

HOME OFFICE
SCOTTISH OFFICE HOME AND HEALTH DEPARTMENT

Compensating victims of violent crime:

Changes to the criminal injuries compensation scheme

LONDON: HMSO



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**COMPENSATING VICTIMS OF VIOLENT CRIME:
CHANGES TO THE CRIMINAL INJURIES
COMPENSATION SCHEME**

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for the Home Department and the Secretary of State
for Scotland by Command of Her Majesty
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COMPENSATING VICTIMS OF VIOLENT CRIME

CHANGES TO THE CRIMINAL INJURIES COMPENSATION SCHEME

Introduction and Summary

1. On 23 November 1992 the then Home Secretary (Kenneth Clarke) answered a Parliamentary Question from Sir John Wheeler MP in which he reaffirmed the Government's commitment to improving services to all victims of crime (Official Report, Col 457) and gave notice of the Government's intention to replace the present Criminal Injuries Compensation Scheme with a new, tariff based, scheme in 1994. The aim would be to provide a better service to victims. This White Paper sets out the Government's plans in more detail.

2. It is widely accepted that there is no objectively "right" sum of money which can compensate an individual for the pain and suffering which he or she has endured as a result of an injury. In deciding on the appropriate level of damages to award to an individual in a civil suit, the courts take into account a number of different factors and attempt the almost impossible task of assessing how the injury has affected that particular individual in all of the circumstances which apply. Similarly under the current Criminal Injuries Compensation Scheme the Criminal Injuries Compensation Board attempts to make these judgements. This is a complex and time consuming process, with much inevitable uncertainty for the applicant. The Government remains committed to providing a tangible measure of help to blameless victims of crimes of violence in recognition of the hurt which they have suffered, but it no longer believes that the best way of doing this is by attempting an individual assessment in each case which can in any event only arrive at an essentially artificial sum of money.

3. Accordingly, the Government has decided to introduce a new system of payment to the victims of crimes of violence. The main features of the new arrangements are:

- (i) compensation will no longer be assessed on the basis of common law damages;
- (ii) injuries of comparable severity will be grouped or banded together in a tariff of awards, and each band will attract a single lump sum payment;
- (iii) there will be 25 tariff levels, with awards ranging from £1,000 to £¼ million;
- (iv) tariff levels will be based on the Board's past award levels;
- (v) the average claimant should be no worse off than under the current scheme;
- (vi) no separate payment will be made for loss of earnings or medical expenses;
- (vii) the basic rules for eligibility will remain largely as before;
- (viii) the new scheme will apply to all applications lodged on or after 1 April 1994;
- (ix) cases lodged before April 1994 will be cleared by the present Board under the current rules.

The more detailed rules of the new tariff scheme will be published early in the new year.

Background

4. The Criminal Injuries Compensation Scheme was introduced in August 1964. It provides payment from public funds to the innocent victims of crimes of violence and those injured in attempting to apprehend criminals or prevent crime. In introducing the scheme, the Government of the day made it clear that it did not accept that the State was liable for injuries caused to people by the acts of others. But it believed that the public

felt a sense of responsibility for and sympathy with the innocent victim and that it was, therefore, right for this feeling to be given practical expression by the provision of a monetary award on behalf of the community. The present Government is of the same opinion.

5. The scheme operates in Great Britain. There are separate arrangements in Northern Ireland. The Scheme is non-statutory and awards are made on an ex-gratia basis by the Criminal Injuries Compensation Board (CICB), a non-departmental public body, whose members¹ are appointed by the Home Secretary and the Secretary of State for Scotland. They are supported by over 400 seconded, loaned or assigned civil servants in the Board's London and Glasgow offices. The Board also considers appeals against decisions to refuse or reduce compensation, or against the amount awarded². The British scheme was the first of its kind in Europe, and has remained amongst the most generous anywhere—only in the United States is more compensation paid, and then only marginally more (about 12% in 1991).

6. The scheme has continued essentially unchanged in character since its inception, though modifications have been made from time to time. Amongst other things, these have raised the lower limit for compensation, brought within the scheme's scope victims of violence within the family and other classes of victim previously excluded, and introduced a provision for appeals to be considered on the available paper evidence.

Growth of Scheme

7. In its first full year of operation (1965–66) the Board received 2,452 applications and made 1,164 awards totalling £403,000 (£4 million at today's prices). Last year (1992–93) the Board received almost 66,000 applications and made nearly 37,000 awards totalling £152½ million. The average award (which historically has increased by some 5% more than the general rate of inflation each year) was just over £4,000. Operating expenses of £14¼ million accounted for under 9% of total expenditure. Fuller historical details are given in the table at Annex A.

Current Basis of Awards

8. Under the current scheme awards are assessed by the Board on the basis of common law damages: that is, what an applicant in a civil suit could expect to receive from his attacker (ignoring any consideration of limited means). There are two broad heads of damage for awards under common law damages, namely, general damages for pain and suffering for the injury plus any future loss of earnings, and special damages for past loss of earnings and other non recoverable expenses (eg medical expenses). Calculation of awards on that basis necessitates finely judged assessments of the degree of suffering and financial loss. That militates against speedy and consistent decision taking. It also makes it very difficult to predict the future costs of the scheme. The Board have made determined efforts to improve the workings of the scheme over the years—efforts which have met with some success and which have been greatly appreciated by the Government. Nonetheless, despite these efforts and despite large increases in administrative resources, the backlog of unresolved cases has risen inexorably, and delays of over a year in the final settlement of claims are not unusual.

Need for change

9. Against that background, the Government concluded last year that a scheme based on common law damages was inherently incapable of delivering the standard of service claimants should now reasonably expect—that is a service which produces awards reasonably quickly, and in an understandable and predictable manner. Accordingly it decided to introduce a new scheme, based on a tariff or scale of awards for injuries of comparable severity. There would no longer be a link with common law damages, making the new scheme more straightforward and easier for claimants to understand.

Conceptual nature of change

10. There is no obvious or logical way of matching a particular sum of money precisely to the degree of pain and hurt suffered by an injured person. Even under common law damages the award of damages is not an exact science. Judgements tend to be made pragmatically on the facts of the case and with regard to precedent. But the assessment is essentially subjective rather than objective and any amount awarded must to some extent be regarded as artificial. There is no exactly right answer.

11. It has also to be remembered that, unlike claimants in the civil courts, claimants to CICB do not necessarily have to be able to identify their attacker, or weigh up their prospects of success and the risk of having costs awarded against them if they are unsuccessful. Claims to CICB are essentially risk free; and most are of a kind that would not be pressed in the civil courts. The sums involved are usually comparatively low

¹ There are currently 44 Board members.

² Appeals are considered by Board members other than those taking the original decision.

when set against the risk of being forced to meet legal costs if the case were lost and the risk of disputes about the facts, which could both make pursuit of a civil claim a more dubious proposition. Moreover, a successful claim on CICB will invariably be paid. This may not be the case in a civil court action when the offender has limited means or simply refuses to pay.

12. Such factors have been major elements in the consideration that led the Government to decide that awards based on common law damages are no longer appropriate for a state financed compensation scheme. Since there is no absolute or right figure for an award, the Government does not consider it appropriate to attempt the very difficult and time consuming task of trying to assign a precisely calculated, but essentially arbitrary sum to the injury suffered. It will however continue to provide a tangible recognition of society's sympathy and concern for the blameless victims of crimes of violence. This will be done by making payments which are related to the nature of the injury suffered. The new system will accordingly be based on a tariff or scale of awards under which injuries of comparable severity are grouped together in bands for which a single fixed payment is made. This means that people with similar injuries will get the same payment, which is by no means the case under the present system where people can often get radically different awards for similar injuries.

Establishing the Tariff

13. Although it has been argued above that there is no precisely right figure for compensation in a particular case, the Government has started from the position that the tariff should be set in a way that would produce, for any particular injury, an award broadly in line with current levels, while leaving the average claimant no worse off than before. The intention was to build on the collective and distilled experience of the present Board by basing the tariff payments on awards previously made by them. This would allow injuries to be sorted into groups of comparable severity, as measured by the level of Board awards, and a suitable tariff to be determined for each grouping or band.

14. Since the Board does not collate centrally information about types and numbers of injury or corresponding awards, it was decided to examine a representative sample of recently completed cases to provide the necessary data. The most recent year for which full information was available when the exercise was mounted was 1991–92. Accordingly, nearly one third of the 60,000 cases finalised in that year were examined. Care was taken to ensure the sample was statistically representative of all claims, while the number of cases sampled was more than sufficient to provide the level of accuracy needed. The information from the survey was then subjected to computer analysis to inform decisions on setting the injury groupings and corresponding award levels.

15. This extensive and thorough sampling exercise showed that some 200 different injuries were sustained by successful claimants in 1991–92. It also showed that it was quite feasible to list those injuries in order of severity according to the median award for that injury. The median³ was used for this purpose rather than the mean⁴ since it reflects more closely the value of the pain and suffering element of the award ie it is more indicative of the award for the injury itself. The mean average could be distorted by special factors such as loss of earnings and payment for medical or other expenses.

16. The resulting list was then subjected to further analysis to rectify any data input errors and to remedy inconsistencies where, for example, a very small number of examples of a particular injury produced an atypical result. The corrected list was then compared against other sources of information about levels of award in personal injury cases and, as far as was possible, any remaining anomalies were then corrected. At the same time, other comparable injuries, which had not actually been sustained by claimants in 1991–92 but which might be sustained by claimants in future, were inserted; while unnecessary duplication, where different injury descriptions had been assigned to essentially similar injuries, was removed. The Government believes that the resulting list provides as fair and equitable a basis for comparing the severity of different injuries and setting the tariff as it is reasonably possible to produce.

The Tariff

17. Using the refined list, injuries were assigned to one of 25 payment levels, ranging from £1,000 to £250,000. The tariff levels were set with a large number of levels near the bottom end, where most of the injuries are concentrated, to permit finer gradations of award for the particular injury. Injuries were assigned to the level closest to the median award for the particular injury. The resulting tariff is set out at annex B.

³ ie as many awards above as below the median figure.

⁴ ie the total amount paid out for a particular injury divided by the number of such injuries.

Lower Limit for Awards

18. A lower limit for awards is necessary to ensure that the Board can concentrate its resources on the more seriously injured victims and deal as quickly as possible with the heavy workload. The lower threshold for awards was raised to £1,000 on 6 January 1992. That will remain the minimum threshold under the new tariff scheme. Thus anyone whose injury is sufficiently serious to attract an award under the current arrangements may expect to receive an award under the tariff scheme.

Upper limit

19. A tariff scheme must, by definition, impose an upper limit. The cases which will attract the highest payment will inevitably be particularly serious and distressing ones. The sampling exercise showed that such cases are—thankfully—rare. Nonetheless, the Government believes that it would be right to signal society's profound sympathy for victims who have suffered particularly dreadful injuries, and has therefore decided that the maximum payment available under the tariff scheme should be £¼ million.

Multiple Injuries

20. The sampling exercise showed that where serious multiple injuries were sustained the award made by CICB was based very largely on the most serious or dominant injury suffered. Under the tariff scheme therefore the award for serious multiple injury will be the tariff award for the highest rated injury plus, where the injuries affect different areas of the body (eg, head, leg and arm), 10% of the tariff value of the next most serious injury and, where appropriate, 5% of the tariff value of the third most serious injury. Minor multiple injuries may, if sufficiently numerous, attract the minimum tariff award of £1,000.

Loss of Earnings/Future Medical Care

21. Under the current scheme loss of earnings and costs of future medical care can be paid as separate heads of damage. That is a feature of the common law system, though the necessary calculations can often prove to be very difficult and time consuming to make. The tariff scheme will however, break the link with common law damages; and the aim will no longer be to provide finely calculated "compensation" as such. Instead a simple lump sum award related to the severity of the injury will be paid. That removes the subjective element of assessment and substitutes a more objective test which is easier to apply. That in turn should enable awards to be assessed more quickly, and help to ensure that everyone sustaining a similar injury will be treated in a similar fashion. Under such a tariff system, a separate or additional payment for loss of earnings or future medical care is no longer appropriate. Such expenses will therefore no longer be paid separately. But since the tariff payments are based on the median awards under the present scheme, the majority of claimants will be no worse off under the new arrangements than they would be under the present ones.

22. Victims sustaining more serious injuries who might thereby have expected to receive some element for loss of earnings and/or future medical care in an award based on common law damages will of course now receive an award from one of the higher tariff bands. Indeed the most gravely injured could receive an award of as much as £¼ million. Since awards for general damages in the civil courts very rarely exceed £100,000, even in the worst cases, the higher tariff awards provide a very substantial additional cushion to mitigate the effects of cessation of separate payment for loss of earnings or future medical care. The Government believes that in setting a very high upper limit for payment under the tariff scheme it has done as much as it is reasonable to do in this regard.

Fatal Cases

23. Under the current scheme, awards in fatal cases in England and Wales can comprise reimbursement of funeral expenses, and/or a bereavement award and/or a dependency award. Bereavement awards⁵ can be made to the husband or wife of the deceased or to the parents of an unmarried minor child. Dependency awards are usually made to a wife or dependent children, and are largely based on an assessment of the amount of financial support provided by the deceased and how long it would have lasted. Future loss of earnings can feature fairly prominently in such calculations.

24. In Scotland, relatives can claim funeral expenses, loss of support, loss of services and compensation for the distress resulting from the death, and also for the loss of the deceased person's society and guidance. Often, damages for loss of support will consist almost entirely of an amount to represent future loss of earnings.

⁵ In England and Wales the bereavement award is fixed in statute at £7,500, and the Board pays this amount even though, as the Scheme is ex-gratia, it is not bound to do so.

25. However, since loss of earnings is no longer to be paid as a separate head of damage under the tariff scheme, it would be inappropriate and inconsistent to continue paying dependency/loss of support awards in fatal cases. Accordingly, in order to be able to bring such cases within the tariff system, the Government has decided that while funeral expenses will continue to be reimbursed as before to whomsoever paid them, bereavement awards and dependency awards (and their Scottish equivalents) will be combined into a single tariff award of £10,000. This will be apportioned equally between the close relatives of the deceased. Since awards in fatal cases have rarely exceeded £10,000 in total (in 1991–92 there were only 25 such awards out of a total of 252), the new tariff award in fatal cases will, like other awards under the tariff scheme, leave most claimants no worse off than before. Indeed, in fatal cases, most claimants will be rather better off.

Eligibility Rules

26. Eligibility is currently assessed against the following principal criteria:

- (i) was a crime of violence involved;
- (ii) was the crime reported to the police;
- (iii) did the conduct of the applicant help cause the incident;
- (iv) does the character and conduct of the applicant make an award, or a full award, inappropriate; and
- (v) would damages exceed the minimum threshold?

27. The Government believes these basic criteria have stood the test of time and have worked well in practice. No fundamental changes to the current rules are therefore proposed although the following minor changes will be made, in the interests of efficiency and clarity, when the tariff scheme is introduced:

- (i) the time limit for making an application will be reduced from three years to one year. This will help the scheme administrators predict the work flow and the future costs of administration and compensation more readily. There will, however, as with the present scheme, be a discretion to waive the normal time limit in exceptional cases;
- (ii) the territorial limits of the scheme will be clarified in their application to “British Ships”;
- (iii) the character and conduct rule will be relaxed to the extent that an offence which has become spent under the Rehabilitation of Offenders Act 1974 will no longer be taken into account in determining whether an award should be reduced or withheld because of the applicant’s criminal record. This will be in keeping with the spirit of the Act under which an offender’s record is no longer held against him after a rehabilitation period has been served.

Administration of the new scheme

28. The severance of the link to common law damages and the introduction of a straightforward tariff scheme, under which payments are made from a scale of awards related to the nature of the injury, means that the specialised skills of senior lawyers with experience of personal injury casework will no longer be needed and that cases can be decided administratively. There will accordingly be no longer term role for the present Board to play under the tariff arrangements. However, claims lodged before the new scheme starts will fall to be cleared under the present rules by the present Board. That process might take about two years, during which time the old and the new schemes will run in parallel. Board members will still be needed in that period.

29. The Government would like to take this opportunity to record its very sincere thanks for all the good work the Board have done in the past and to make it clear that the introduction of the tariff scheme implies no criticism of their achievements.

30. On the basis that it would not be appropriate for the present Board to be running the new scheme a range of options for administering the new arrangements has been considered. These included immediate privatisation, market testing and contracting out (if appropriate), creating an agency, leaving the organisation as a non-departmental public body (NDPB), or bringing the administration within central government. It was concluded that true privatisation (letting the private sector run the scheme on a private insurance basis) was unacceptable in principle. Bringing administration within central government was also discounted because the Government’s policy is to devolve functions, rather than take on new ones. Agency status would have brought the administration of the scheme closer to Government than is the case now when the Board has NDPB status;

and it was rejected on broadly the same grounds. The best approach seemed to be to market test the operation. But practical considerations—in particular, the need to concentrate management effort on establishing the tariff scheme on a sound and viable basis in the run up to the tariff scheme's introduction next year and the two year period thereafter, when the old and new schemes would be running in parallel—rule this out as a sensible option in the short term. It has been decided therefore that the new scheme should, initially at least, be run by a non-departmental public body (NDPB), in the same way as its predecessor has been—using the same administrative staff as the current scheme. That will allow the same staff to work on both schemes, with a gradual cross-over of staff as the balance of work shifts from the old scheme to the new, ensuring the best use of experience and resources, enabling common services to be shared, and keeping the overall costs of administration as low as possible. It will, of course, be necessary to change the grade mix of the administrative staff to reflect the fact that they will now be taking decisions themselves, rather than processing the papers for consideration by Board members.

31. As indicated, however, there is no reason why, once the new scheme has been satisfactorily established, the administration should not be market tested. The organisation, which will be known as the Criminal Injuries Compensation Authority (CICA), has therefore been included in the Home and Scottish Office market testing programmes for 1995–96, with the expectation that a contract or service level agreement in the case of a successful in-house bid would operate from 1 April 1997. In the meantime CICA will produce an annual management plan and will publish targets and commitments on standards of service, in line with the Citizen's Charter.

Appeal Arrangements

32. Under the current scheme a person may appeal against a decision of the Board in respect of the level of award offered and any decision about eligibility. Appeals against the level, or quantum, of award should be far fewer under the new scheme since the level is fixed in relation to the injury. It is possible, however, that some applicants may be dissatisfied and argue that their injury has been wrongly classified, or that they may, as now, disagree with decisions about eligibility. In these circumstances, it seems right that they should have an avenue of appeal.

33. Under the present scheme appeals against Board decisions are considered by other members of the Board. Since the Board will have no locus in the running of the new scheme, it has been necessary to devise new arrangements to deal with appeals.

34. A two stage process is envisaged. If the applicant is dissatisfied with the initial decision he may request reconsideration of his case by the Criminal Injuries Compensation Authority. This will be an internal review of the case conducted by a more senior member of the administration. This review will ensure, amongst other things, that the correct information has been obtained, the correct rules and procedures applied, and will consider any additional information that might have been brought to notice. The senior administrator will be able to confirm, overturn, or otherwise alter the earlier decision.

35. If the claimant remains dissatisfied after this review of his case, he will be able to appeal to an appeals panel independent of both the CICA and the Secretary of State. Members of the appeals panel will be drawn from a broad constituency including the legal and medical professions, the business and commercial world and other professional or responsible groups. Members will be appointed by the Secretary of State.

36. The panel will be able to consider such aspects of the case as it considers appropriate. It will be able to deal with the appeal on the papers or by offering the appellant an oral hearing at which he may present his case in person. It is intended that the appeals process should be as informal as is consistent with the proper consideration of the case. The panel will be able to confirm, set aside or change any earlier decision, within the overall parameters of the scheme. The panel's decision will be final and binding on the CICA. It will not be subject to review by Ministers. (The panel will not, of course, be able to decide that an injury which has been ascribed correctly to a particular band should receive a different award.)

37. The Government is committed to a fair, equitable and readily accessible appeals system. But it has recognised that any appeals process can be time consuming and expensive to administer; and that the priority should be to ensure that there is an appropriate means of redress for the claimant whose case has not been properly decided. In order, therefore, to discourage or deter frivolous or vexatious appeals, the appeals panel will be empowered to reduce any award already offered by a notional amount to cover the administrative costs of a time-wasting appeal and to refuse reimbursement of the appellant's expenses⁶, including cases where no award has been offered. It is not expected that this power would be used often.

⁶ The normal expectation would be that an appellant's reasonable (eg travelling etc) expenses would be reimbursed.

Status of the New Scheme

38. The present scheme is non-statutory and payments are made on an ex-gratia basis. Provision was made in the Criminal Justice Act 1988 for the scheme to be placed on a statutory footing. However, at the request of the Board the relevant provisions were not brought into force, because this would have disrupted their efforts to deal with the heavy workload. With the impending demise of the current scheme the provisions in the 1988 Act will not now be implemented. They will accordingly be repealed when a suitable legislative opportunity occurs.

39. The new scheme, like the present one, will at least initially be non-statutory and payments will continue to be made on an ex-gratia basis. Consideration will, however, be given to putting the scheme on a statutory basis once it has had time to settle down and any teething problems have been resolved.

Transitional Arrangements

40. The new scheme will come into force on 1 April 1994, and a statement of Charter Standards will also be published by April 1994. The more detailed rules of the new scheme and supporting guidance for claimants will be published early in the new year. Cases lodged before April 1994 will be dealt with by the Board under the current rules. Cases lodged on or after 1 April 1994 will be dealt with under the tariff scheme. It is expected that it will take around two years to clear the cases lodged under the current rules, during which time the old and new schemes will run in parallel. Should any old scheme cases remain outstanding at the end of that time it may be necessary to make special arrangements for clearing them. These will not however prejudice any expectations such claimants may have under the current rules.

Conclusion

41. While the Government accepts that the current scheme has served a most useful function in the past in enabling state compensation to be paid to innocent victims of crimes of violence, it believes that the time has come for change. The inherent disadvantages of a scheme based on common law damages and the inexorable rise in the number of claimants necessitate a fresh approach. The Government no longer believes it appropriate to attempt the almost impossible task of assessing compensation on the basis of finely judged, yet essentially artificial assessments of the effects of crime on individuals. Instead, claimants will receive a lump sum payment related to the severity of the injury suffered in accordance with a published tariff of awards. This new arrangement should be more readily understood by claimants. It should also enable them to receive their compensation more quickly and in a more straightforward manner. Because the tariff has been based on the median award under the existing scheme, the majority of claimants should be no worse off when the tariff scheme is introduced than they would have been under the current scheme. Applicants will also have an unfettered right of appeal to an independent appeals panel if they consider they have been unfairly treated.

42. The Government believes the new scheme offers significant advantages to claimants and administrators alike. The costs of administration should come down, and should also be more predictable, while claimants should receive a better service. The new arrangements will continue to represent one of the most generous state compensation schemes for the victims of crimes of violence anywhere in the world.

CRIMINAL INJURIES COMPENSATION SCHEME
(Historical Record)

Financial Year	At Actual Prices				At 1993-94 Prices						Admin. cost as % of Total cost						
	Applications		Awards Made	Compensation Paid (£M)	Admin-istration Costs (£M)	Total Costs (£M)	Average Award (£)	Lower limit for awards (£)	GDP Deflator (@ 30-11-93)	Compensation Paid (£M)		Admin Costs (£M)	Total Costs (£M)	Year on Year Increase	Average Award (£)	Year on Year Increase	Number of Admin Staff
	Made	Resolved															
1964-65 ¹	554	130	424	122	0.033	0.016	0.05	270	50	9.864	0.35	0.17	0.51	2.831	11	32.7%	
1965-66	2,452	1,375	1,501	1,164	0.403	0.060	0.46	346	50	10.377	4.03	0.60	4.62	3.458	30	13.0%	
1966-67	3,312	2,717	2,096	2,404	0.914	0.094	1.01	380	50	10.770	8.76	0.90	9.66	3.645	40	9.3%	
1967-68	5,316	3,869	3,543	3,490	1.294	0.122	1.42	371	50	10.081	13.25	1.25	14.50	3.797	58	8.6%	
1968-69	6,437	5,985	3,995	5,060	1.673	0.178	1.85	331	50	11.645	14.83	1.58	16.41	2.932	58	9.6%	
1969-70	7,247	6,817	4,425	5,614	1.992	0.208	2.20	355	50	12.253	16.79	1.75	18.54	2.990	65	9.5%	
1970-71	7,419	5,893	5,951	4,901	2.098	0.229	2.33	428	50	13.262	16.33	1.78	18.12	3.333	65	9.8%	
1971-72	9,886	9,449	6,388	8,102	3.301	0.298	3.60	407	50	14.474	23.55	2.13	25.67	2.906	79	8.3%	
1972-73	10,926	9,837	7,477	8,322	3.450	0.356	3.81	415	50	15.654	22.76	2.35	25.10	2.734	99	9.4%	
1973-74	12,215	10,564	9,128	9,024	4.048	0.441	4.49	449	50	16.729	24.98	2.72	27.71	2.769	99	9.8%	
1974-75	14,227	12,506	10,849	10,708	5.059	0.629	5.69	472	50	20.015	26.10	3.24	29.34	2.437	107	11.1%	
1975-76	16,690	13,599	13,940	11,500	6.477	0.911	7.39	563	50	25.107	26.64	3.75	30.38	2.316	120	12.3%	
1976-77	20,400	16,393	17,947	13,951	9.677	1.158	10.84	694	150(a)	28.499	35.06	4.20	39.25	2.513	117	10.7%	
1977-78	20,826	16,432	22,341	14,052	10.107	1.267	11.37	719	150	32.376	37.42	4.53	41.95	2.294	126	11.1%	
1978-79	21,960	19,607	24,694	16,357	13.046	1.578	14.62	798	150	35.994	37.42	4.53	41.95	2.288	133	10.8%	
1979-80	22,801	21,113	26,382	17,460	15.737	1.916	17.65	901	150	42.008	36.68	4.71	43.39	2.215	157	10.9%	
1980-81	24,679	26,277	24,784	20,138	21.462	2.930	24.39	1,066	150	49.705	44.58	6.09	50.67	2.214	155	12.0%	
1981-82	26,515	22,557	28,742	17,350	21.977	3.242	25.22	1,267	250(b)	54.513	41.63	6.14	47.77	2.399	163	12.9%	
1982-83	29,440	26,098	32,084	19,733	29.445	3.742	33.19	1,492	400(c)	58.396	52.06	6.62	58.68	2.638	163	11.3%	
1983-84	31,939	29,705	34,318	21,133	32.821	3.776	36.60	1,553	400	61.104	55.46	6.38	61.84	2.624	182	10.3%	
1984-85	34,890	27,450	41,758	19,771	35.293	4.163	39.46	1,785	400	64.174	56.78	6.70	63.48	2.872	189	10.6%	
1985-86	39,697	29,965	51,490	22,534	41.560	4.382	45.94	1,844	400	67.734	63.35	6.68	70.03	2.811	204	9.5%	
1986-87	42,301	29,605	64,186	21,925	48.242	5.451	53.69	2,200	550(d)	69.717	71.45	8.07	79.52	3.259	215	10.2%	
1987-88	43,054	29,153	78,087	20,991	52.043	6.759	58.80	2,479	550	73.432	73.18	8.07	82.68	3.486	267	11.5%	
1988-89	43,385	38,830	82,642	27,752	69.381	7.481	76.86	2,500	550	78.362	91.42	9.86	101.27	3.298	312	9.7%	
1989-90	53,655	38,620	87,780 ²	27,926	72.722	9.064	83.81	2,604	750(e)	83.811	89.59	11.17	100.76	3.208	332	11.1%	
1990-91	50,820	53,384	81,828 ²	35,190	109.330	10.293	119.62	3,107	750	90.568	124.64	11.73	136.37	3.542	368	8.6%	
1991-92	61,400	60,113	81,190	39,249	143.660	13.102	156.76	3,660	1,000(f)	96.303	154.02	14.05	168.07	3.924	380	8.4%	
1992-93	65,977	58,688	86,951 ²	36,638	152.490	14.249	166.74	4,162	1,000	103.25	157.45	14.71	172.16	4.297	387	8.5%	
Totals	730,420	643,469		462,561	909,735	98,095	1,007.83				1417.4	157.38	1574.7			10.0%	

NOTES

- Scheme started 1 August 1964
- Manual check revealed under-recording of resolved cases in previous years. Corrected "applications outstanding" figures inserted, but earlier figures for resolved cases not now capable of correction.
NB Resolved "total" figure accordingly calculated by deducting "applications outstanding" (1992-93) from "applications made" total.
- Average award excludes "nil" awards.
(a) from 1 March 1977
(b) from 1 April 1981
(c) from 1 February 1983
(d) from 7 November 1986
(e) from 1 February 1990
(f) from 6 January 1992
- Complement 1964-77
Average in post 1977 onwards.

CRIMINAL INJURIES COMPENSATION SCHEME

The Tariff of Injuries

ANNEX B

Description of Injury	Band	Tariff Payment (£)
Bodily functions: hemiplegia (paralysis of one side of body)	21	50,000
Bodily functions: paraplegia (paralysis of the lower limbs)	24	175,000
Bodily functions: quadriplegia/tetraplegia (paralysis of all 4 limbs)	25	250,000
Brain damage: moderate impairment of social/intellectual functions	15	15,000
Brain damage: serious impairment of social/intellectual functions	20	40,000
Brain damage: permanent—extremely serious (no effective control of functions)	25	250,000
Epilepsy: serious exacerbation of pre-existing condition	10	5,000
Epilepsy: fully controlled	12	7,500
Epilepsy: partially controlled	14	12,500
Epilepsy: uncontrolled	20	40,000
Fatal award (per case)	13	10,000
Head: burns: minor	3	1,500
Head: burns: moderate	9	4,000
Head: burns: severe	13	10,000
Head: ear: temporary partial deafness—lasting at least 13 weeks	3	1,500
Head: ear: partial deafness (one ear) { remaining hearing socially useful with	8	3,500
Head: ear: partial deafness (both ears) { hearing aid if necessary	12	7,500
Head: ear: total deafness (one ear)	15	15,000
Head: ear: total deafness (both ears)	20	40,000
Head: ear: partial loss of ear (at least 10% loss)	9	4,000
Head: ear: loss of ear	13	10,000
Head: ear: perforated ear drum	4	1,750
Head: ear: tinnitus (ringing noise in ears)—lasting at least 13 weeks	7	3,000
Head: ear: tinnitus—permanent (moderate)	12	7,500
Head: ear: tinnitus—permanent (very serious)	15	15,000
Head: eye: blow out fracture of orbit bone cavity containing eyeball	7	3,000
Head: eye: blurred or double vision—lasting at least 13 weeks	4	1,750
Head: eye: blurred or double vision—permanent	12	7,500
Head: eye: cataracts (permanent/inoperable)	13	10,000
Head: eye: corneal abrasions	5	2,000
Head: eye: detached retina	10	5,000
Head: eye: loss of one eye	18	25,000
Head: eye: loss of both eyes	23	100,000
Head: eye: loss of sight of one eye	17	20,000
Head: eye: loss of sight of both eyes	22	75,000
Head: face: burns—minor	5	2,000
Head: face: burns—moderate	10	5,000
Head: face: burns—severe	18	25,000
Head: face: scarring: minor—no significant disfigurement	3	1,500
Head: face: scarring: significant disfigurement	8	3,500
Head: face: scarring: serious disfigurement	12	7,500
Head: facial: dislocated jaw	5	2,000
Head: facial: fractured malar and/or zygomatic—cheek bones	5	2,000
Head: facial: fractured mandible and/or maxilla—jaw bones	7	3,000

Description of Injury	Band	Tariff Payment (£)
Head: facial: permanent numbness/loss of feeling	9	4,000
Head: nose: deviated nasal septum	1	1,000
Head: nose: deviated nasal septum requiring septoplastamy	5	2,000
Head: nose: undisplaced fracture of nasal bones	1	1,000
Head: nose: displaced fracture of nasal bones	3	1,500
Head: nose: partial loss (at least 10%)	9	4,000
Head: nose: loss of smell and/or taste (partial)	10	5,000
Head: nose: loss of smell or taste	13	10,000
Head: nose: loss of smell and taste	15	15,000
Head: scarring: visible, but no significant disfigurement	3	1,500
Head: scarring: multiple—some but not serious disfigurement	7	3,000
Head: scarring: serious disfigurement	10	5,000
Head: skull: balance impaired—permanent	12	7,500
Head: skull: concussion (lasting at least one week)	3	1,500
Head: skull: simple fracture (no operation)	6	2,500
Head: skull: depressed fracture (requiring operation)	11	6,000
Head: teeth: chipped front teeth requiring crown	1	1,000
Head: teeth: fractured tooth/teeth requiring crown	1	1,000
Head: teeth: loss of crowns	2	1,250
Head: teeth: loss of one front tooth	3	1,500
Head: teeth: loss of two or three front teeth	5	2,000
Head: teeth: loss of four or more front teeth	7	3,000
Head: teeth: loss of one tooth other than front	1	1,000
Head: teeth: loss of two or more teeth other than front	3	1,500
Head: teeth: slacking of teeth requiring dental treatment	1	1,000
Head: tongue: loss of speech—permanent	19	30,000
Lower limbs: burns—minor	3	1,500
Lower limbs: burns—moderate	9	4,000
Lower limbs: burns—severe	13	10,000
Lower limbs: fractured ankle (full recovery)	7	3,000
Lower limbs: fractured ankle (with continuing disability)	10	5,000
Lower limbs: fractured femur—thigh bone (full recovery)	7	3,000
Lower limbs: fractured femur (with continuing disability)	10	5,000
Lower limbs: fractured fibula—slender bone from knee to ankle (full recovery)	7	3,000
Lower limbs: fractured fibula (with continuing disability)	10	5,000
Lower limbs: fractured great toe	6	2,500
Lower limbs: fractured phalanges (toes)	3	1,500
Lower limbs: fractured patella—knee cap	12	7,500
Lower limbs: fractured tarsal bones—seven small bones of instep	6	2,500
Lower limbs: fractured tibia—shin bone (full recovery)	7	3,000
Lower limbs: fractured tibia—shin bone (with continuing disability)	10	5,000
Lower limbs: paralysis of leg	18	25,000
Lower limbs: loss of leg below knee	19	30,000
Lower limbs: loss of leg above knee	20	40,000
Lower limbs: loss of both legs	23	100,000
Lower limbs: scarring: minor—no significant disfigurement	2	1,250
Lower limbs: scarring: significant disfigurement	4	1,750

Description of Injury	Band	Tariff Payment (£)
Lower limbs: scarring: serious disfigurement	10	5,000
Lower limbs: severely damaged tendon(s)/ligament(s) (no permanent damage)	7	3,000
Lower limbs: severely damaged tendon(s)/ligament(s) (permanent damage)	12	7,500
Lower limbs: sprained ankle—disabling for at least 13 weeks	6	2,500
Lower limbs: two sprained ankles—disabling for at least 13 weeks	8	3,500
Minor injuries: multiple (see notes)	1	1,000
Neck: burns: minor	3	1,500
Neck: burns: moderate	9	4,000
Neck: burns: severe	13	10,000
Neck: scarring: minor—no significant disfigurement	3	1,500
Neck: scarring: significant disfigurement	7	3,000
Neck: scarring: serious disfigurement	9	4,000
Neck: whiplash injury: effects lasting at least 13 weeks	4	1,750
Neck: whiplash injury: moderate—recovery period 26 weeks or more	10	5,000
Neck: whiplash injury: permanently disabling	13	10,000
Sexual and/or Physical abuse of children		
Not involving rape or buggery		
Isolated incidents over period of up to one year	1	1,000
Pattern of abuse over period of 1 to 3 years	7	3,000
Pattern of abuse over period exceeding 3 years	11	6,000
Involving rape or buggery		
Rape or buggery (single incident)	12	7,500
Repeated rape or buggery over period up to 3 years	13	10,000
Repeated rape or buggery over period exceeding 3 years	16	17,500
Sexual (Adult)		
Serious indecent assault	7	3,000
Rape or buggery: by one person	12	7,500
Rape or buggery: by two or more attackers	13	10,000
Shock (see notes)		
Disabling mental disorder where the psychological and/or physical symptoms AND disability persist for more than 6 weeks from the incident		
: Moderate—lasting for over 6 to 16 weeks	1	1,000
: serious—lasting for over 16 weeks to 26 weeks	9	4,000
: severe—lasting for over 26 weeks but not permanent	12	7,500
: very severe—permanent disability (excluding physical symptoms alone for which the maximum award is Band 12)	17	20,000
Torso: burns: minor	3	1,500
Torso: burns: moderate	9	4,000
Torso: burns: severe	13	10,000
Torso: punctured lung	7	3,000
Torso: collapsed lung	8	3,500
Torso: permanent and disabling damage to lungs from smoke inhalation	10	5,000
Torso: loss of spleen	9	4,000
Torso: damage to testes	4	1,750

Description of Injury	Band	Tariff Payment (£)
Torso: dislocated hip (full recovery)	4	1,750
Torso: dislocated hip (residual disability)	12	7,500
Torso: dislocated shoulder (full recovery)	4	1,750
Torso: dislocated shoulder (residual disability)	10	5,000
Torso: fractured rib	1	1,000
Torso: fractured ribs (two or more)	3	1,500
Torso: fractured clavicle—collar bone	5	2,000
Torso: fractured coccyx—tail bone	6	2,500
Torso: fractured pelvis	12	7,500
Torso: fractured scapula—shoulder blade	6	2,500
Torso: fractured sternum—breast bone	6	2,500
Torso: frozen shoulder	8	3,500
Torso: hernia	8	3,500
Torso: injury requiring laparotomy	8	3,500
Torso: loss of kidney	17	20,000
Torso: loss of testicle	10	5,000
Torso: scarring: minor—no significant disfigurement	2	1,250
Torso: scarring: significant disfigurement	6	2,500
Torso: scarring: serious disfigurement	10	5,000
Torso: strained back—disabling for at least 13 weeks	6	2,500
Torso: strained back (seriously disabling, but not permanently)	10	5,000
Torso: strained back (seriously disabling, permanently)	12	7,500
Upper limbs: burns: minor	3	1,500
Upper limbs: burns: moderate	9	4,000
Upper limbs: burns: severe	13	10,000
Upper limbs: dislocated/fractured elbow (with full recovery)	7	3,000
Upper limbs: dislocated/fractured elbow (with permanent disability)	12	7,500
Upper limbs: two dislocated/fractured elbows (with full recovery)	12	7,500
Upper limbs: two dislocated/fractured elbows (with permanent disability)	13	10,000
Upper limbs: dislocated finger or thumb	2	1,250
Upper limbs: fractured finger/thumb	3	1,500
Upper limbs: fracture of two or more fingers	7	3,000
Upper limbs: fractured hand	5	2,000
Upper limbs: two fractured hands	8	3,500
Upper limbs: fractured humerus—upper arm bone (with full recovery)	7	3,000
Upper limbs: fractured humerus (with permanent disability)	10	5,000
Upper limbs: fractured radius—smaller forearm bone (full recovery)	7	3,000
Upper limbs: fractured radius—(with permanent disability)	10	5,000
Upper limbs: fractured ulna—inner forearm bone (full recovery)	7	3,000
Upper limbs: fractured ulna (with permanent disability)	10	5,000
Upper limbs: fractured wrist (including scaphoid fracture)	7	3,000
Upper limbs: two fractured wrists (including scaphoid fracture)	11	6,000
Upper limbs: fractured wrist (colles type)	9	4,000
Upper limbs: two fractured wrists (colles type)	12	7,500
Upper limbs: partial loss of finger (other than thumb/index) (one joint)	6	2,500
Upper limbs: partial loss of thumb or index finger (one joint)	9	4,000
Upper limbs: loss of one finger other than index	10	5,000
Upper limbs: loss of index finger	12	7,500

Description of Injury	Band	Tariff Payment (£)
Upper limbs: loss of two or more fingers	13	10,000
Upper limbs: loss of thumb	15	15,000
Upper limbs: loss of hand	20	40,000
Upper limbs: permanently & seriously impaired grip—one arm	12	7,500
Upper limbs: paralysis of arm	18	25,000
Upper limbs: scarring: minor—no significant disfigurement	2	1,250
Upper limbs: scarring: significant disfigurement	6	2,500
Upper limbs: scarring: serious disfigurement	9	4,000
Upper limbs: severely damaged tendon(s)/ligament(s) (with full recovery)	7	3,000
Upper limbs: severely damaged tendon(s)/ligament(s) (with permanent disability)	12	7,500
Upper limbs: sprained wrist—disabling for at least 13 weeks	3	1,500

Notes

1. Where the criminal injury has the effect of accelerating or exacerbating a pre-existing condition the award will reflect only the degree of acceleration or exacerbation.
2. Payment for burns or scarring may be subject to inspection of injury.
3. To qualify for a payment for multiple minor injuries the claimant must have sustained at least 3 injuries of the following type necessitating at least 2 visits to a medical practitioner:
 - (i) grazing, cuts, lacerations (no permanent scarring)
 - (ii) severe and widespread bruising
 - (iii) severe soft tissue injury (not permanently disabling)
 - (iv) black eye(s)
 - (v) bloody nose
 - (vi) hair pulled from scalp
 - (vii) loss of fingernail.
4. In fatal cases reasonable funeral expenses are reimbursed separately.
5. Shock or “nervous shock” may be taken to include conditions attributed to Post Traumatic Stress Disorder, Depression and similar generic terms covering such psychological symptoms as anxiety, tension, insomnia, irritability, loss of confidence, agoraphobia, pre-occupation with thoughts of self-harm or guilt, and related physical ones such as alopecia, asthma, eczema, enuresis and psoriasis. Disability in this context will include impaired work (or school performance), significant adverse effects on social relationships, and sexual dysfunction.



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