specific injury-related requirements which are not available free of charge from any other source;
- fatal injuries, including loss of parental services and financial dependency; and
- funeral payments.

Applying for a payment

8. The Scheme is intended to be one of last resort. We expect you to try to claim compensation from the person, or persons, who caused your injury or loss. You may also be able to claim from someone who was indirectly responsible for your injury. However, if you do not know who injured you, or your assailant does not have the means to pay you compensation, you can make a claim under the Scheme.

9. If you are trying or planning to claim compensation from someone else, you must tell us when you apply and you must keep us informed of progress with your other claim.

10. You must make your claim to us within two years of the incident. You should not wait to find out if other claims are successful. However, we will not make a final decision on your case until you confirm that you have exhausted other routes to compensation.

How do you apply for a payment?

11. We offer two ways to make a claim for compensation:

- Online, at www.justice.gov.uk/victims-and-witnesses/cica/apply-online; and
- By telephone. Our Customer Service Centre advisors can assist you to make a claim over the telephone.

If you wish to apply in the Welsh language, please download, complete and return a Welsh-language application form from our website.

12. Full details on the application process are provided at Section 3 of this guide.

13. If you are unsure about whether or not you are eligible for a payment, or have a question about the application process our Customer Service Centre staff will be happy to give you advice.

For advice about eligibility, or if you want one of our team to help you make a claim, please call **0300 003 3601**.

The team are available from 08:30 to 17:00 except Wednesday when we are open from 10:00 to 17:00.

14. Not all claims for compensation will be successful; you must be eligible under the rules of the Scheme. Eligibility requirements are provided at Section 2 of this guide.

Getting independent help with your application

Free independent advice

15. If you want free independent advice and help to complete your claim, this may be available from Victim Support or other charitable organisations.

16. Victim Support is an independent national charity for people affected by crime. Victim Support gives free and confidential support, and practical help to victims and witnesses of crime. This can include helping you with your claim. You can contact them by:

- telephoning the Victim Supportline on 0845 30 30 900 (England and Wales) or 0845 60 39 213 (Scotland);
- visiting their website at www.victimsupport.org.uk or www.victimsupportsco.org.uk; or
- emailing supportline@victimsupport.org.uk or info@victimsupportsco.org.uk.

17. Victim Support cannot provide legal advice.

18. You can also get advice from your local Citizens Advice service, a law centre, or from a welfare rights organisation. If you belong to a trade union, they may be able to help.

Paid representation

19. You do not need a paid representative (for example, a solicitor or a claims management company) to make a claim. If you choose paid representation we cannot meet the cost of this, and you will have to pay these costs yourself. Where someone is representing you on a 'no-win no-fee' basis this usually means that they will keep a share of your payment to cover their fees. You should always check how much of your payment will go to your representative before you agree to paid representation.

Other help

20. You can get a friend or a relative to make a claim on your behalf and/or represent you.

Applying on behalf of children

21. If you are applying on behalf of a child who was injured, you should complete the claim form, answering the questions as if you were the injured person. You will be asked to provide your details and proof of your relationship to the child.

Applying on behalf of an adult who cannot apply by themselves

22. If you are applying on behalf of an adult who cannot apply by themselves, you should complete the claim form by answering the questions as if you were the injured person you are representing, and sign the claim on their behalf.

23. You will also be asked to provide your details. In all cases where an adult lacks the capacity to make their own claim, we will need full details about your status and the extent of your legal powers as well as evidence that you are entitled to act on their behalf.

24. If the person does not already have someone who is entitled to act on their behalf, then you could consider applying to the Court of Protection for the appointment of a deputy (England and Wales) or a financial welfare guardian or for an intervention order (Scotland). There is more information at www.publicguardian.gov.uk (England and Wales) or

www.publicguardian-scotland.gov.uk (Scotland). This will allow the deputy or guardian to:

- authorise all the enquiries we need to make of others;
- decide whether to accept a payment on behalf of the injured person;
- ask for a review; or
- appeal to the First-tier Tribunal (Criminal Injuries Compensation).

25. In these circumstances we will also need you to give us medical evidence that the person you are representing lacks capacity, or is ‘incapable by reason of mental disorder’, within the meanings of the Mental Capacity Act 2005 (England and Wales) or Adults with Incapacity (Scotland) Act 2000.

If you were injured outside Great Britain

26. If you are a United Kingdom (UK) resident and were injured as a result of a crime of violence in another country which is part of the European Union (EU) we can help you apply for compensation from that country. Please call our EU Assistance Team on 0300 003 3601 or email eucat@cica.gsi.gov.uk. Details of compensation schemes in other countries can be found on the EU Judicial Atlas on the internet.

27. If you were injured outside the EU, you may be able to apply under a similar scheme operated by the country concerned. Please contact the Foreign and Commonwealth Office for more information.

28. If you were injured in Northern Ireland, you should contact:

The Compensation Agency
Sixth Floor Millennium House
25 Great Victoria Street
Belfast
BT2 7AQ
Telephone: 0300 200 7887.

29. If you were ordinarily resident in the UK and you were injured outside the UK in a terrorist attack, you may be able to claim under the Victims of Overseas Terrorism Compensation Scheme. Please see our website for more information at www.justice.gov.uk/victims-and-witnesses/cica/victims-of-overseas-terrorism.

SECTION 2 — Eligibility

Circumstances in which you may be eligible for a payment

1. You may get a payment if you:
 - were a direct victim of a crime of violence;
 - were not to blame for the incident;
 - sustained an injury while taking an exceptional and justified risk, while trying to remedy or prevent a crime;
 - sustained a mental injury as a result of witnessing or being involved in the immediate aftermath of an incident in which a loved one is injured; or
 - are a qualifying relative of a victim who has died from injuries caused by a crime of violence.

Direct victim of a crime of violence

2. A direct victim is someone who was directly injured by an assailant.
3. There is no legal definition of the term ‘a crime of violence’. Annex B of the Scheme does, however, describe the types of crimes of violence which can lead to an injury which can be compensated under the Scheme.
4. You may be eligible for a payment if the criminal injury you sustained resulted from:
 - a physical attack;
 - any other act or omission of a violent nature which causes physical injury to a person;
 - a threat against a person, causing fear of immediate violence in circumstances which would cause a person of reasonable firmness to be put in such fear;
 - a sexual assault to which a person did not in fact consent; or
 - arson or fire-raising.
5. The above will only constitute a crime of violence if there was intention on the part of the assailant to cause you harm, or if the injury sustained was

because of the intentional or reckless behaviour of an individual who was likely to have foreseen that their actions could cause significant injury to another, and proceeded to act regardless of this outcome.

6. An omission is considered a crime of violence if the omission could be described as being violent in nature (such as knowingly withholding something that another person needs to stay alive) and resulted in a physical injury.
7. We can also treat an act as a crime of violence where the assailant is not capable because of insanity and lacks the necessary mental capacity, or is a child who is below the age of criminal responsibility but understands the consequences of their actions.
8. You will not be eligible for a payment if the injury you sustained:
 - resulted from suicide or attempted suicide, unless the suicidal person acted with intent to cause injury to another person;
 - resulted from the use of a vehicle, unless the vehicle was used with intent to cause injury to a person;
 - resulted from an animal attack, unless the animal was used with intent to cause injury to a person;
 - was sustained in the usual course of sporting or other activity to which a person consented by taking part in the activity; or
 - was sustained *in utero* as a result of harmful substances willingly ingested by the mother during pregnancy, with intent to cause, or being reckless as to, injury to the foetus.
9. In paragraph 8, 'vehicle' means any device which can be used to transport persons, animals or goods, whether by land, water or air.

Claiming after a period of abuse

10. If you, or someone for whom you have responsibility, has been injured because of a period of physical or sexual abuse, you can make a claim for compensation.
11. If you were abused as a child, we appreciate that you may not have felt able to report the incident for some time after the abuse happened. No matter how long ago the abuse took place, you should report it to the police before you make a claim. We need to check with the police that the crime has been reported. If you have not reported the incident to the police we will refuse your claim.

Injured while taking an exceptional and justified risk

12. The Scheme can also compensate you if you are injured while trying to prevent or remedy the consequences of a crime (including where you were trying to help the police apprehend a suspected offender).
13. If you are making a claim under these provisions, we will need to be satisfied that you were taking an exceptional risk and that this risk was justified in all the circumstances.
14. When deciding if the risk was **exceptional**, we will consider if what you did was unusual, and was not something which you were trained to deal with. We will not compensate people who were injured while doing something that would be expected of them in the course of their normal employment.
15. When considering if the risk was **justified** we will consider all the circumstances, including the seriousness of the situation, and whether there was an immediate threat to those involved.

Being present at and witnessing or being involved in the immediate aftermath of an incident

16. You may be eligible to make a claim for a mental injury if you **witnessed, and were present at**, an incident in which a loved one was injured as the result of a crime of violence. You may also be eligible if you were **involved in the immediate aftermath of an incident** in which a loved one was injured.
17. When we say ‘immediate’ we are referring to the incident itself and not the events that might follow an incident (such as dealing with the police and medical authorities). By ‘aftermath’ we mean events that happened straight after the incident. For the purpose of this Scheme it will be taken to mean arriving at the scene of the incident before the victim is moved to another location.
18. If you are claiming a payment because you witnessed, or were involved in the immediate aftermath of, the injury of a loved one, you must have suffered a mental injury as a result. We will need a psychiatric diagnosis confirming that this is the case.

Fatal injuries

19. If you are the dependant and/or a close relative of a person who dies as a result of their injuries, you may be able to claim a payment. To be eligible for such payments you must be what the Scheme calls a 'qualifying relative'. This is someone who, when the victim died, was in one of the following groups:

- the victim's spouse or partner registered under the Civil Partnership Act 2004. You must either have been living together in the same household at the time of the deceased's death, or, if you were not living together, this must have been because of ill-health or infirmity;
- the unmarried partner of the victim, if you were living together as husband and wife or as partners of the same sex (although not registered under the Civil Partnership Act 2004), at the time the victim died and for at least two years before that;
- the natural or adoptive parents of the deceased, or a person the deceased accepted in the role of parent and who provided the deceased with parental services; or
- the child of the victim, or a person who the deceased accepted as their child and who was dependent on the deceased for parental services.

20. You may also be considered as a 'qualifying relative' if you are the victim's former spouse or partner registered under the Civil Partnership Act 2004 and were financially dependent on the victim at the time they died. In such cases you may be eligible to apply for a dependency payment. You will not be eligible for a bereavement payment.

21. The definition of 'child' is not limited to a person below the age of 18. It includes adult children and an unborn child of the deceased, conceived before they died and born alive after they died. The parents of a victim can receive a payment whatever the age of the victim.

22. You may be able to get a payment if the victim has died from their injuries, even if we made a payment to the victim before they died.

23. A person who was responsible for the death of a victim cannot get a payment as a result of the death.

24. We cannot make a payment to a qualifying relative if they were estranged from the victim at the time of their death.

25. As with all claims, if the behaviour of the victim led or contributed to the incident in which they were fatally injured we will not normally make a payment. Where a victim dies from their injuries we have to apply these rules to the victim and the applicant.

26. The character of the deceased, as shown by their criminal convictions, will not ordinarily be taken into account. However, we will refuse to make a payment where the deceased's convictions or crimes were so serious that to pay for their funeral, or to make other payments, would be an inappropriate use of public funds. Situations where we might consider it inappropriate to make an award will include where the deceased:

- was serving a custodial sentence at the time of the incident;
- had a long history of involvement in violent crime;
- was a known extremist who had incited hatred or violence; or
- was a known member of a gang which had been involved in violent crime.

27. We look only at convictions which are not 'spent' under the Rehabilitation of Offenders Act.

Timescales

Applicants aged 18 or over on the date of the incident

28. You must apply for a payment within two years of the date of the incident which led to you being injured. In exceptional circumstances we may extend this time limit but only where:

- the circumstances of your injury meant that we could not reasonably have expected you to apply within the two-year time limit; and
- the evidence you supply in support of the application means we can make a decision without further extensive enquiries.

29. In deciding whether there are exceptional reasons for you not to have applied earlier we will consider if:

- there is medical or psychiatric evidence available which shows that it was not possible for you to have applied earlier; and
- there is clear evidence available that there was a crime of violence and that you were the victim. We will make basic enquiries of the police, but you

will need to be able to provide evidence that you were a victim of a crime of violence and that you suffered an injury as a result.

30. We would not usually consider the applicant's lack of knowledge of the Scheme to be an 'exceptional reason'.

Applicants under 18 years of age on the date of the incident

31. If you are under 18, it is best if someone applies on your behalf as soon as possible. This is because it may be harder for you to provide evidence that you were injured as the result of a crime of violence if you wait until later.

32. If the incident or period of abuse was reported to the police before you turned 18, and no-one made a claim on your behalf, we will accept a claim from you providing that you make it before you turn 20.

33. If the incident or period of abuse took place before you turned 18, but was not reported to the police at the time, we will consider your claim if it is made within two years of the date when the incident was first reported to the police.

Residency and nationality

34. You will only be eligible for a payment if you meet the residency or nationality requirements. This means that you must have been ordinarily resident in the UK on the date of the incident or that one of the following conditions is met:

- you are a British citizen;
- you are a close relative of a British citizen;
- you are a national of a member state of the European Union (EU) or the European Economic Area (EEA);
- you are a family member of an EU/EEA national who has a right to be in the UK;
- you are a national of a State party to the Council of Europe Convention on the Compensation of Victims of Violent Crimes (CETS No.116, 1983);
- you are a member of Her Majesty's armed forces, or an accompanying close relative of an armed forces member;

- you have been identified as a potential victim of human trafficking on or before the day of your application; or
- you made an application for asylum to remain in the UK on or before the day of your application for an award.

35. More information on nationality and residency (including human trafficking and asylum) eligibility requirements is available in Appendix 1.

36. When we get your claim we will tell you what information we need from you to establish your residency and nationality and we will verify this as needed. If you do not supply information that we ask for, we may refuse your payment.

Further eligibility requirements

37. You cannot get a payment if:

- the incident or period of abuse which resulted in the injury was not reported to the police;
- you were injured before 1 August 1964;
- you have already applied for compensation for the same criminal injury, whether under this or any other Scheme (if you deliberately apply for compensation for the same injury more than once, you may be prosecuted for attempted fraud);
- the injury happened before 1 October 1979 and you and the person who injured you were living together at the time as members of the same family (the Scheme changed at this time);
- the injury happened on or after 1 October 1979 and you and the person who injured you were adults living together as members of the same family at the time and continue to do so;
- the person who injured you could benefit from your award because there is a continuing close link between you (the victim) and the assailant.

SECTION 3 — Application process

Making an application

1. To have your claim considered you must complete our application form. You can apply online at www.justice.gov.uk/victims-and-witnesses/cica/apply-online. If you do not have access to a computer or you would like help to complete your application, you can ask one of our staff to complete the form for you over the telephone (0300 003 3601).
2. The onus is on you to prove that you are eligible for a payment. This means that you will need to provide us with the evidence necessary to decide your case. In addition to the evidence you provide, we may get a report from the police and, where necessary, we will commission and pay for additional medical evidence.
3. We will not investigate your claim further until we know that you are likely to meet the basic eligibility criteria set out in Section 2 of this guide. Before we ask you for any evidence, we will try to speak to you, or your representative, on the telephone so that we can establish what evidence is needed to decide your claim. If you have indicated on your application form that you do not want to deal with us by telephone, we will use your preferred method of communication (email or letter).

Evidence

4. We will ask you to provide the following evidence:
 - proof that you meet the residency requirements;
 - basic medical evidence that shows you suffered an injury that can be compensated under the Scheme (in the case of a sexual assault this will only be necessary where you are claiming for an injury which requires a medical opinion).
5. We will collect the following evidence:
 - confirmation from the police that the incident in which you were injured was reported to the police;
 - confirmation from the police and/or witnesses that your behaviour did not contribute to the incident in which your injuries were received;
 - additional medical evidence, as required.

Medical evidence

6. When we agree what medical evidence is required you will be expected to meet the costs of providing initial medical evidence up to a maximum cost of £50. Where you can demonstrate that you cannot reasonably afford to obtain it, or the cost exceeds £50, we will consider meeting the costs. Where we do this, we will deduct the cost (up to the £50 maximum) from any payment.
7. We may need additional medical or other evidence if your injuries are complex or you are claiming for a mental illness. We may also need to check if you have any pre-existing conditions, if that has not already been covered in the initial medical evidence. In these circumstances we will either ask your treating practitioner for a report or we may arrange for you to be seen by another expert. Where we do seek additional medical or psychiatric evidence we will meet the cost of obtaining it.
8. If we ask you to see an expert, you must keep the appointment. We will meet the reasonable cost of you travelling to and from the appointment. If you miss the appointment, without good reason, we may deduct any costs we have to pay from any payment we make.
9. If you provide your own medical evidence in support of your claim we will not pay any share of this, unless we rely on it to decide the claim.
10. If you qualify for a payment under the tariff of injuries (as listed at Appendix 3) you may also qualify for a payment for loss of earnings. This will only be the case where your injuries resulted in you having no, or very limited, capacity for paid work. To claim loss of earnings you must be able to show that you were either in paid work at the time of the incident, you were in regular paid work for at least three years immediately before the date you were injured; or you had a good reason for not being in regular paid work for those three years. More information on claiming loss of earnings is available at Section 4.
11. You may also be able to claim for special expenses if your injuries mean that you need ongoing care and support which is not available free of charge from another source. More information on claiming special expenses is available at Section 4.

Your obligations

12. Paragraph 91 of the Scheme outlines the applicant's obligations. You must:

- make your application on the form available from us, either completing this online, or over the telephone;
- comply with any direction made or condition imposed by a claims officer. For example, by keeping any medical or psychiatric appointments and providing any documents we ask to see which support your claim;
- inform the claims officer of any other claims you are pursuing – or other proceedings you are involved in – in relation to the same injuries and keep us informed of the progress of such claims or proceedings;
- assist the claims officer, and any other body or person, as far as reasonably practicable in relation to the consideration of your application; and
- provide the claims officer with any change in your correspondence address as soon as reasonably practicable.

Your consent and signature

13. We will ask you to provide signed consent for the release of all the records, evidence and other relevant information about you and the circumstances of your injury. This will help us make the right decision about your claim. We look at:

- the evidence you gave to the police;
- criminal records; and
- additional medical evidence (if required).

14. If you are claiming for loss of earnings or special expenses we may also look at information about your income from the Department for Work and Pensions and/or HM Revenue & Customs.

15. We will ask you to confirm that the information you provide in your claim is true. If we find that you deliberately gave us false information or failed to give us information we asked for (for example, criminal records or details of other claims) we will refuse your claim.

How we will deal with your claim

16. When we have a fully completed application from you, we will give you a personal reference number which will help us to identify it quickly if you need to contact us.

17. One of our regional casework teams will handle your claim. If you phone for advice or an update on your claim, you will speak to one of our Customer Service Centre advisors. We will always try to answer your query while you are on the line but if we can't do this, we will arrange to get in touch with you at a convenient time.

18. The length of time needed to assess your claim will vary depending on how complicated it is. For example, claims involving loss of earnings and special expenses will take longer than those involving only a payment made under the tariff of injuries. We will not finalise your claim until you confirm that you have recovered, as far as possible, from your injuries.

19. When we have all the evidence we need to decide your case, it will be passed to a claims officer. Claims officers decide cases on what is called 'the balance of probabilities'. This means that their decision is based on their view of what is more likely to have happened than not to have happened.

20. We will inform you of our decision on your claim as soon as it is made. If we have reduced or refused a payment, we will tell you why. We will send you information about what to do if you don't agree with our decision.

SECTION 4 — Payment types and their qualifying conditions

1. The Scheme provides compensation payments to those with the most serious injuries and those who have been the victim of the most distressing crimes. We are able to consider a claim for one or more of the following types of payment:

- injury payments;
- loss of earnings payments;
- special expenses payments;
- bereavement payments;
- child's payments;
- dependency payments;
- certain other payments in fatal cases;
- funeral payments.

2. You may be eligible for a payment under the Scheme if your criminal injury is described in the tariff of injuries which can be found at Appendix 3. If you already had an injury which is listed in the tariff but it has been made worse as a result of a crime of violence you may still be entitled to a payment. Where the value of the acceleration or exacerbation of an existing condition is less than £1,000, no payment will be made.

3. If you suffer a mental injury as a result of a sexual assault, we will pay you either the tariff value for the type of assault or the value of the mental injury. We will pay whichever has the highest value; you will not receive a payment for both. This is because the tariff for a sexual assault takes account of the mental trauma.

4. If you need to have an operation as a result of the injury you will not receive a separate payment for scarring arising from the operation.

What happens if you have more than one injury?

5. If you have two or more injuries so serious that each, on its own, would qualify, you will be entitled to:

- 100 per cent of the full tariff value of the most serious injury; and

- 30 per cent of the tariff amount for the injury with an equal or second highest value; plus
 - 15 per cent of the tariff amount for any additional injury with an equal or third highest value.
6. The Scheme does not allow us to pay for more than three injuries. However, there are additional tariff payments which you can receive if, as a direct result of your injury or assault, you:
- become pregnant;
 - lose a foetus; or
 - contract a sexually transmitted disease.

Loss of earnings payments

7. If you are unable to work as a direct result of a criminal injury you may be eligible to claim a loss of earnings payment.
8. Your criminal injury must be serious enough to have resulted in a total inability to undertake paid work, or a very limited capacity to do so. By very limited capacity we mean that the extent of your injuries means that you are not able to undertake more than a few hours of paid work per week. If you have capacity for paid work, but the type of work is limited because of your injuries, you will not qualify for a loss of earnings payment.
9. You must also be able to provide evidence to show that:
- you were in work at the time of the incident; or
 - you have an established work history, or a good reason for not having such a history, during the three years immediately prior to the incident; and
 - your loss lasted longer than 28 full weeks. The period of 28 weeks will usually run from the date of the injury. You cannot get loss of earnings for the first 28 weeks of loss.

Claiming loss of earnings

10. When we get your claim we will tell you what information we need from you and we will verify this as needed. You will be expected to provide evidence supporting your claim for loss of earnings. This might be pay slips or a P60 for

the period immediately before you were injured, or a formal offer of a job which you were unable to take up because you were injured. If you were self-employed, we may ask for a copy of your tax returns, or for correspondence from HM Revenue & Customs to show that you were in regular paid work.

11. We will calculate the length of any payment, beginning after you have lost 28 weeks of earnings up until whichever is earliest of:

- the day you are no longer incapable of any paid work;
- the day on which you will reach state pension age; and
- the expected end of life where the injury has shortened that period.

12. The loss of earnings payment will be made at a fixed rate per week of loss. The fixed rate used will be the rate of statutory sick pay in force at the date of deciding your claim.

Special expenses

13. The Scheme allows us to consider claims for certain costs referred to as 'special expenses' which you may have incurred as a result of your injury.

14. You can only ask us to consider a claim for special expenses if your injuries mean you have been unable to work, or have been incapacitated to a similar extent, for more than 28 weeks. We will, however, pay the special expenses from the date of the actual injury. This is different from the loss of earnings rule where we can pay only from week 29.

15. In order to qualify for a special expenses payment you must be able to prove that the goods or services, or something similar, is not available free of charge from another source. The expense must also be:

- necessary;
- incurred as a direct result of a criminal injury; and
- reasonable.

16. You may claim for damage to property or equipment belonging to you which you relied on as a physical aid and which was damaged in the incident. Examples would include walking sticks, spectacles and dentures. We will ask you for receipts for these.

17. You may also be able to claim for expenses such as NHS prescriptions, and dentists' and opticians' charges. We may consider meeting these costs only if you

had to pay them yourself. Again, we will need proof of this. You may be able to get help for some of these costs from the NHS. You can get more information about this from:

Health Benefits Division
Sandyford House
Archbold Terrace
Newcastle-upon-Tyne
Tyne and Wear
NE2 1DB
Telephone: 0191 203 5555.

18. If you require special equipment; for example, physical aids (including specially-adapted vehicles, wheelchairs and walking aids and kitchen implements to help people whose grip has weakened) you may be able to claim. If you have bought these, we will ask you for receipts or an estimate.
19. We may pay for adaptations to your home, which can include changes both inside and outside your home (such as a ramp or a stair lift) to improve your independence or ability to get around.
20. We may pay the cost of care relating to your bodily functions, or to the preparation of meals and supervision (to avoid substantial risk to you and others).
21. We may pay the costs of appointing someone to administer a mentally incapacitated applicant's affairs, and the costs of ongoing administration of those affairs.
22. We may pay the cost of setting up a trust where we have directed this under paragraph 106 of the Scheme, but not any costs associated with administering that.
23. Since we will meet costs only if they cannot be met by the NHS or your local authority, we will need to get a copy of the local authority care report showing what they will provide and what, if anything, additional will be needed.
24. We must avoid any double payment. So we have to reduce any payment for special expenses to take account of social security benefits you receive or could receive to meet any of the same expenses. If the benefit is available to you, we have to take account of it, whether or not you choose to claim it. The Scheme says that if you could receive any social security or other state benefits, we may defer making a decision until you have taken steps to claim them.
25. The rules on reducing payments to take account of insurance payments are

more complicated. For loss of earnings we will reduce the award if you have received money for the same loss from an insurance policy which someone else paid for or contributed to, but not if you paid for it yourself.

26. Where special expenses are awarded we will reduce your payment to take account of insurance paid, regardless of who paid the premium if you are claiming for things like adaptations to your home or personal care.

Bereavement payments

27. If you are a qualifying relative (as explained in Section 2) and were not divorced or estranged from the deceased at the time of death, you may be eligible for a bereavement payment of:

- a fixed sum of £11,000 if you are the only qualifying relative; or
- a fixed sum of £5,500 for each person who qualifies for a payment.

Child's payments

28. You may claim for a child's payment if the child is a qualifying relative who was under 18 at the time of death and dependent on the deceased for parental services. This is an amount of money to provide some small recognition of what a child loses as the result of the death of a parent, such as:

- love and affection;
- care and supervision;
- being taken to and from clubs and activities; and
- treats.

29. The entitlement to which a child's payment will relate begins on the date of death and ends on the day before the child's 18th birthday. The child's payment is £2,000 for each full year, proportionally reduced for part years. We calculate this as a lump sum.

30. We may also be able to pay an additional amount for such expenses suffered **by the child** as a direct result of the loss of parental services as a claims officer considers reasonable.

Dependency payments

31. You may claim for a dependency payment if you were a qualifying relative who was financially or physically dependent on the deceased at the time of their death.

Financial dependency

32. To be eligible, at the date of death the deceased victim must have been either:

- in paid work;
- not in paid work but had regularly been in paid work in the three years prior to the date of death; or
- not in paid work and had good reasons for not being so, for example, they were unable to work because they were in full-time education, or by reason of their age or caring responsibilities.

33. We will not make a financial dependency payment if the deceased relied on social security benefits as their main income.

34. The payment is calculated over the period of dependency at the weekly rate of statutory sick pay at the date of decision.

35. The eligible period of payment begins on the day of death, and ends on whichever is the earliest of:

- in the case of a qualifying relative who is a child under the age of 18, the day before their 18th birthday;
- the day upon which the deceased would have reached state pension age;
- the date on which, before the incident giving rise to their criminal injury, the deceased's life would have been expected to end in accordance with Table C of Annex F of the Scheme or other available medical evidence;
- the expected end of the qualifying relative's life; or
- the 50th anniversary of the date the deceased died.

36. If there is more than one qualifying relative eligible for a financial dependency payment, the weekly amount will be divided in equal shares between the claimants that qualify during that week. As the number of qualifying

relatives reduces (for example, when a child turns 18), remaining claimants will qualify for an increased share of the payment.

37. The dependency payment will be made in a lump sum.

Physical dependency

38. If you are a qualifying relative and the deceased was your main carer you may be eligible for a physical dependency payment. We define a main carer as the person who met the majority of an applicant's care needs. The period of loss for which we may be able to provide a payment starts from the date the victim died.

39. We consider a claim for physical dependency in the same way as we would for a financial dependency claim; that is, that the conditions outlined in paragraphs 31-34 would need to be met.

40. Physical dependency includes the following:

- assistance with personal hygiene (toileting/bathing);
- continence management;
- food preparation and eating;
- medication and simple treatments; or
- supervision of the applicant where this is necessary and actively takes place throughout the day.

What happens if a person dies of the injuries at a later date?

41. We may be able to make a payment after a victim's death even if they got a payment for their injury before they died. If the victim has died because of their injury, qualifying relatives may be eligible to claim. The payment to the victim will affect the payment to relatives as follows:

- if there is only **one person eligible** for a dependency or child's payment we will reduce this by the amount that has already been paid to the deceased;
- if there is **more than one person eligible** for a dependency or child's payment we will reduce this by the amount that has already been paid to

the deceased, split proportionally between all recipients. For example, if the deceased had received £3,000 prior to their death, and three eligible recipients made a claim, their total payment would be reduced by £1,000 each.

42. If you apply for a payment where the victim had already received a payment before they died and it is more than two years since we settled their case, we can only deal with your application if it will not need extensive enquiries. This means there would need to be very little or no doubt that their death was directly as a result of the criminal injury.

Where the victim dies of an unrelated cause before a payment is made to them

43. A qualifying relative of a person who sustained a criminal injury but who has died otherwise than as a direct result of that injury may be eligible for a payment if on the date the deceased died:

- the deceased was eligible for a special expenses payment but had not received it; and
- they were financially dependent on the deceased.

44. The payment to which the qualifying relative may be entitled is limited to:

- any loss of earnings that the deceased may have been entitled to before the date of death;
- any special expenses (as allowed under the Scheme) which were incurred by the deceased before the date of death.

45. For the avoidance of doubt, no payment will be made to any surviving relatives for the personal injury element of a claim.

Future loss, special expenses and dependency payments as a lump sum

46. We will make a payment in a single lump sum, so we need to convert the part of your payment that relates to future loss into a single lump sum which we can pay now. We do this by calculating the full value of the payment and then reducing it to reflect the fact that we are paying it in advance.

47. The Scheme sets out the ‘multiplier’ that we will use to convert the total value of your payment into a present day value.

48. The size of the multiplier depends on the duration of your entitlement. For example, when assessing future loss of earnings this is based on the period you are unable to work in the future – the longer that period, the higher the multiplier.

Funeral payments

49. Where a person has died as a result of sustaining a criminal injury, we may make a funeral payment in respect of their funeral expenses.

50. A flat rate funeral payment of £2,500 can be made as soon as basic eligibility has been established. This is intended to cover the costs of a basic funeral.

51. A further payment of up to £2,500 may be payable where the particular circumstances mean that the flat rate will not cover the cost of a basic funeral. The total amount of a funeral payment cannot exceed £5,000.

52. Claims for expenses in excess of the £2,500 basic allowance will only be made where receipts are provided for the whole cost incurred and where those costs are reasonable.

53. The funeral expenses may include items such as:

- provision of a funeral;
- tombstone;
- flowers;
- newspaper announcements;
- funeral breakfasts / non-alcoholic refreshments;
- memorials;
- transporting the deceased back to their country of origin.

54. The list above is not exhaustive. Where there are good reasons, we will consider other costs if they are supported by receipts.

SECTION 5 — Withholding or reducing an award

Reporting

1. If the crime for which you are seeking compensation has not been reported to the police we cannot make a payment.
2. We expect you, or someone else, to report the crime which led to your injuries immediately. This is to give the police the best chance of bringing your assailant to justice. We are likely to refuse your claim if you do not report the incident to the police as soon as reasonably practicable. In deciding if it was reasonably practicable we will consider if:
 - you were too young to report the incident yourself;
 - you lacked the mental capacity to report the incident;
 - the effect of your injuries meant you could not make a full report to the police immediately.

Co-operation with the police and the Criminal Justice System

3. It is not necessary for the person who injured you to be identified, or convicted, in order for you to get a payment. However, we expect you to have done everything possible to help the police catch your assailant, and bring them to justice.
4. While you may be reluctant to bring charges (for example, if you fear a revenge attack or reprisal) the Scheme is publicly funded and you will not be eligible for a payment unless you co-operate fully with the investigation into the crime and any prosecution that follows.

Co-operation with us or another body

5. It is your responsibility to give all reasonable assistance to us or another person or body in connection with your claim. We may refuse or reduce your claim if:

- you fail to update us of a change to your address or circumstances;
- you repeatedly and without reasonable excuse fail to respond to our communications sent to your last known address;
- you don't tell us about something that could affect your claim;
- you give false or exaggerated details about your injuries; or
- you fail to attend a medical examination that lets us verify your injuries.

Conduct

6. The Scheme is intended to compensate blameless victims of crimes of violence. Before making a payment we have to consider if your behaviour before, during or after the incident caused or contributed to the incident in which you were injured.

7. We will look at details from before the incident, such as whether:

- you were acting in an aggressive or threatening way and provoked the incident in which you were injured;
- you intended to provoke an assault or fight;
- there was a history of assaults or fighting between you and the person who injured you; or
- you were injured as a result of challenging someone over a previous incident.

8. We will also look at details from the duration of the incident, such as whether you willingly took part in a fight.

9. We will consider your behaviour and look at details after the incident happened, such as whether you sought revenge against your assailant.

Excessive consumption of alcohol or use of illicit drugs

10. We will not accept the use of alcohol or drugs as an excuse if you behaved aggressively or if you provoked an incident, regardless of the consequences.

11. We will not reduce or withhold a payment solely because your consumption of alcohol or use of drugs made you more vulnerable to being attacked. This means that applicants who were sexually assaulted while under the influence of alcohol or drugs will still be eligible to make an application.

Criminal record

12. We will take account of any unspent criminal convictions you may have on the date of your application and any others you receive before a final decision is reached in your case.

13. We will not make a payment if you have an unspent conviction which attracted a custodial or community sentence.

14. Unless there are exceptional circumstances, we will reduce a payment where the conviction attracts a sentence other than a custodial or community sentence.

15. Appendix 2 explains how we will normally decide what effect your criminal record will have on your payment.

16. We will ignore any convictions which can be treated as spent under the Rehabilitation of Offenders Act 1974.

Character

17. We will consider any evidence available about your character, other than in relation to unspent convictions, which makes it inappropriate for us to make a full or reduced payment. The types of evidence we may consider are:

- involvement or association in illegal drugs or crime;
- tax evasion or benefit fraud;
- antisocial behaviour orders; or
- any simple cautions or reprimands.

Conduct and character of deceased victims

18. If the behaviour of the deceased led or contributed to the incident in which they were fatally injured, we will not normally make a payment. In considering whether or not to reduce or withhold a payment because of conduct, we will use the same tests as we would for a personal injury claim (see paragraphs 6-9 above).

19. As indicated in Section 2, we will not normally take account of the criminal convictions of the deceased. However, we will refuse to make a payment where the character of the deceased means it would be an inappropriate use of public funds.

SECTION 6 — Decisions and administering payments

Accepting a payment

1. When we have made our decision, we will write to you or your representative to tell you what decision has been made.
2. If you accept our decision, you or your representative must complete and return the acceptance form within 56 days of it being sent to the contact address we have on your file.
3. If you do not send your acceptance back to us within 56 days, and you have not asked for a review in writing, a payment will not be made.
4. We may extend the 56-day time limit referred to above if there are exceptional circumstances which mean that you could not have complied with the time limit.
5. You can apply for this extension even if the first 56 days have passed. We can only give you one extension of time which will be a maximum of a further 56 days.
6. If you disagree with our decision, you can ask for it to be reviewed by another claims officer. We will send you a review form when we issue the original decision. See 'Reviewing our decision' (Section 7) at paragraphs 3-5.

How we make a payment

7. Wherever possible, we will settle claims by offering a single lump sum payment. However, we can only do this if your medical condition and financial losses have been established.
8. The Scheme says that we can make certain arrangements about the payment or repayment of awards. This is explained further below.

Payments to adults who manage their own financial affairs

9. We will only accept an instruction to make a payment to you, or your solicitor. This will be paid directly into your/your solicitor's bank/building society account.

10. If you do not have an account, you may wish to contact your local Citizens Advice Bureau or Credit Union for advice.

Interim payments

11. Where we have decided that you are eligible for an award but we cannot make a final decision then we may consider making an interim payment. If we are unable to make a final decision this is likely to be because we are waiting for more information or your medical condition has not yet settled down.

Trusts

12. We may direct that a trust is set up where we:

- have identified that you are not capable of managing your own finances, and there is no existing trust in place;
- think this will prevent an assailant benefiting from a payment; or
- do not think it would be in your best interests for us to make a payment as a lump sum.

13. A trust is a fund that is managed by a person or group of people (trustees) on your behalf. You are the beneficiary of the trust. The money will be paid into your trust fund when it is set up.

14. If the value of a payment is significant we may consider imposing terms on the trust that will allow for any unused portion of the payment to be repaid if it is no longer needed by you.

15. If we direct the setting up of a trust, and the maximum level of payment has not been reached, we may be able to pay the set-up costs. We cannot cover any costs if you decide to set up a trust where we have not directed that this is necessary. We will not normally consider paying any costs associated with the administration of your affairs. The only exception to this is where you do not have the capacity to manage your own affairs due to the injuries you sustained in the incident that led to the claim.

Annuities

16. An annuity is a type of insurance policy that provides a regular income in exchange for a lump sum. The Scheme allows us to consider the use of an annuity if we do not think it would be in your best interest to make a payment as a lump sum. If you would prefer to receive your payment as an annuity please discuss this with us.

17. We will not meet costs, if any, of purchasing or administering an annuity.

Appointment of a deputy or guardian

18. Where an adult is legally defined as not capable of managing their own affairs we will normally make the payment to the person who has legal authority, normally a deputy or guardian, to manage their finances. In some cases we can pay into a trust fund instead.

19. A deputy is someone appointed by the Court of Protection to make decisions for someone who is unable to do so on their own. The Court of Protection will decide who can be a deputy.

20. A legal guardian in the UK is a person who has the legal authority and corresponding duty to care for the personal and property interests of another person.

If you are under 18 when a payment is made

21. If you are under 18 when you accept a payment, we will normally put your money in an interest-earning deposit account in your name. The payment will be paid to you (together with all interest earned) when you reach 18.

22. We will consider a request from your parent or guardian to make your payment to a Child Trust Fund, a Junior ISA or another type of account, where the full value of the payment is protected until you are 18 years old. If we agree it is possible to pay the full amount of your payment into such an account before you turn 18 then this could be an alternative to us holding on to your funds. We do not meet any additional costs if your parent or guardian chooses one of these options.

23. If we are holding the payment for you, we will allow advances if these are needed for your sole benefit, education or welfare. If we make an advance

payment, we will need evidence — normally a receipt — proving that it has been used for the purposes intended. If we don't get this evidence, we will not allow any further advances. We may consider making a full payment if you are 16 or 17 years of age and living independently.

24. If we receive evidence that shows it would not be in your best interests to be given the payment as a lump sum when you turn 18, we may give further consideration to the use of an annuity or a trust at that time.

25. We give a full explanation about how we manage payments for young people when we make our payment offer.

26. The law states that the parents of a child under 18 are the legal guardians of that child, and that they can designate who shall become the child's legal guardian in the event of their death.

Repayment of awards

27. We can request repayment of part or all of an award after a final payment has been made, if we receive evidence to suggest any of the following:

- you did not co-operate as far as reasonably practicable in bringing the assailant to justice;
- you deliberately misled us in relation to an important aspect of your claim;
- you received a payment which the Scheme allows us to take into account, and which was not deducted from the payment before it was paid.

28. We will write to you to tell you if we require repayment of all, or part, of an award. If you do not agree with our decision to reconsider your award or ask for repayment, you have 30 days from the date of our letter to write to us and explain your reason for disagreement.

29. Up until the point that we make a final payment, we may reconsider our decision and take account of new evidence or a change of circumstances. If we are reconsidering your award we will write to you to tell you what we are doing and why. We will invite you to give us your views on what we are reconsidering.

30. Our final decision on reconsideration or repayment will be issued to you in writing.

SECTION 7 — Re-opening cases, reviewing our decisions and how to appeal

Re-opening a case

1. We may consider re-opening a claim after a final payment is made, or where directed to do so by the First-tier Tribunal (Criminal Injuries Compensation).

We can do this if we need to make an additional payment where:

- a person has previously accepted a payment from us and then subsequently dies as a result of the injury sustained at the time of the original incident;
- there has been such a change in your medical condition that an injustice would occur if the case were not reopened.

2. We will not normally reopen a case unless it is within two years of the final decision. If you ask us to reopen a case on medical grounds more than two years after our decision, we will only consider this where you are able to give us enough evidence to make a decision on the case without the need for further extensive enquiries.

Reviewing our decision

3. If you disagree with the original decision or a reconsideration of your claim and want us to review it, you must send us your written application for a review within 56 days of the date of the original decision. You will need to enclose any additional evidence that you wish us to consider in support of your claim.

4. If it will take you longer than 56 days to collect the evidence you need to support your claim, you should write to us asking for the time limit to be extended by up to a further 56 days. You can ask for an extension even after the first 56 days have passed, but we will only grant this if there are exceptional circumstances which meant you could not have requested an extension earlier.

5. When we get your request for a review along with all your supporting information, a claims officer, other than the one who made the original decision, will consider it. The review decision can be more or less favourable than the original decision, or the original decision may be unchanged. It is important that you understand that while a possible outcome of a review is that you might get a bigger payment, it is also possible that you will get a lower payment or no payment at all.

Appealing a decision

6. If you disagree with a review decision, you can appeal to the First-tier Tribunal (Criminal Injuries Compensation) in accordance with Tribunal Procedure Rules. You can find these rules on the First-tier Tribunal website at www.justice.gov.uk/tribunals/criminal-injuries-compensation/rules-and-legislation or by writing to the First-tier Tribunal (Criminal Injuries Compensation) at the address below.

7. When we send you our review decision, we will send you the form to use to ask for an appeal. You will need to fill in the form explaining why you think our decision was wrong. You should also provide any extra material which supports your reasons for an appeal. You should send the form and the evidence to the First-tier Tribunal (not to us) so that they get it within 90 days of the date of the review decision. You can ask the First-tier Tribunal to extend this period, but you must do so within the 90 days. The Tribunal's address is:

First-tier Tribunal (Criminal Injuries Compensation)
Wellington House
134-136 Wellington Street
Glasgow
G2 2XL

8. The First-tier Tribunal will explain its procedures when it gets your request for an appeal. If your appeal proceeds to an oral hearing, it is likely that a representative from the Authority will be at the hearing in order to explain our decision. The members and staff of the First-tier Tribunal are entirely independent of us and will consider the whole claim. They may make a decision that is more favourable or less favourable than the review decision, or the review decision can stay the same. The First-tier Tribunal decision is final, unless a Judicial Review finds that they erred in law.

SECTION 8 — Customer service

1. Our aim is to provide an efficient and fair service to blameless victims of violent crime.
2. Our customer charter (reproduced below) details our aims in delivering our service, and our expectations from you.

Customer charter

What we ask of you

You can help us give you, and others, the service you expect by:

- giving us accurate information and evidence to support your claim, and helping us gather evidence (we rely on others for our information, and this can take time);
- telling us immediately if your contact details change;
- allowing us two working days to return your call if you need to speak with a specific person or team; and
- treating our staff courteously.

In some cases we may take action if you do not adhere to these principles, for example by stopping telephone contact if you are discourteous to staff or repeatedly contact us about an issue to which we have already responded fully.

Our commitments to you

You told us what was most important to you in delivering good service, so we will:

- decide 80 per cent of cases within 12 months¹ ;
- answer telephone calls within two minutes on average;

¹ Cases likely to be part of the 20 per cent we can't decide in a year are those where an injury has an uncertain recovery, such as a brain injury where the doctors treating you are uncertain what the long-term damage might be, or cases where your injury has affected your long-term ability to work. Where you ask us to look at the case again after we have decided it, this will add to the time taken.

- return telephone calls within two working days if you need to speak with a specific person or team;
- treat you courteously;
- keep our written communication clear and easy to understand;
- make it easy for you to complain if you are not satisfied we are meeting these standards; and
- measure how well we perform and publish the results.

We will also explain our decisions clearly and tell you what options you have when you receive them, but we cannot accept complaints about case decisions because there is a review and appeal process we must follow if the outcome is not what you hoped for.

Complaints

3. Please call us on 0300 003 3601 if you want to make a complaint. We try to resolve all complaints as quickly as possible and being able to speak with you from the beginning aids that process.
4. Our telephone lines are open from 08.30 to 17.00 on Monday to Friday, except on Wednesday when we are open from 10.00 to 17.00.

Customer survey

5. We may ask you to complete surveys at different stages of your claim as part of our feedback process. You do not have to do so, but it will help us improve our service if you do.
6. We may ask such questions after you complete your telephone or online application process, or when we write to tell you about our decision. Your feedback is very important to us.

Appendix 1 — Further information about eligibility for residents and non-residents

1. In order to qualify for a payment you must show that:
 - you were ordinarily resident in the United Kingdom (UK) on the date of the incident;
 - you were linked to the UK by virtue of one of the other provisions listed in paragraph 4 on the date of the incident;
 - you have been identified as a victim of human trafficking on the date of your claim; or
 - you have been granted temporary protection, asylum or humanitarian protection on the date of your claim.

Ordinarily resident in UK

2. Whether you are ordinarily resident in the UK for the purposes of the Scheme would depend on:

- how often and for how long you are in the UK;
- the purpose and pattern of your presence;
- your connections to the UK. Relevant factors would be considered together to give a complete picture, and would include:
 - (a) Family ties – having a spouse, civil partner, children or other close family members, in the UK.
 - (b) Business ties – owning or being a director of a business based in the UK, or having employment, including self-employment, in the UK.
 - (c) Property ties – property that you own or lease and in which you can stay when in the UK.

3. It is possible that you may have spent some time in another country but maintained strong ties to the UK, such as your job and house, which means that you remained ordinarily resident within the UK for the purposes of the Scheme. This may be the case if you were on holiday, studying abroad, or visiting a foreign country for some other reason.

Other ways of meeting the residency or nationality criteria

4. To be eligible to apply for a payment you must be able to show that you are:

- (a) **A British citizen**, regardless of where you normally reside;
- (b) **A close relative of a British citizen or of a member of Her Majesty's armed forces**

The term 'close relative' is defined as:

- the spouse or civil partner of that citizen or member of the armed forces;
- the partner (other than a spouse or civil partner) of that citizen or member of the armed forces, having been their partner for a continuous period of at least two years immediately before the date of the incident giving rise to the injury;
- a child aged under 18 of that citizen or member of the armed forces, or of their spouse, civil partner or partner;
- a child of that citizen or member of the armed forces, and financially or physically dependent on that person as a result of a physical or mental disability;
- an 'accompanying close relative' of a member of the armed forces, as defined in paragraph 12 (2) of the Scheme, is a close relative who is living with them outside the United Kingdom.

- (c) **A national of a member state of the European Union (EU) or the European Economic Area (EEA)**

A list of EU and EEA member states is set out at the end of this section.

- (d) **A person who had a right to be in the United Kingdom by virtue of being a family member of an EU/EEA national who is in the UK**

By 'family member', we mean:

- a spouse or civil partner;
- direct descendants of the EU or EEA national, or his spouse or civil partner who are either under 21 years of age or who are dependent on the EU or EEA national. By direct descendants we mean children and/or grandchildren;

- a parent or grandparent of the EU or EEA national (who is financially dependent on the EU or EEA national); or a parent or grandparent or the EU or EEA national's spouse or partner;
- if the EU or EEA national is a student, only their spouse or civil partner and dependent children will have a right of residence. No other relatives will have an automatic right of residence;
- if you are an unmarried partner of an EU or EEA national, you may be eligible for a payment if you are able to show that you are in a durable relationship with a national of the EEA or EU.

Further information on EEA 'family members' is available at www.ukba.homeoffice.gov.uk/eucitizens/eea-family-permit/

(e) A member of the armed forces or accompanying close relative

All serving members of Her Majesty's armed forces may be eligible to apply.

An 'accompanying close relative' of a member of Her Majesty's armed forces, as defined in the Scheme at paragraph 12(2), is a close relative living with that member of the armed forces outside the United Kingdom.

(f) A victim of human trafficking

If you have been identified as a victim of trafficking in human beings, you may also be eligible to claim.

You are responsible for giving us evidence to show that you have been officially identified as a victim.

If your status has not been confirmed when you submit your claim, you may ask us to wait before we make our decision. We call this deferring. It is your responsibility to ask us to defer your claim.

(g) An asylum seeker

If you have made an application for asylum, in accordance with the Immigration Act 1971, you may also be eligible to apply if:

- you are granted temporary protection;
- you are granted asylum; or
- you are granted humanitarian protection.

If your status has not been confirmed when you submit your claim, you may ask us to defer our decision. It is your responsibility to request a

deferral on your claim.

- (h) **A national of a State party to the Council of Europe Convention of the Compensation of Victims of Violent Crimes (CETS No.116, 1983)**

Details of the countries who have signed up to this treaty can be found on the Council of Europe Treaty Office website at conventions.coe.int/

EU and EEA member states

- Austria
- Belgium
- Bulgaria
- Croatia
- Cyprus
- Czech Republic
- Denmark
- Estonia
- Finland
- France
- Germany
- Greece
- Hungary
- Iceland
- Ireland
- Italy
- Latvia
- Liechtenstein
- Lithuania
- Luxembourg
- Malta
- Netherlands
- Norway
- Poland
- Portugal
- Romania
- Slovakia
- Slovenia
- Spain
- Sweden
- Switzerland²

Evidence

5. We may ask you to provide evidence that you are eligible to apply. We will contact you if we need copies of this information. The types of evidence we may request are explained below.

Residency

6. Documents proving that you are ordinarily resident in the UK must have your name and a UK address on them. If we ask you for evidence you must

²While Switzerland is not in the EEA, Swiss nationals have the same rights as EEA nationals.

supply at least one document from two of the three following lists. We may ask you for other documents if we decide that we need more evidence.

List A	List B	List C
Pension or benefit correspondence from the Department for Work and Pensions	Bank or building society statements	Rent statements
Addressed payslips from your employer	Credit card statements	Council tax bill or demand letter
Confirmation from your work, school, college, university or care institution confirming your name, address and details of employment, student or residence status		Tenancy agreement
		Mortgage statements
		Utility bills (gas, electricity, water)

Nationality

7. To prove your nationality, you will need to send us a copy of your current or previous (expired) passport. If you do not have a passport, we may ask you to provide other documentation to confirm that you satisfied the nationality requirement on the date of the incident which resulted in your injury. This could include:

- a letter from the authorities of your country confirming citizenship;
- a naturalisation or registration certificate; or
- a national identity card confirming citizenship.

Serving member of Her Majesty's armed forces

8. Evidence that you are a serving member of Her Majesty's armed forces could include a letter from the service confirming your status, or official documentation

which has a service accommodation address for you. Documentation to prove that you are a spouse or civil partner could include a marriage certificate or civil partnership document.

9. Documentation to prove that you are an accompanying close relative of a serving member of Her Majesty's armed forces could include:

- correspondence such as utility bills, bank statements, or payslips addressed to you at the same address as a serving member of Her Majesty's Armed Forces;
- travel documents; or
- entry visas.

Appendix 2 — Criminal convictions

Taking account of your criminal record

1. We may refuse or reduce a payment if you have a criminal record, even though you may have been blameless in the incident which resulted in your injury.
2. Annex D of the Scheme says that we must take account of your **unspent criminal convictions at the date of application and before we make a final decision**.
3. We will use the Rehabilitation of Offenders Act 1974 to determine whether or not a conviction is spent. In general, the more serious the penalty the offender received, and the more recently it was given, the longer the conviction will take to be spent. There are more details on www.justice.gov.uk under 'Rehabilitation of offenders', (www.justice.gov.uk/offenders/rehabilitation-of-offenders-act).
4. A payment will not be made to you if you have an unspent conviction for an offence which resulted in:
 - (a) a sentence excluded from rehabilitation;
 - (b) a custodial sentence;
 - (c) a sentence of service detention;
 - (d) removal from Her Majesty's service;
 - (e) a community order;
 - (f) a youth rehabilitation order; or
 - (g) a sentence equivalent to a sentence in sub-paragraphs (a) to (f), imposed under the law of Northern Ireland or a member state of the European Union, or such a sentence properly imposed in a country outside the European Union.
5. In Annex D: a 'community order' means:
 - (a) a community payback order under section 227A of the Criminal Procedure (Scotland) Act 1995;
 - (b) a community order under section 177 of the Criminal Justice Act 2003;
 - (c) a service community order or overseas community order under the Armed Forces Act 2006; or

- (d) any order of a kind which, on the date the Scheme is made, has been superseded (whether directly or indirectly) by an order mentioned in sub-paragraph (a), (b) or (c);
6. 'custodial sentence' means:
- (a) a sentence of imprisonment;
 - (b) a sentence of detention in a young offender institution, or, in Scotland, a young offenders institution;
 - (c) a sentence of Borstal training;
 - (d) a sentence of youth custody;
 - (e) a sentence of corrective training;
 - (f) a sentence of detention under section 205 or 208 of the Criminal Procedure (Scotland) Act 1995;
 - (g) a sentence of detention under section 91 of the Powers of Criminal Courts (Sentencing) Act 2000 or section 209 of the Armed Forces Act 2006;
 - (h) a detention and training order under section 100 of the Powers of Criminal Courts (Sentencing) Act 2000 or an order under section 211 of the Armed Forces Act 2006; or
 - (i) any sentence of a kind which, on the date this Scheme is made, has been superseded (whether directly or indirectly) by a sentence mentioned in sub-paragraph (f), (g) or (h);
7. 'removal from Her Majesty's service' means a sentence of dismissal with disgrace from Her Majesty's service, a sentence of dismissal from Her Majesty's service or a sentence of cashiering or discharge with ignominy.
8. 'sentence of imprisonment' includes a sentence of penal servitude;
9. 'sentence of service detention' means:
- (a) a sentence of service detention (within the meaning given by section 374 of the Armed Forces Act 2006), or a sentence of detention corresponding to such a sentence, in respect of a conviction in service disciplinary proceedings; or
 - (b) any sentence of a kind which, on the date this Scheme is made, has been superseded (whether directly or indirectly) by a sentence mentioned in sub-paragraph (a);

10. 'youth rehabilitation order' means:
- (a) a youth rehabilitation order under Part 1 of the Criminal Justice and Immigration Act 2008; or
 - (b) any order of a kind which, on the date this Scheme is made, has been superseded (whether directly or indirectly) by a youth rehabilitation order.

Other convictions

11. Where on the date of your application, you have an unspent conviction for an offence which incurred a sentence, **other than the ones listed above**, we will withhold or reduce a payment unless there are exceptional reasons not to. This does not apply to a conviction for which the only penalty imposed was one or more of an endorsement, penalty points or a fine under Schedule 2 to the Road Traffic Offenders Act 1988.

12. To help us do this consistently, our claims officers will be guided by our penalty points table. The more recent the conviction and the more serious the penalty, the more penalty points the conviction will attract. We will then use the number of penalty points to help decide what level of reduction to make. We will also take account of any convictions you receive after the incident or after applying, right through to the date when your case is finally settled. The table on the next page shows how much unspent convictions may count against an award. In all cases, we ignore spent convictions.

Sentence/disposal	Period between the date of sentence/disposal and receipt of application by the Authority	Penalty points	Additional factor
Custodial sentence, including suspended custodial sentences	N/A	N/A	Nature of sentence determines that no payment will be made
Community Service Order, or another order or contract made as a penalty by the court	N/A	N/A	Nature of sentence determines that no payment will be made
Fine over £250	a) Less than 2 years from date of sentence	3	Payment may be withheld if the fine was imposed for a crime of violence or sexual offence
	b) More than 2 years but less than 3 years from date of sentence	2	
	c) More than 3 years from date of sentence	1	
Fine of £250 or less OR Conditional discharge	a) Up to 2 years from date of sentence	2	Payment may be withheld if the fine was imposed for a crime of violence or sexual offence
	b) Over 2 years from date of sentence	1	
Compensation Order	If not paid in full at date of application	2	
Absolute discharge	a) Up to 6 months from date of disposal	1	
	b) More than 6 months from date of disposal	0	
Conditional caution	a) Up to 3 months from date of disposal	1	
	b) More than 3 months from date of disposal	0	

13. Although we are not bound by the penalty points system, we must take account of all unspent convictions. The penalty points are our starting point, but we consider convictions and penalty points together with all the other circumstances of the application. For example, we may make a smaller reduction or no reduction at all, if you were injured while helping the police uphold the law, or while helping someone who was being attacked. On the other hand, a low points score is no guarantee that we will make an award if, for example, your record includes violent or sexual offences.

14. Unless there are exceptional reasons, the percentage reductions we will consider for the various levels of penalty points are as follows:

Penalty points	Percentage reduction
1	10%
2	20%
3	30%
4	40%
5	50%
6	60%
7	70%
8	80%
9	90%
10	100%

Sentences given after you apply

15. We will treat sentences given after the date we get your application as if they had been given on the day before we receive the application.

Appendix 3 — Tariff of Injuries

For ease of reference, the following pages show the tariff of injuries exactly as it appears in the Criminal Injuries Compensation Scheme 2012.

Part A		
	Levels of compensation	
Level A1		£1,000
Level A2		£1,500
Level A3		£1,800
Level A4		£2,400
Level A5		£3,500
Level A6		£4,600
Level A7		£6,200
Level A8		£11,000
Level A9		£13,500
Level A10		£16,500
Level A11		£19,000

Part B		
	Levels of compensation	
Level B1		£1,000
Level B2		£1,500
Level B3		£2,000
Level B4		£3,300
Level B5		£4,400
Level B6		£5,500
Level B7		£6,600
Level B8		£8,200
Level B9		£11,000
Level B10		£13,500
Level B11		£16,500

INDEX TO TARIFF OF INJURIES

PART A

General

Burns: affecting multiple areas of body, covering over 25% of total skin area
(other burns are included under individual parts of the body)

Major paralysis (other than as a result of brain damage)

Medically recognised illness or condition (excluding minor and mental injury)

Mental injury

Peripheral sensory nerve damage

Peripheral motor nerve damage not otherwise compensated for

Head & Neck

Burns

Scarring

Brain damage

Epilepsy - continuing disability

Ear

Eye

Face

Neck

Nose

Skull

Teeth

Tongue

Upper limbs

Burns

Scarring

Arm

Elbow

Finger & Thumb

Hand

Humerus (upper arm bone)

Radius (a forearm bone)

Shoulder

Damage to one or more of tendon, ligament or cartilage

Ulna (a forearm bone)

Wrist

Torso

Burns

Scarring

Abdomen

Back

Chest

Clavicle (collar bone)

Coccyx (tail bone)

Genitalia

Hernia

Kidney

Lung

Pancreas

Pelvis

Scapula (shoulder blade)

Spleen

Sternum (breast bone)

Lower limbs

Burns

Scarring

Ankle

Femur (thigh bone)

Fibula (lower leg bone)

Foot

Heel

Hip

Knee

Leg

Damage to one or more of tendon, ligament or cartilage

Tibia (shin bone)

Toe

PART B

Fatal criminal injury

Physical abuse of adults, including domestic abuse

Physical abuse of children, including domestic abuse

Sexual offence where victim is any age (if not already compensated as a child)

Sexual offence where victim is a child (under age 18 at time of, or commencement of, offence) or an adult who by reason of mental incapacity is incapable of giving consent

Other payments - additional awards where pregnancy or infection is directly attributable to a sexual offence

Infection with one or more of HIV, Hepatitis B or Hepatitis C

Loss of foetus

TARIFF OF INJURIES – PART A: PHYSICAL AND MENTAL INJURIES

Description of injury	Level	Standard Amount £
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GENERAL**Burns**

Affecting multiple areas of body covering over 25% of total skin, with significant scarring	A14	33,000
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Note [1]: For other burn injuries see under individual parts of the body.

“Moderate” describes:

- *first or second degree burns covering no more than 25% of the affected area in adults, or no more than 20% in children; or*
- *third degree burns covering no more than 10% of the affected area in either adults or children.*

“Severe” describes:

- *first or second degree burns covering more than 25% of the affected area in adults, or more than 20% in children;*
- *third degree burns covering more than 10% of the affected area in either adults or children; or*
- *fourth degree burns.*

Major paralysis (other than as a result of brain damage)

Hemiplegia (impairment in motor or sensory function of one half of body)

- mild	A13	27,000
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- moderate	A16	55,000
- severe	A18	110,000

Paraplegia (impairment in motor or sensory function of the lower extremities)

- minimal	A13	27,000
- moderate but substantially incomplete	A18	110,000
- substantially complete	A19	175,000

Quadraplegia/tetraplegia (impairment in motor or sensory function of upper and lower extremities)

- substantially incomplete injury to both upper and lower limb levels	A15	44,000
- substantially incomplete to upper limb level but complete to lower limb level	A19	175,000
- substantially complete to both upper and lower limb levels	A20	250,000

Medically recognised illness or condition (excluding minor and mental injury)

Moderately disabling disorder where the symptoms and disability persist for 28 weeks or more from the incident or date of onset

- lasting 28 weeks or more		
- not permanent	A2	1,500
- permanent	A7	6,200

Seriously disabling disorder where the symptoms and disability persist for 13 weeks or more from the incident or date of onset

- lasting 13 weeks or more up to 28 weeks	A4	2,400
- lasting 28 weeks or more		
- not permanent	A7	6,200

- permanent	A12	22,000
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Mental injury

Note [2]: "Mental injury" does not include temporary mental anxiety and similar temporary conditions.

A mental injury is disabling if it has a substantial adverse effect on a person's ability to carry out normal day-to-day activities for the time specified (e.g. impaired work or school performance or effects on social relationships or sexual dysfunction).

Disabling mental injury, confirmed by diagnosis or prognosis of psychiatrist or clinical psychologist:

- lasting 6 weeks or more up to 28 weeks	A1	1,000
- lasting 28 weeks or more up to 2 years	A4	2,400
- lasting 2 years or more up to 5 years	A7	6,200
- lasting 5 years or more but not permanent	A9	13,500

Permanent mental injury, confirmed by diagnosis or prognosis of psychiatrist or clinical psychologist:

- moderately disabling	A11	19,000
- seriously disabling	A13	27,000

Peripheral sensory nerve damage

- permanent disability		
- significant loss (eg loss of sensation in large area of leg)	A2	1,500
- serious loss (eg loss of sensation of hand)	A7	6,200

Peripheral motor nerve damage not otherwise compensated for

- permanent disability		
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- minor (e.g. paralysis or equivalent functional loss of finger or toe)	A1	1,000
- significant (e.g. paralysis or equivalent loss of handgrip or foot movement)	A7	6,200

HEAD & NECK

Burns (causing more than minor disfigurement)

Head

- moderate	A4	2,400
- severe	A10	16,500

Face

- moderate	A5	3,500
- severe	A13	27,000

Neck

- moderate	A4	2,400
- severe	A10	16,500

Scarring

Head

- significant disfigurement	A2	1,500
- serious disfigurement	A5	3,500

Face

- significant disfigurement	A4	2,400
- serious disfigurement	A8	11,000

Neck

- significant disfigurement	A2	1,500
- serious disfigurement	A6	4,600

Brain Damage

Note [3]: A brain injury can cause physical or mental damage, resulting in, for example, loss of muscle or nerve control, loss of balance, incontinence, or impairment of concentration, memory, motivation or personality. It can also commonly cause epilepsy, to a greater or lesser extent. Where the cause of any injury is brain damage there will not be additional awards for separate injuries but the seriousness of the combined effects will be measured together.

Minor head injury

Brain injury, if any, minimal (e.g. one or more of concussion, impairment of balance or headaches)

- lasting 28 weeks or more	A2	1,500
- permanent	A7	6,200

Minor brain damage

Good recovery, able to socialise and return to work but persisting problems with concentration, memory, disinhibition of mood affecting lifestyle, leisure activities, future work prospects

- slight and short lived (less than 6 months)	A7	6,200
- moderate and medium term (6 months up to 2 years)	A10	16,500
- significant and long lasting (2 years or more)	A12	22,000

Moderate brain damage

Some dependence on others, intellectual deficit, personality change, ability to work reduced, some effect on the senses

- slight	A13	27,000
- moderate	A16	55,000

- significant	A17	82,000
 Moderately severe brain damage		
Serious disablement of physical or mental faculties requiring substantial dependence on professional or other care, with marked impairment of intellect and personality, abnormal behaviour and poor communication	A18	110,000
 Very serious brain injury		
Severe physical limitation, significant effect on the senses with little insight or significant reduction in life expectancy. Little or no meaningful response to the environment, little or no language function, double incontinence and need for full-time or all day and some night nursing care	A19	175,000
 <i>Note [4]: Applications otherwise within level A20 fall into level A19 if life expectancy is greatly reduced or there is little or no insight due to persistent vegetative state.</i>		
No useful physical movement, significant effect on the senses and with some degree of insight. Little or no meaningful response to the environment, little or no language function, double incontinence and need for full-time nursing care	A20	250,000

Epilepsy - continuing disability

- well controlled on medication	A7	6,200
- partially controlled on medication	A9	13,500
- uncontrolled despite medication	A15	44,000

Ear

Deafness

- permanent partial deafness (remaining hearing socially useful, with hearing aid if necessary)

- one ear	A3	1,800
- both ears	A7	6,200
- permanent total deafness		
- one ear	A10	16,500
- in only hearing ear	A14	33,000
- both ears	A15	44,000
Loss of ear		
- partial loss of ear(s)	A4	2,400
- loss of ear	A8	11,000
- loss of both ears	A11	19,000
Perforated ear drum		
- both ears	A1	1,000
Tinnitus (ringing noise in ear(s))		
- lasting 13 weeks or more	A2	1,500
- permanent		
- other than very severe	A7	6,200
- very severe	A10	16,500
Vestibular damage (causing giddiness)		
- lasting 28 weeks or more - recovery expected	A2	1,500
- permanent	A7	6,200
<u>Eye</u>		
Blow out or other fracture of orbital bone cavity containing eyeball		

- no operation	A2	1,500
- requiring operation	A4	2,400
Permanent blurred or double vision		
- slight	A4	2,400
- moderate	A7	6,200
- serious	A9	13,500
Cataracts		
- one eye		
- requiring operation	A2	1,500
- permanent (inoperable or operation unsuccessful)	A7	6,200
- both eyes		
- requiring operation	A7	6,200
- permanent (inoperable or operation unsuccessful)	A11	19,000
Permanent loss of visual field		
- slight	A1	1,000
- moderate	A5	3,500
- serious	A15	44,000
Dislocation of lens		
- one eye	A5	3,500
- both eyes	A9	13,500
Glaucoma	A1	1,000
Hyphaema requiring operation		

- both eyes	A1	1,000
Loss of eye		
- one eye	A13	27,000
- both eyes	A18	110,000
Loss of sight		
- one eye	A12	22,000
- one eye, where the sight in the uninjured eye cannot be corrected to better than 6/36	A14	33,000
- one eye, where the uninjured eye is already totally blind	A17	82,000
- both eyes	A18	110,000
Partial loss of vision when corrected by glasses or contact lenses or other means (e.g. laser surgery)		
- better than 6/12	A1	1,000
- 6/12	A6	4,600
- 6/18	A7	6,200
- 6/24	A9	13,500
- 6/36	A10	16,500
- 6/60	A11	19,000
- substantial loss of vision (both eyes) at least 6/36 in each eye or worse	A16	55,000
Residual central floater(s) affecting vision	A2	1,500
Retina		
- damage not involving detachment		
- one eye	A1	1,000
- both eyes	A5	3,500

- detached		
- one eye	A5	3,500
- both eyes	A9	13,500
Significant penetrating injury		
- one eye	A1	1,000
- both eyes	A6	4,600
Traumatic angle recession	A1	1,000
 <u>Face</u>		
Permanent clicking jaw	A5	3,500
Dislocated jaw - continuing significant disability	A5	3,500
Fractured ethmoid - operation required	A4	2,400
Fractured zygoma (malar/cheek bone)		
- no operation - continuing significant disability	A4	2,400
- operation required		
- substantial recovery	A1	1,000
- continuing significant disability	A5	3,500
Fractured jaw bone (one or more of mandible/maxilla)		
- no operation		
- substantial recovery	A2	1,500
- continuing significant disability	A5	3,500
- operation required		
- substantial recovery	A3	1,800

- continuing significant disability	A7	6,200
Multiple fractures to face (e.g. Le Fort fractures types 2 & 3)	A8	11,000
Numbness or loss of feeling		
- permanent		
- moderate (e.g. cheek, forehead)	A2	1,500
- severe (e.g. lip interfering with function)	A4	2,400

Neck

Strained neck or whiplash injury

- disabling		
- for more than 13 weeks	A1	1,000
- seriously disabling		
- not permanent	A5	3,500
- permanent	A8	11,000

Nose

Loss of smell or taste

- partial loss of smell or taste, or both	A5	3,500
- total		
- loss of smell or taste	A8	11,000
- loss of smell and taste	A10	16,500
Partial loss of nose (at least 10%)	A4	2,400

Skull

Fracture

- simple		
- no operation	A1	1,000
- requiring operation	A5	3,500
- depressed		
- no operation	A4	2,400
- requiring operation	A6	4,600

Teeth

Damage to:

- one or more front teeth requiring crown(s)	A1	1,000
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Fractures to one or more teeth requiring apicectomy (surgery to gum to reach root - root resection)	A3	1,800
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Loss of:

- crowns	A1	1,000
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- front teeth (incisor or canine)

- one front tooth	A2	1,500
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- two or three front teeth	A4	2,400
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- four or more front teeth	A5	3,500
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- teeth other than front

- two or more teeth	A2	1,500
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Tongue

Impaired speech (other than slight impairment)

- moderate	A5	3,500
- serious	A8	11,000
- severe	A11	19,000
Loss of speech - permanent	A14	33,000
Loss of tongue	A15	44,000

UPPER LIMBSBurns

Moderate (excluding minor burns)	A4	2,400
Severe	A8	11,000

Scarring

Significant disfigurement	A1	1,000
Serious disfigurement	A5	3,500

Arm

Loss of:

- one non-dominant arm	A14	33,000
- one dominant arm	A16	55,000
- one arm where there is no remaining arm or hand with any useful function	A17	82,000
- both arms	A18	110,000

Paralysis of or equivalent loss of function of:

- one non-dominant arm	A13	27,000
- one dominant arm	A15	44,000
- total loss of function of one arm where there is no remaining arm or hand with any useful function	A17	82,000
- both arms	A17	82,000

Elbow

Dislocated or fractured

- one elbow		
- substantial recovery	A2	1,500
- continuing significant disability	A7	6,200
- both elbows		
- substantial recovery	A7	6,200
- continuing significant disability	A8	11,000

Finger and Thumb

Fracture or dislocation of:

- thumb		
- one hand		
- continuing significant disability	A4	2,400
- both hands		
- substantial recovery	A5	3,500

- continuing significant disability	A7	6,200
- index finger		
- one hand		
- continuing significant disability	A3	1,800
- both hands		
- substantial recovery	A4	2,400
- continuing significant disability	A6	4,600
- one finger other than index finger		
- both hands		
- continuing significant disability	A4	2,400
- two or more fingers other than index finger		
- one hand		
- continuing significant disability	A1	1,000
- both hands		
- substantial recovery	A2	1,500
- continuing significant disability	A6	4,600
Loss of:		
- finger other than index finger	A5	3,500
- two or more fingers	A8	11,000
- index finger	A7	6,200
- both index fingers	A10	16,500

- thumb	A10	16,500
- both thumbs	A16	55,000

Partial loss of:

- finger other than thumb or index finger	A1	1,000
- two or more fingers other than index finger or thumb	A5	3,500
- thumb or index finger	A4	2,400
- thumb or index finger - both hands	A7	6,200
- thumb and index finger - one hand	A7	6,200
- thumb and index finger - both hands	A10	16,500

Hand

Fractured hand

- one hand		
- continuing significant disability	A5	3,500
- both hands		
- substantial recovery	A3	1,800
- continuing significant disability	A7	6,200

Loss of, or equivalent loss of function of:

- one non-dominant hand	A14	33,000
- one dominant hand	A16	55,000
- loss of, or total loss of function of one hand where there is no remaining hand or arm with any useful function	A17	82,000
- both hands	A18	110,000

Permanently & seriously impaired grip

- one hand	A7	6,200
- both hands	A10	16,500

Humerus (upper arm bone)

Fractured

- one arm		
- substantial recovery	A2	1,500
- continuing significant disability	A5	3,500
- both arms		
- substantial recovery	A7	6,200
- continuing significant disability	A8	11,000

Radius (a forearm bone)

Fractured

- one arm		
- substantial recovery	A2	1,500
- continuing significant disability	A5	3,500
- both arms		
- substantial recovery	A7	6,200
- continuing significant disability	A8	11,000

Shoulder

Dislocated

- one shoulder		
- continuing significant disability	A5	3,500
- both shoulders		
- substantial recovery	A3	1,800
- continuing significant disability	A7	6,200

Frozen

- one shoulder		
- continuing significant disability	A5	3,500
- both shoulders		
- substantial recovery	A2	1,500
- continuing significant disability	A7	6,200

Damage to one or more of tendon, ligament or cartilage

Minor damage

- one arm		
- continuing significant disability	A1	1,000
- both arms		
- continuing significant disability	A4	2,400

Moderate damage

- one arm		
- continuing significant disability	A4	2,400
- both arms		

- substantial recovery	A4	2,400
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- continuing significant disability	A7	6,200
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Severely damaged

- one arm

- substantial recovery	A2	1,500
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- continuing significant disability	A5	3,500
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- both arms

- substantial recovery	A6	4,600
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- continuing significant disability	A8	11,000
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Ulna (a forearm bone)

Fractured

- one arm

- substantial recovery	A2	1,500
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- continuing significant disability	A5	3,500
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- both arms

- substantial recovery	A7	6,200
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- continuing significant disability	A8	11,000
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Wrist

Fractured - colles type or equivalent fracture or displacement of distal radius

- one wrist

- substantial recovery	A4	2,400
- continuing significant disability	A7	6,200
- both wrists		
- substantial recovery	A7	6,200
- continuing significant disability	A8	11,000
Fractured or dislocated - including scaphoid fracture		
- one wrist		
- substantial recovery	A4	2,400
- continuing significant disability	A7	6,200
- both wrists		
- substantial recovery	A7	6,200
- continuing significant disability	A8	11,000
Sprained		
- one wrist		
- disabling for 13 weeks or more	A1	1,000
- both wrists		
- disabling for 13 weeks or more	A3	1,800

TORSO

Burns

Moderate (excluding minor burns)	A4	2,400
Severe	A8	11,000

Scarring

Significant disfigurement	A1	1,000
Serious disfigurement	A5	3,500

Abdomen

Injury requiring laparotomy - including no repair or repair of one organ	A3	1,800
Injury requiring laparotomy or laparoscopy		
- including repair of two organs	A5	3,500
- including repair of three or more organs	A7	6,200
Laparotomy with one or more of colostomy, ileostomy or ureterostomy lasting 14 weeks or more but not permanent	A5	3,500
Laparotomy with one or more of permanent colostomy, ileostomy or ureterostomy	A9	13,500

Back

Fracture of vertebra

- one vertebra		
- substantial recovery	A1	1,000
- continuing significant disability	A5	3,500
- more than one vertebra		
- substantial recovery	A4	2,400
- continuing significant disability	A7	6,200

Prolapsed intervertebral disc(s)

- seriously disabling		
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- not permanent	A5	3,500
- permanent	A7	6,200
Ruptured intervertebral disc(s) - requiring surgical removal	A8	11,000
Strained		
- disabling		
- for 13 weeks or more	A1	1,000
- seriously disabling		
- not permanent	A5	3,500
- permanent	A8	11,000
 <u>Chest</u>		
Injury requiring thoracotomy	A7	6,200
Injury requiring thoracotomy with removal or extensive repair of one or more organs	A10	16,500
 <u>Clavicle (collar bone)</u>		
Fractured		
- one clavicle		
- continuing significant disability	A4	2,400
- two clavicles		
- substantial recovery	A4	2,400
- continuing significant disability	A6	4,600

Coccyx (tail bone)

Fractured	A1	1,000
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Genitalia

Injury requiring medical treatment

- permanent damage

- moderate	A5	3,500
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- severe	A8	11,000
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Loss of fertility	A16	55,000
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Hernia

- hernia	A3	1,800
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- hernias	A5	3,500
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Kidney

Loss of kidney	A8	11,000
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Serious and permanent damage to, or loss of, both or only functioning kidney	A16	55,000
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Lung

Punctured

- one lung	A2	1,500
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- both lungs	A6	4,600
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Collapsed

- one lung	A3	1,800
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- both lungs	A7	6,200
Permanent and disabling damage to lungs from smoke or chemical inhalation	A8	11,000

Pancreas

Loss of pancreas	A10	16,500
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Pelvis

Fractured

- substantial recovery	A4	2,400
- continuing significant disability	A8	11,000

Scapula (shoulder blade)

Fractured

- one scapula		
- substantial recovery	A1	1,000
- continuing significant disability	A4	2,400
- both scapulas		
- substantial recovery	A4	2,400
- continuing significant disability	A6	4,600

Spleen

Loss of spleen	A8	11,000
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Sternum (breast bone)

Fractured

- substantial recovery	A1	1,000
- continuing significant disability	A5	3,500

LOWER LIMBSBurns

Moderate (excluding minor burns)	A4	2,400
Severe	A8	11,000

Scarring

Significant disfigurement	A1	1,000
Serious disfigurement	A5	3,500

Ankle

Fractured or dislocated

- one ankle		
- substantial recovery	A4	2,400
- continuing significant disability	A8	11,000
- both ankles		
- substantial recovery	A7	6,200
- continuing significant disability	A10	16,500

Sprained

- one ankle		
- disabling for more than 13 weeks	A1	1,000
- both ankles		
- disabling for 13 weeks or more	A3	1,800

Femur (thigh bone)

Fractured

- one leg		
- substantial recovery	A3	1,800
- continuing significant disability	A6	4,600
- both legs		
- substantial recovery	A5	3,500
- continuing significant disability	A8	11,000

Fibula (slender bone from knee to ankle)

Fractured

- one leg		
- substantial recovery	A1	1,000
- continuing significant disability	A3	1,800
- both legs		
- substantial recovery	A2	1,500
- continuing significant disability	A5	3,500

Foot

Fractured metatarsal bones

- one foot		
- substantial recovery	A1	1,000
- continuing significant disability	A3	1,800
- both feet		
- substantial recovery	A2	1,500
- continuing significant disability	A5	3,500

Fractured tarsal bones

- one foot		
- substantial recovery	A2	1,500
- continuing significant disability	A7	6,200
- both feet		
- substantial recovery	A5	3,500
- continuing significant disability	A9	13,500

Heel

Fractured heel bone

- one foot		
- substantial recovery	A2	1,500
- continuing significant disability	A7	6,200
- both feet		
- substantial recovery	A5	3,500

- continuing significant disability	A9	13,500
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Hip

Fractured or dislocated

- one hip

- substantial recovery	A4	2,400
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- continuing significant disability	A8	11,000
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- both hips

- substantial recovery	A7	6,200
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- continuing significant disability	A10	16,500
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Knee

Patella (knee cap)

Dislocated

- one knee

- continuing significant disability	A5	3,500
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- both knees

- substantial recovery	A1	1,000
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- continuing significant disability	A7	6,200
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Fractured

- one knee

- substantial recovery	A1	1,000
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- continuing significant disability	A5	3,500
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- both knees		
- substantial recovery	A4	2,400
- continuing significant disability	A7	6,200
removal of		
- one knee	A3	1,800
- both knees	A5	3,500

Leg

Loss of

- one leg		
- below knee	A14	33,000
- above knee	A15	44,000
- loss of, or total loss of function of one leg where there is no remaining leg with useful function	A17	82,000
- both legs, whether below or above knee	A18	110,000
Paralysis of leg (see also major paralysis {paraplegia})	A13	27,000

Damage to one or more of tendon, ligament or cartilage

Minor damage

- one leg		
- continuing significant disability	A2	1,500
- both legs		
- continuing significant disability	A5	3,500

Moderate damage

- one leg		
- continuing significant disability	A5	3,500
- both legs		
- substantial recovery	A4	2,400
- continuing significant disability	A8	11,000

Severe damage

- one leg		
- substantial recovery	A2	1,500
- continuing significant disability	A7	6,200
- both legs		
- substantial recovery	A6	4,600
- continuing significant disability	A10	16,500

Tibia (shin bone)

Fractured

- one leg		
- substantial recovery	A3	1,800
- continuing significant disability	A6	4,600
- both legs		
- substantial recovery	A5	3,500
- continuing significant disability	A8	11,000

Toe

Fractured

- great toe

- one foot

- substantial recovery	A1	1,000
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- continuing significant disability	A7	6,200
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- both feet

- substantial recovery	A3	1,800
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- continuing significant disability	A9	13,500
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- two or more toes

- one foot

- continuing significant disability	A1	1,000
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- both feet

- continuing significant disability	A4	2,400
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Loss of:

- great toe	A7	6,200
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- both great toes	A9	13,500
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- two or more toes (other than great toe)	A4	2,400
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Partial loss of:

- great toe	A1	1,000
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- both great toes	A5	3,500
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**TARIFF OF INJURIES – PART B: SEXUAL AND PHYSICAL ABUSE AND OTHER
PAYMENTS**

<u>Description of injury</u>	Level	Standard Amount £
<u>Fatal criminal injury</u>		
Single qualifying relative	B9	11,000
Multiple qualifying relatives	B6	5,500

Physical abuse of adults, including domestic abuse

Note [5]: Where a person has sustained a number of injuries as part of a pattern of abuse, payment will normally be made to reflect the pattern of abuse, based on the most serious injuries in the pattern, rather than each separate injury. An exception may be made where a single injury sustained as part of the pattern of abuse would give rise to a higher tariff payment than that for the abuse, in which case the higher payment may be made instead of the award for the pattern of abuse.

Whether injuries have arisen as part of a pattern of abuse will be assessed by reference to all the circumstances, including whether there was one or more assailants (and whether they acted together), the nature of the injuries and incidents, and the period in which they occurred.

Serious abuse

- intermittent physical assaults resulting in an accumulation of healed wounds, burns or scalds, but with no appreciable disfigurement	B3	2,000
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Severe abuse

- pattern of repetitive violence resulting in minor disfigurement	B6	5,500
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Persistent pattern of severe abuse over a period more than 3	B8	8,200
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years

Physical abuse of children, including domestic abuse

Note [5] applies to physical abuse of children

Minor abuse

- isolated or intermittent assault(s) resulting in weals, hair pulled from the scalp etc	B1	1000
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Serious abuse

- intermittent physical assaults resulting in an accumulation of healed wounds, burns or scalds, but with no appreciable disfigurement	B3	2,000
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Severe abuse

- persistent pattern of repetitive violence resulting in:		
- moderate multiple injuries (e.g. bruising and minor fractures) or minor disfigurement	B6	5,500
- significant multiple injuries	B8	8,200
- severe multiple injuries	B10	13,500

Sexual offence where victim is any age (if not already compensated as a child)

Note [6]: Where a person has been the victim as part of a pattern of abuse of a number of sexual assaults which would otherwise qualify for separate payments, payment will normally be made for the pattern of abuse, based on the most serious incidents in the pattern, rather than for each separate incident.

An exception may be made where a single incident which occurred as part of the pattern of abuse would give rise to a higher tariff payment than that for the abuse, in which case the higher payment may be made instead of the award for the pattern of abuse.

Whether incidents are a part of a pattern of abuse will be assessed by reference to all the circumstances, including whether there was one or more assailants (and whether they acted together), the nature of the injuries and incidents, and the period in which they

occurred.

Sexual assault

- minor - non-penetrative sexual physical act(s) over clothing	B1	1,000
- serious - non-penetrative sexual physical act(s) under clothing	B3	2,000
- severe - non-penile penetrative or oral-genital act(s)	B4	3,300
- pattern of repetitive frequent severe abuse (whether by one or more attackers) over a period		
- up to 3 years	B7	6,600
- 3 years or more	B8	8,200
- resulting in serious internal bodily injuries	B12	22,000
- resulting in permanently disabling mental illness confirmed by psychiatric prognosis		
- moderate mental illness	B12	22,000
- severe mental illness	B13	27,000

Non-consensual penile penetration of one or more of vagina, anus or mouth

- by one attacker	B9	11,000
- by two or more attackers	B10	13,500
- resulting in serious internal bodily injuries	B12	22,000
- resulting in permanently disabling mental illness confirmed by psychiatric prognosis		
- moderate mental illness	B12	22,000
- severe mental illness	B13	27,000
- resulting in serious internal bodily injury with permanent disabling mental illness confirmed by psychiatric prognosis		

- moderate mental illness	B14	33,000
- severe mental illness	B15	44,000
- pattern of repetitive incidents (whether by one or more attackers) over a period		
- up to 3 years	B11	16,500
- 3 years or more	B12	22,000

Sexual offence where victim is a child (under age of 18 at time of, or commencement of, offence) or an adult who by reason of mental incapacity is incapable of giving consent

Note [6] applies where the victim is a child or an adult unable to give consent.

Sexual assault

- minor - non-penetrative sexual physical act(s) over clothing	B1	1,000
- minor - non-penetrative frequent sexual physical act(s) over clothing	B2	1,500
- serious - non-penetrative sexual physical act(s) under clothing	B3	2,000
- serious - pattern of repetitive non-penetrative sexual physical acts under clothing	B4	3,300

Sexual assault

- one or more of non-penile penetrative or oral genital act(s)		
- one incident	B4	3,300
- two or more isolated incidents	B5	4,400
- pattern of repetitive, frequent incidents		
- over a period up to 3 years	B7	6,600
- over a period of 3 years or more	B8	8,200

- resulting in serious internal bodily injuries	B12	22,000
- resulting in permanently disabling mental illness confirmed by psychiatric prognosis		
- moderate mental illness	B12	22,000
- severe mental illness	B13	27,000
Non-consensual penile penetration of one or more of vagina, anus or mouth		
- one incident	B9	11,000
- one incident involving two or more attackers	B10	13,500
- repeated incidents over a period		
- up to 3 years	B11	16,500
- 3 years or more	B12	22,000
- resulting in serious internal bodily injuries	B12	22,000
- resulting in permanently disabling mental illness confirmed by psychiatric prognosis		
- moderate mental illness	B12	22,000
- severe mental illness	B13	27,000
- resulting in serious internal bodily injury with permanent disabling mental illness confirmed by psychiatric prognosis		
- moderate mental illness	B14	33,000
- severe mental illness	B15	44,000

Other payments

Where a person has sustained any of the following as a direct result of their being the victim of a sexual offence, an additional payment will be made.

These payments will not be subject to the multiple injury formula at paragraph 37 of this Scheme.

Pregnancy	B6	5,500
Sexually transmitted infection other than HIV, Hepatitis B or Hepatitis C		
- substantial recovery	B6	5,500
- permanent disability	B9	11,000
Infection with one or more of HIV, Hepatitis B or Hepatitis C (sustained as a result of any crime of violence). This payment is not subject to the multiple injury formula.	B12	22,000
Loss of foetus (sustained as a result of any crime of violence). This payment is not subject to the multiple injury formula.	B6	5,500