



# Victims of Violent Crimes | How Can You Claim for Criminal Injury Compensation?

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The UK's largest domestic abuse charity, Refuge, has reported a 700% increase in calls to its helpline in a single day after the start of the Covid-19 lockdown.

If you have been the innocent victim of a violent crime and injured mentally or physically as a result, you may be able to seek compensation from the government by making an application to the [Criminal Injuries Compensation Authority \(CICA\)](#).

## Are you eligible for criminal injury compensation?

To be eligible for criminal injury compensation, the crime must have happened in England, Wales or Scotland and it must be reported to the police.

## How long do you have to make an application to CICA?

To make an application to CICA, in most cases, you must apply within 2 years of the crime happening.

You may be able to claim for a crime that happened more than 2 years ago if one or both of the following apply:

- You're claiming because of childhood sexual or physical abuse
- You could not claim earlier, for example, because your mental or physical health stopped you

The CICA is an executive agency, sponsored by the Ministry of Justice, and with limited funds available to pay compensation to victims. It has limited funds to pay compensation to victims of crime therefore strict tariffs apply and many injuries are rejected as they do not fall within the tariffs outlined by the CICA scheme.

## **Here are some criteria which are to be fulfilled should you wish to consider making an application to the CICA:**

1. You must have reported the crime to which you were a victim to the Police within a reasonable time. Without a crime reference, a CICA Application cannot be made. You must also be assisting the Police with their enquiries.
2. Any application to the CICA must be made within two years of the crime taking place (save for the exceptions mentioned above). There is no requirement to await the outcome of any criminal Trial or investigation
3. The injury you have sustained must fall within the tariff of injuries detailed under the CICA 2021 scheme. The CICA has no discretion when it comes to claims which do not fall within their tariffs. The lowest bracket of injury attracts an award of £1,000 but many injuries don't reach this minimum level. It would be for us to assess your claim and advise if it for compensation under the scheme.
4. Psychological injuries must be diagnosed. It is extremely common for victims of crime to suffer psychological damage only (with no physical injury) however if this is the case, then the Psychological injury must be a recognised Psychological disorder diagnosed by a clinical psychologist or psychiatrist.

Unfortunately, there are cases which will be rejected by the CICA and some examples of these reasons are:

- If you have unspent convictions. No discretion will be given by the CICA;
- If you have not been diagnosed with a recognised Psychological disorder
- If you are out of time with your application

We would recommend speaking with us before deciding to submit a claim. Many of the reasons the CICA will reject a claim can be identified in an initial telephone call.

## **How does CICA award compensation?**

CICA awards compensation by operating on a tariff system, which has been in place since November 2012. This defines the maximum levels of compensation which may be awarded. If you qualify also for lost earnings and/or special expenses (financial losses), the CICA will pay additional compensation however the maximum combined

amount payable under the scheme is £500,000.00

If you have suffered multiple injuries as a result of a violent crime, the CICA only pays compensation for the three most serious injuries, and this is done on a sliding scale. 100% compensation for the most serious injury, 30% for the second most serious and 15% for the third most serious injury.

Let's consider some examples:

### Example 1 – Moderate Brain Damage following a violent assault

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.

Likely CICA Award – £55,000.00

### Example 2 – Burns

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; or – third-degree burns covering more than 10% of the affected area in either adults or children; or – fourth-degree burns.

Likely CICA Award – £33,000.00

### Example 3 – Permanent Loss of Visual field

Likely CICA Award – £44,000.00

*\*These calculations are approximate figures and any final award assessed by the CICA may differ.*

Lester Aldridge can assist you from the very start of any potential claim and will complete the Application form on your behalf and guide you through the process to alleviate any additional concerns which may arise out of an already difficult situation.

For further information about the CICA or any other injury-related matters, please contact our Personal Injury solicitors. Get in touch by emailing [online.enquiries@la-law.com](mailto:online.enquiries@la-law.com) or if your query is urgent, please call [01202 786260](tel:01202786260)

