

If CICA review your offer they might increase the offer but also the offer may stay the same, or they might offer less after a review.

If you ask for your offer to be reviewed and still disagree with the offer after review, then you can appeal the decision to a tribunal – that is a panel of independent people who will look again at your claim and at CICA's decision.

You will receive information from CICA about how to do this. If you decide you want the decision to go to a tribunal you should speak to a solicitor or an experienced advice worker. You must get advice straight away so that you do not miss any time limits.

✓ Payment of compensation

CICA will decide how payment will be made. CICA should give a full explanation about how they manage payments for young people when they make a payment offer.

They may pay you a lump sum, or make payments in instalments or make a first payment but not pay the full amount until they get more information or make more decisions. For example, they may need to wait and see how long the effects of your injury will last.

If you are under 18 years of age, then CICA will keep the money until your 18th birthday. If CICA 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, they will decide how and when to make payment.

Useful further information:

For more information about Criminal Injuries Compensation see:

www.gov.uk/government/organisations/criminal-injuries-compensation-authority



Checklist



Criminal Injuries Compensation 05

What is a violent crime?	✓
What is a criminal injury?	✓
Rules for making a claim	✓
How to make a claim	✓
Help to make a claim	✓
Decisions about your claim	✓
Payment of compensation	✓

MORE INFORMATION

If you need more information about this you can contact Clan Childlaw on our Freephone number 0808 129 0522. You can send us a text message to 075 275 66682 (texts will be charged at your normal network rate). You can also send us an email to info@clanchildlaw.org, or send us a question through our website.

This leaflet is intended as a guide to the law in Scotland as at December 2016 and not as an authoritative statement and interpretation of the law.

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Criminal Injuries Compensation

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LAWYERS FOR CHILDREN
& YOUNG PEOPLE



Aberdeen CHARITABLE FOUNDATION

CLANCHILDLAW.ORG

WHAT IS CRIMINAL INJURIES COMPENSATION?

The government can award money to people who have been injured as a victim of violent crime.

✓ What is a violent crime?

Some examples are:

- Assault – when someone physically hits, hurts or attacks you.
- Domestic violence - if you are hurt, abused or intimidated by someone you live with, someone in your family or someone you are in a relationship with. Domestic abuse can be physical, emotional, psychological or sexual abuse. It may also be abuse if someone is forced to change their behaviour because they are scared of the reaction from someone they are in a relationship with or live with.
- Murder (if someone close to you is murdered or dies because someone commits a crime).
- Sexual crimes (sexual assault, indecent exposure, rape).
- Harassment and stalking.
- Hate crime (crimes relating to race, religion, sexuality, disability).
- Robbery (taking money by violence).

It's not always obvious that you have been a victim of a crime. If you are worried, confused or vulnerable or something has happened that makes you feel uncomfortable then you can speak to the [Victim Support Helpline](#) on 0345 603 9213.

✓ What is a criminal injury?

A physical injury because of abuse or a crime of violence.

- Mental health problems or emotional problems because of abuse or a crime of violence.

For example, if you have panic attacks or are depressed.

✓ What compensation could you claim?

- There is a scheme called the [Criminal Injuries Award Scheme](#) which sets out how much compensation people will get depending on the type of injury.
- You could get compensation if you lose out on work or miss out on education because of the criminal injury.
- If a family member who looks after you is killed by a crime of violence you may be able to claim for financial help for yourself and you may be able to claim on behalf of the victim.

✓ What are the rules for making a claim?

- You can only claim if you have reported the crime to the police. When you report the crime to the police you are given a police reference number and you will be asked to give this in your application form.

BUT

- You can still claim even if the person who committed the crime isn't caught, and you can claim even if they are not found guilty of the crime.
- You have to make the claim within two years of the crime being committed. There are times however when this rule does not apply - for example if you were victim of abuse when you were a child or if there are reasons you could not claim any sooner. If you decide to make a claim you should do this as soon after the crime as possible.
- You must be "blameless" for the crime that you are claiming for - that means you must not have been involved in the crime yourself. You can still claim if you have a criminal record BUT if you have a criminal record the amount of award you get might be less.

✓ How do you make a claim?

You need to complete and send in an application form to the [Criminal Injuries Compensation Authority](#) (also known as CICA). You can do this by completing the form online at <https://www.gov.uk/claim-compensation-criminal-injury#before-you-start> or you can phone [Criminal Injuries Compensation Authority](#) on 0300 003 3601.

✓ Do you need help with making a claim?

There are some reasons you might want to get help with making a claim:

- It is important to fill in the form properly and if you don't do this it might mean you don't get compensation.
- Once you have applied you will be given time limits to come back to CICA with more information and it's very important that you respond in time - if you don't it might stop your claim.
- If you accept the offer you have to fill in forms to claim the money. It is very important that you follow the instructions or it could mean you don't get the money.

Because it's important that you get all these things right you might want to get some help with the application process.

You can get help from a family member, friend, social worker or advocacy worker. If you want independent advice then [Victim Support](#) or a [Citizens Advice Bureau](#) can help you. You don't have to get advice from a solicitor to lodge a claim but if you think it would help then you can speak to a solicitor* (*see our separate information sheet about [Getting a Lawyer](#))

If you want help from a solicitor please contact [Clan Childlaw](#) for more information.

If someone is helping you with your claim ("your representative") then you will have to tell CICA that they are helping you and confirm that you are happy for CICA to give them information about your claim.

✓ The decision about your claim

When you send in your application CICA will get in contact with the police or procurator fiscal to find out more details about the crime. They will check that you co-operated with the police investigation and that you didn't have anything to do with the crime. They will check if you have a criminal record. They might get in touch with the doctor that treated you for your injuries or health problems you have after the crime. If they need any further information from you they will get in contact with you. It is very important that you give them any more information they ask for, if you don't then they may stop your application.

When the Criminal Injuries Compensation Authority have made a decision about your claim they will write to you, or your representative, and they may make you an offer of the amount of compensation they will give you. If you are not satisfied with the offer made then you can ask for a review - the letter from CICA will tell you how you can ask for a review of your offer.

✓ Review

It's important to get the review right so you should speak to a solicitor or an experienced advice worker before asking for a review. You must get advice straight away because there are time limits for requesting a review. If you miss these limits you may lose your claim and any chance to review.