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| **5.1.16 Criminal Injuries Compensation Authority Claims for Looked After Children** | Top of FormBottom of Form |

**RELATED GUIDANCE**

[**A Guide to the Criminal Injuries Compensation Scheme 2012**](https://www.gov.uk/criminal-injuries-compensation-a-guide).

**AMENDMENT**

This chapter was amended in May 2019. Section 4, Making an Application, now advises child social workers to initiate applications to the Criminal Injuries Compensation Authority through LGSS Legal who will manage the application through to completion.

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 **1.** **Introduction**

The Criminal Injuries Compensation Scheme is a government-funded scheme to compensate victims of violent crime, administered by the [**Criminal Injuries Compensation Authority (CICA)**](http://trixresources.proceduresonline.com/nat_cont/contacts/cica.html).  Where a [**Looked After**](http://trixresources.proceduresonline.com/nat_key/keywords/looked_after.html) child appears to qualify (see [**Section 2, Eligibility**](https://northamptonshirechildcare.proceduresonline.com/chapters/p_crim_inj_comp_lac.html#eligibility)), legal advice must always be sought as to whether or not an application should be made.

Note that awards will not be made which would result in the person causing the injury to benefit from the award.

The Scheme is intended to compensate blameless victims of crimes of violence. The CICA will take into account the circumstances surrounding the incident and the claimant’s character. This could include considerations such as, for example, a history of anti-social behaviour on the part of the claimant, or the claimant having acted in such a way as to provoke the incident.

The Criminal Injuries Compensation Authority can be contacted for advice on eligibility and making a claim.

 **2.** **Eligibility**

A child/young person may be eligible if they:

* 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.

A ‘crime of violence’ may include:

* 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.

Contact the [**Criminal Injuries Compensation Authority**](http://trixresources.proceduresonline.com/nat_cont/contacts/cica.html) for advice on eligibility.

 **3.** **Timescales**

Applications should always be made as soon as possible and in general, must be made within 2 years of the event giving rise to the claim. However, where the applicant was under 18 at the time of the incident special provision is made regarding timescales as follows:

* If the incident or period of abuse was reported to the police before the young person turned 18, a claim will be accepted up to the young person’s 20th birthday;
* If the incident or period of abuse took place before the young person turned 18, but was not reported to the police at the time, a claim will be accepted within two years of the date when the incident was first reported to the police.

**All incidents must be reported to the police before a claim can be made to the CICA**.

**Reports to the police should be made as soon as is reasonably practicable**.

No matter how long ago the abuse took place, it should be reported to the police before a claim can be made. If it has not been reported to the police, then the CICA will reject the claim.

 **4.** **Making an Application**

Although applications can be made directly either online, at [**Gov.uk**](https://www.gov.uk/claim-compensation-criminal-injury) or by telephone to the [**Criminal Injuries Compensation Authority**](http://trixresources.proceduresonline.com/nat_cont/contacts/cica.html) with Customer Service Centre advisors available to assist with claims, it is advised that the child’s social worker email LGSS Legal on LGSSLawLitigationTeam@LGSSLaw.co.uk in order to initiate the application. This will ensure LGSS Legal are able to manage CICA applications to completion.

**Supporting Evidence**

The following supporting evidence must be supplied:

* Proof of satisfaction of the residency requirements;
* Basic medical evidence showing that the child/young person suffered an injury that can be compensated under the Scheme.

The CICA may collect the following evidence:

* Confirmation from the police that the incident was reported to the police;
* Confirmation from the police and/or witnesses that the behaviour of the child/young person did not contribute to the incident in which the injuries were received;
* Additional medical evidence, if the injuries are complex or the applicant is claiming for mental illness.

 **5.** **Accepting a Payment**

Legal advice should be sought without delay as to whether or not the offer should be accepted.

The acceptance form must be completed and returned within 56 days of it being sent. **If it is not returned within 56 days, and no written request has been made for a review or an extension of time, a payment will not be made**.

The CICA **may** extend the 56-day time limit for up to a further 56 days. Only one such extension may be allowed.

 **6.** **Reviewing Decisions**

If legal advice is received that the decision should be reviewed, written application for a review must be submitted within 56 days of the date of the original decision. A review form will be sent with the decision. Any additional evidence in support of the claim must be submitted.

If it will take longer than 56 days to collect the supporting evidence, a request should be made for the time limit to be extended by up to a further 56 days. Such requests can be made after the expiry of the first 56 days, but such requests will only be granted if there are exceptional circumstances which meant you could not have requested an extension earlier.

The decision will be reviewed by a different claims officer.

The review decision can be more or less favourable than the original decision, or the original decision may be unchanged.

If the review decision is not accepted, an appeal may be made.

 **7.** **Appealing Decisions**

A review decision can be challenged by appealing, within 90 days of the date of the review decision, to the First-tier Tribunal ([**Criminal Injuries Compensation**](http://www.justice.gov.uk/tribunals/criminal-injuries-compensation/appeals)). An appeal form will be sent with the review decision. The form and supporting evidence should be sent to:

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

The Tribunal is independent of the CICA.

The Tribunal must hold a hearing before making a decision unless it considers that it is able to decide the matter without a hearing and each party has consented to, or has not objected to, the matter being decided without a hearing.

The appeal tribunal may make a decision that is more favourable or less favourable than the review decision, or the review decision can stay the same.

 **8.** **The Award**

Wherever possible claims are settled by a single lump sum payment. Where eligibility for a payment has been determined but a final decision has not been reached then an interim payment can be considered.

No compensation will be paid until the Criminal Injuries Compensation Authority receives an acceptance of the award in writing. Every effort must therefore be made to minimise the delay in responding to the Authority.

If the payment is accepted, the CICA will then normally put the money in an interest-earning deposit account in the child’s name, the payment to be paid to the child (together with all interest earned) when they reach 18.

The CICA may consider requests to make payment into a [**Child Trust Fund**](http://trixresources.proceduresonline.com/nat_key/keywords/chi_trust_fund.html)/Junior ISA or another type of account where the full value of the payment is protected until the child is 18 years old.

 **9.** **Advancing Money from the Award to the Child**

The CICA may allow advances if these are needed for the child’s sole benefit, education or welfare (not for general spending money).

They may consider making a full payment if the child is 16 or 17 years of age and living independently.

The CICA will need evidence (normally a receipt) proving that it has been used for the purposes intended. If they don't get this evidence, they will not allow any further advances.

 **10.** **When a Young Person is 18**

When the young person reaches the age of 18 years, responsibility for handling the money awarded by the Criminal Injuries Compensation Authority will be handed over to him/her unless he/she is felt to be incapable of dealing with it.

If the CICA receive evidence which shows it would not be in the child’s best interests to be given the payment as a lump sum when he/she turns 18, they may give further consideration to the use of an annuity or a trust at that time.

**End**

**The Department for Education has released the updated version of** [**Working Together to Safeguard Children**](http://www.workingtogetheronline.co.uk/)**.
The changes will be reflected in this manual at the next update.**