



Rebuilding Lives supporting victims of crime

CRIMINAL JUSTICE SYSTEM





Rebuilding Lives - supporting victims of crime

Presented to Parliament by

the Secretary of State for the Home Department

the Secretary of State for Constitutional Affairs

and the Attorney General

by Command of Her Majesty

December 2005

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Ministerial Foreword

This Government is determined to better meet the needs of victims of crime. Our vision is a criminal justice system in which the needs and concerns of victims and witnesses are central.

The good news is that the number of people who are victims of crime has fallen by 40% compared to ten years ago. And if people are the victims of crime, their experience of the criminal justice system is vastly improved. For example, the Code of Practice for Victims of Crime means that victims will be regularly updated about the progress of their case. When victims, or witnesses, have to go to court, they are helped throughout the process by Witness Care Units, the Witness Service, and new measures in court which make giving evidence less traumatic. Victims now have the opportunity to make a personal statement of how the crime has had an impact on them, and there has been a radical reform of sentencing. Many more victims are now receiving support from Victim Support and other organisations than in the past.

But I believe that we can still provide more effective support for victims, and that it is time to take a fundamental look at how to improve our current approach. This paper is a chance to get your views on our thinking.

Many victims need better practical support, as quickly as possible after the crime, such as help with improving home security and services that provide emotional support. We set out options about how this could be provided through new Victim Care Units.

On the issue of financial support, many victims of crime could be better served by radically improving practical and emotional support, rather than through relatively small payments from the Criminal Injuries Compensation Scheme, which arrive a long time after the incident.

But for victims of the most serious crimes, financial support is an essential element of the overall package. I believe that it is currently insufficient and too slow, as the experience of some of the victims of the recent London bombings highlighted. So we propose a major simplification of the compensation scheme and increasing the amount of support provided to most victims of serious crimes.

Given the importance of improving support for victims as rapidly as possible, I believe it is right to make these major changes to the current approach. I look forward to the insights which this consultation will provide on how to achieve this.

Fiona Mactaggart MP

Parliamentary Under Secretary of State, Home Office

Executive Summary

Successes and challenges

Even relatively minor crimes can be traumatic. The most serious crimes cause enormous emotional and physical harm. This consultation paper sets out the Government's thinking about how we can more effectively support victims who experience such suffering.

We start from a position of improvements over the last ten years. For example:

- under our new Code of Practice for Victims of Crime, victims will be much better informed about police and prosecution progress of their case;
- victims now have a much greater voice in the Criminal Justice System, such as having the opportunity to explain to the court how a crime has affected them;
- since 1997, our funding of Victim Support, including the Witness Service, has nearly trebled from under £12 million to £30 million; and
- by the end of December 2005 we will have established 165 Witness Care Units, which provide support and help witnesses attend court.

Victims also obviously welcome the reduction in crime that has been achieved in the last ten years – down 40% - and the recent increase in the number of crimes brought to justice – up 10% in two years. And the chance of being a victim of crime is at its lowest for more than 20 years.

But there are still too many victims and we believe that we can still improve support for them in the future:

- Firstly, there is a concern that the practical and emotional needs of many victims are still not being adequately met. Good practical and emotional support is even more important than the financial compensation which some victims with less serious injuries currently receive many months after the event.
- Secondly, the current financial support for those most seriously injured is insufficient and too slow. The experience of victims of crime, including the victims of the 7 July bombings in London, shows this.

Developing our approach to supporting victims

Because financial compensation for victims of violent crime accounts for the lion's share of our direct expenditure on supporting victims, nearly £200 million a year, it is crucial to get this process right within our overall strategy for supporting victims. We currently spend more on financial compensation than all other EU countries put together.

We consider that there is a strong case for radically simplifying the current compensation scheme so that it is quicker and more efficient, and focused on the most serious cases. Our assessment is that the key to achieving this is further developing standardised compensation payments for particular injuries, rather than operating the current system of standard payments plus loss of earnings and care costs. The assessment of loss of earnings and care costs currently accounts for many of the delays and administrative costs.

We believe that it is also right to ask some tough questions about whether the current level of financial support is appropriate for different victims. Our assessment is that:

- cases of more serious injury currently receive insufficient financial support, because of the current upper limit of £500,000 for compensation. So we would look to redirect the savings from simplifying the scheme primarily into higher standard compensation levels for the most seriously injured;
- the needs of victims with less serious injuries would be better met through the provision of immediate, practical and tailored support, rather than a relatively small financial payment some time after the crime. So we consider that resources would be best redirected from financial payments for these victims, to developing better practical and emotional support to meet their needs and help prevent them becoming a victim of crime again; and
- in many cases, the offender could pay greater additional compensation. In particular, we consider that compensation orders could be better enforced and propose, for example, that compensation is deducted from benefits as a matter of routine to ensure greater certainty of payment.

How should we provide excellent practical and emotional support? Our assessment is that the following types of support should be available to victims:

- someone to talk through the experience with, including professional counselling where appropriate, and to support victims in dealing with the Criminal Justice System;
- practical help, such as support to install better home security or even help with re-housing if a victim is being repeatedly targeted; or meeting other practical needs, such as childcare and transport;

- immediate financial assistance to cover needs which are not already met by public services, such as some dental costs; and
- better information and advice on the criminal justice system and crime prevention, and support in claiming additional compensation from the offender.

This paper seeks views on how to provide better emotional and practical support to victims. We want to build on the enormous contribution which is already made by community organisations and tens of thousands of volunteers, many through Victim Support. However, there are a number of ways in which this could be taken forward, through different models of providing Victim Care Units; the paper sets these out.

This paper is genuinely consultative. Our objective is to draw on the expertise and experience that many individuals and organisations have in this field, in order to ensure that we meet the needs of victims in the most effective way possible. From our initial analysis we consider that there are real gains to be made through taking a hard look at the way support is currently provided.

Chapter 1

Achievements and challenges



The Government is committed to helping victims of crime as fully as possible. We want to provide support that is immediate, practical, tailored to their needs and locally-delivered. This paper sets out our proposals.

We have made major improvements in the help victims receive. The chance of being a victim of crime is at its lowest for more than 20 years¹. The British Crime Survey (BCS) shows that crime has fallen by 35% since 1997². Those who work in the Criminal Justice System (CJS) are now much more focused on the key role that victims and witnesses play and on meeting their needs. CJS staff can be proud of what they have achieved so far.

Much has been done to improve victims' experiences of the CJS. We now want to look more closely at support for victims and if we are making the best use of the £230m³ that goes into this each year. Victims can suffer physical harm, financial loss and emotional distress as a result of crime. We know that many victims will need support to help them to recover from their experience and return to as normal a life as possible, but the BCS shows that many victims who wanted practical and emotional help did not

receive it⁴. In addition, victims face a local variation in services and support, as provision is more extensive in some areas than others. The tragic events of 7th July 2005 also raised concerns about whether the Criminal Injuries Compensation Scheme (CICS) is operating effectively for those victims most seriously affected.

This paper therefore looks at whether we are targeting our investment in support as effectively as possible and whether we are providing the support that victims want and need. This paper will specifically focus on:

- financial support;
- emotional and practical support; and
- effective delivery of support services.

In the remainder of this chapter we set out in more detail how this paper builds on what we have already achieved and how we will deliver our vision of a high-quality service to victims of crime.

¹ BCS annual survey 2004-05.

² BCS annual survey 2004-05. Table 2.01.

³ £200m Criminal Injuries Compensation and £30m Victim Support.

⁴ BCS Support for victims of crime 2002/3 HO online report 31/04.

Our objectives

Our commitment to victims is based on providing more effective support and help to rebuild victims' lives. We have three key objectives:

Providing Victims with Information

Victims want a criminal justice system where they are informed routinely about developments in their case, building on the introduction of Witness Care Units as a single point of contact for victims and prosecution witnesses. Victims should be told when charges are brought, dropped or changed, told about court dates and told when prisoners are being released.

Giving Victims a Voice

The criminal justice system is founded on the principle that defendants are innocent until proven guilty. But that does not mean that it should focus only on them. Victims and their families must be able to express the effect of the crime on them. Victims' voices should be heard in the CJS and in Government.

Giving Victims Access to Appropriate Services

Crime can leave victims distressed, traumatised, physically injured and in financial difficulty. Victims need support to help them recover from these effects: immediate, practical and local support that is tailored to their needs.

In October 2004, we published the Victims and Witnesses Delivery Plan which set out the framework for delivering these objectives. The Plan focused on 7 national priorities:

- victims and witnesses receive information about their case and about the CJS;
- victims and witnesses receive a high quality of service in the CJS;
- victims and witnesses are offered practical help and support;
- victims' and witnesses' views are sought and used in the CJS;
- the needs of vulnerable and intimidated witnesses are met;
- the experience of going to court is improved; and
- the needs of victims of domestic violence are met and repeat victimisation is tackled.

The section below sets out how our key objectives are being met.

Our achievements

In recent years we have embarked upon far-reaching reform of the CJS. There has been increased investment in and priority given to improving the experience of victims in the CJS.

In this section we outline some of the key improvements we have made.

1. Information

Victims now receive the information they need to guide them through the CJS.

- *Code of Practice for Victims of Crime*

The Domestic Violence, Crime and Victims Act 2004 paved the way for the Code of Practice for Victims of Crime. This was published in October 2005 and will be enforceable by victims from April 2006. It sets out in detail victims' rights to information from the CJS.

Victims' Rights under the Code of Practice

The Code of Practice for Victims of Crime places obligations on criminal justice agencies to provide a standard minimum service for victims, wherever they live in England and Wales. Vulnerable or intimidated victims will receive an enhanced service through the Witness Care Units.

The types of information victims will receive include:

- monthly updates from the police about progress in their case;
- an update when someone is arrested in connection with their case;
- information about bail conditions;
- an update when someone is charged in connection with their case;
- information about court dates;
- information about the sentence received by the offender, and an explanation of what the sentence means; and
- information about appeals and their outcomes.

Victims will also be entitled to receive information about local support services and to be referred to Victim Support.

If victims feel that they have not received the level of service set out in the Code, they will be able to take their complaint to the Parliamentary Ombudsman, who may recommend an apology, changes to procedures to ensure the same failures do not recur, or a payment to the victims.

- *Effective Trial Management*

Effective trial management is part of an integrated Criminal Case Management Programme, which includes better charging and the No Witness No Justice project (NWNJ). This programme has changed the way cases are managed so that everyone involved in a case takes responsibility for their part. Cases are checked for readiness before being given a trial date so as to reduce the chance that a case will not go ahead as planned.

- *Better charging*

The Crown Prosecution Service (CPS) is best placed to determine which charges will result in a conviction and, in most cases, it is now the CPS that determines what charge to bring. Victims are given reasonable expectations at the outset and it helps avoid the devastating result for the victim that the charges do not stick or the trial collapses.

- *No Witness No Justice*

The main feature of NWNJ is the establishment of joint CPS/police Witness Care Units to act as a single point of contact for victims and prosecution witnesses. The witness care officers in these units are responsible for carrying out detailed needs assessments for witnesses, maintaining a local contact directory of organisations that can provide support and keeping victims and prosecution witnesses informed of the progress of the case.

- *Family Liaison Officers*

A family liaison officer is a police officer trained to support relatives of a murder victim; in particular to secure their confidence and trust, to provide support and information about the investigation and support agencies, and to gather information which contributes to the investigation.

- *Informing victims of prisoners' release dates*

Victims of sexual or violent offenders who are sentenced to 12 months or more imprisonment are entitled to be informed when the offender is going to be released. The victim also has the right to give their views on the licence conditions and supervision requirements.

- *Prosecutor's Pledge*

In October 2005 the Attorney General announced a ten-point pledge that describes the level of service that victims can expect to receive from prosecutors. For example, the prosecutor will take into account the impact on the victim or their family when making a charging decision. The CPS is the first prosecution agency to implement the pledge. Other prosecutors are developing their own plans to do so.

- *Police Quality of Service Commitment*

When issued in November 2006, the Service Commitment will set out national guaranteed standards of service that members of the public can expect whenever they have contact with the police. It is one of a number of initiatives to improve the quality of the police's service to victims and witnesses.

- *Witness Charter*

The Government launched a public consultation on the Witness Charter on 28th November 2005. This sets out new

standards of care for all witnesses. The Witness Charter sets out the proposed services witnesses can expect during the criminal justice process, including information about the progress of the investigation or court case at key stages of the process; tailored support based on an individual needs assessment; action against intimidation at court and in the community; and emotional and practical support at court.

2. Voice

We are putting in place systems to ensure that victims' views are heard by central Government and throughout the criminal justice process.

- *Victims' Advisory Panel*

The Panel brings together victims of crime, victims' organisations, ministers and policy makers to discuss victims' issues and make sure that the victim's voice is heard at the heart of Government. We are currently recruiting new members for the Panel so as to expand the range of crime types represented, and hope to have the new members in place by March 2006.

- *Victims' Commissioner*

Victims need a figurehead to champion their interests. We will be recruiting a Commissioner for Victims and Witnesses by Spring 2006. The Commissioner will promote victims' interests through public events, and influence national policy by sitting on the Victims' Advisory Panel and other strategic boards in Government. The Commissioner will keep the Code of Practice for Victims of Crime under review, for example by advising on future changes to the Code. Further details on the role of the Commissioner are in chapter 3.

- *Victim Personal Statement (VPS)*

We introduced the VPS in 2001 to give victims the opportunity to explain how a crime has affected them, physically, emotionally or financially. The statement forms part of the case papers and everybody who makes decisions about the case as it progresses, from the police officer right through to the judge, can see it. We are currently reviewing the way the statement works, so that it better meets victims' needs and more victims use it.

- *Victims' Advocates*

In addition to the VPS, the Government believes that more should be done to ensure that the relatives of murder or manslaughter victims have a voice in the criminal justice process. In September 2005 we published proposals for a pilot for victims' advocates. They would have two roles: helping the relative make an oral statement in court at the sentencing stage on the impact of the crime, and providing advice and support to the relative to enable them to be more engaged in the process.

- *Allowing prosecutors to speak to victims and witnesses before a trial*

In November 2005 we announced a pilot scheme to allow prosecutors to speak to victims and witnesses before a trial (drawing on prosecution practice in Australia, Canada and Northern Ireland), and enabling the prosecutor to make a better-informed decision about whether to prosecute or to continue with the prosecution of an offence.

We have also made significant changes to the law to help victims:

- *Double jeopardy*

We changed the law so that where someone has been acquitted of certain serious offences,

such as murder or rape, cases can be re-tried where compelling new evidence comes to light.

- *Bad Character*

We have also changed the law so that judges are now able to let juries hear about a defendant's bad character where it is relevant to the case and does not prejudice the fairness of the trial. Previously such evidence would only be admissible in a narrow range of circumstances.

- *Appealing unduly lenient sentences and acquittal*

In cases of serious offences, if a victim feels that the sentence passed by the Crown Court is unduly lenient he can refer it to the Attorney General who can ask the Court of Appeal to consider changing the sentence. This right applies to cases such as rape and murder. We have extended the right to cases of racially and religiously aggravated crime.

We introduced a new prosecution right of appeal that enables prosecutors to challenge decisions by judges to stop trials early before the jury has been asked to consider the evidence.

- *Provocation leading to homicide*

The Sentencing Guidelines Council issued new guidelines in November 2005 which set out what sentencers have to take into account when sentencing, once a jury has decided that a person who was charged with murder was so provoked that self-control was lost. This emphasises the importance of assessing the degree of provocation and the culpability of the offender by taking account of the offender's experience of abuse or domestic violence. It recognises that provocation can be cumulative, particularly where the offender has suffered from domestic violence over a long period of time.

3. Support

We currently spend several hundred million pounds a year on support to victims of crime:

- *Criminal Injuries Compensation Scheme*

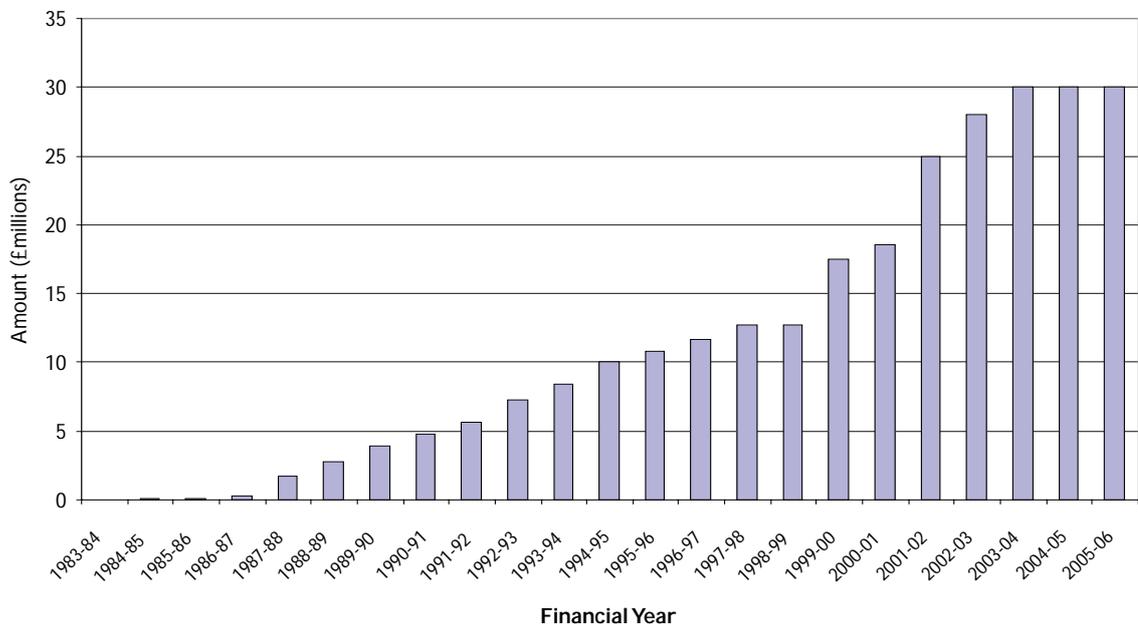
Every year the scheme awards about £170m in compensation to between 35,000 and 40,000 victims of violent crime. This is more than all the other European Union (EU) schemes put together.

- *Victim Support*

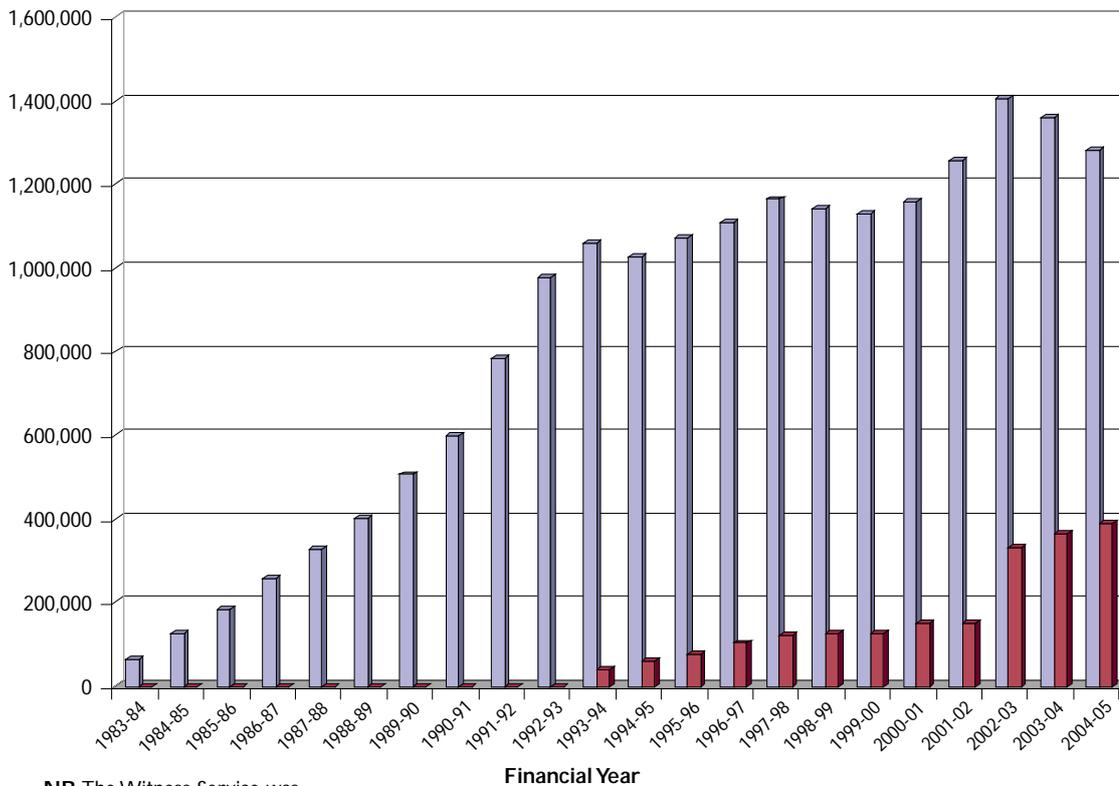
Victim Support is an independent charity that supports victims and their families through a network of local charities. The organisation also operates the Witness Service to support those attending court.

Since 1997 our funding of the organisation has nearly trebled from £11.7m to £30m to support its community work and the Witness Service. More than 1.6m people were referred to Victim Support and the Witness Service in 2004-05.

Home Office funding to Victim Support from 1983-84 to 2005-06



Number of referrals to Victim Support and number supported by the Witness Service from 1983-84 to 2004-05



NB The Witness Service was launched in 1994

■ Referrals to Victim Support ■ Referrals to the Witness Service

● *Victims' Fund*

In April 2004 we announced that £4m over two years from the proceeds of crime would be placed into the Victims' Fund to develop services for victims of sexual offending.

A proportion of the £4m has been used to increase the number and coverage of Sexual Assault Referral Centres (SARCs). The majority of the new funding has been used to strengthen and develop good quality services within local communities. New funding of £1.25m will be made available in 2006-07 to continue the development of support services for victims of

sexual crime. The scheme is currently open to applications. Details of other services being helped from the fund are set out in chapter 4.

● *Domestic Violence*

Last year we spent approximately £70m on helping victims of domestic violence. The largest proportion of this went on refuges and housing for victims. It also funded a range of other work to combat domestic violence including voluntary organisations, the national domestic violence helpline, independent advisers to help victims navigate through the system (courts, housing, health etc) and specialist courts.

- *Witness Care Units*

As part of the NWNJ project we are rolling out Witness Care Units which deliver a more customer-focused service to witnesses. The units undertake a full needs assessment to identify support requirements and tailor services to help the witness attend court and give the best possible evidence. By the end of December 2005 there will be 165 units and since the end of March 2005 there has been at least one in each criminal justice area.

In cases handled by Witness Care Units the witness attendance rate has risen from an average of 78% in the three months before each unit opened to an average of 84% by the end of September 2005. The number of trials that did not go ahead as planned because a witness did not attend has fallen from an average of 908 a month in September 2004 to 727 a month by the end of September 2005.

- *Support for vulnerable or intimidated witnesses*

Special measures have been introduced in criminal courts in England and Wales to help vulnerable or intimidated witnesses give their best evidence. These witnesses can give their evidence from behind a screen or via a television link and the court can be cleared in sexual offence cases or those involving intimidation. Aids to communication are available to vulnerable witnesses in all courts. Video-recorded evidence-in-chief is available to vulnerable witnesses, including anyone aged under 17, in Crown Courts and to children in need of special protection in Magistrates' Courts. Intermediaries, who help a vulnerable

witness to understand questions and the court to understand their answers, are available in 6 pathfinder areas ahead of national roll-out. There is also guidance for the police on how to identify and make special arrangements to interview vulnerable and intimidated witnesses.

In some areas the Witness Service and other organisations, such as the NSPCC and Area Child Protection Committees, provide a comprehensive pre-trial support and preparation service for child victims and witnesses, including home-visits and helping the child deal with cross-examination. A review of specialist child witness support services is under way to inform decisions on future use.

- *Witness Protection*

We are committed to protecting victims and witnesses and to tackling intimidation issues. We placed witness protection on a statutory footing in the Serious Organised Crime and Policing Act 2005 and we will back this up with a clear set of rules and procedures governing witness protection. In addition, the National Witness Mobility Service, launched in 2003, has helped over 220 cases where a witness was in need of protection.

The Challenge

We have achieved a great deal for victims since 1997. However, most of our achievements have focused on the criminal justice process, specifically around the areas of providing **information** and giving victims a **voice**. Where we have taken measures to improve **support** services for victims, this has tended to be from the point when a victim becomes a witness in court.

There is a clear challenge for all of us. We need to ensure that appropriate and effective support is available to all victims, regardless of how far their case progresses through the system. This is particularly important for those victims of crime who do not see their case come to court and whose only experience of the CJS is their initial contact with the police. We need to ensure that there is greater consistency in the services that are available across the country in order to tackle the local variation that victims face currently and that financial support meets the needs of victims. We need to ensure that services meet the needs of victims from all parts of our diverse society. We also need to make services more responsive to recurring crime, such as anti-social behaviour and hate crime.

In the following chapters we:

- examine the financial support available to victims of crime through the CICS, and how the scheme might be improved;
- consider the emotional and practical support needs of victims of crime; and
- set out a range of models for meeting victims' needs by providing services that are immediate, practical, tailored to victims' needs and locally-delivered.

Chapter 2

Financial support to victims of crime



This chapter considers the main way that financial support is offered to victims of crime – through the Criminal Injuries Compensation Scheme – and whether changes are needed to the scheme so that it meets the needs of victims as effectively as possible.

The Criminal Injuries Compensation Scheme

Background

Ever since the scheme started in 1964, successive Governments have made clear their view that the state is not liable for injuries caused to people by the criminal acts of others. The guilty party is the offender and, in an ideal world, it should be the offender who compensates the victim. But the reality is that offenders are not always caught or even identified, and may lack the means to pay compensation to the victim. Successive Governments have recognised that the public feel a sense of responsibility for, and sympathy with, the innocent victim of a crime of violence. They have taken the view that it is right for those feelings to be given practical expression by the provision of a monetary award on behalf of the community.

We and magistrates are keen to see improved performance in relation to the enforcement of Compensation Orders imposed by the courts, which in 2004/5 raised about £22m from offenders. Too often victims face uncertainty about whether compensation ordered will be paid, or when, making it harder for them to put the incident behind them and adding insult to injury. We must ensure that offenders pay their dues and as quickly as possible.

The enforcement of financial penalties has improved significantly over the last 2 years with the national average payment rate currently at 82% but we need to build on this by focusing specifically on victim's compensation.

We are therefore examining the scope for extending the Courts Act 2003 sanction of the compulsory use of Deduction from Benefit Orders in cases involving compensation (including where there is no history of default). This may be a mechanism through which to help ensure the more reliable and regular payment by instalments of compensation owed to victims. We would hope through this to help tackle the uncertainty victims have in the past faced about when payments will be made. ***We would welcome views on whether to deduct court-ordered compensation from benefits.***

In addition, Her Majesty's Courts Service is looking at carrying out additional Operation Payback style enforcement operations in areas with larger amounts of compensation payments outstanding to specifically target monies owed to the victims of crime. Given the result of previous Payback operations this should have a positive impact on the delays victims experience in receiving payments.

The GB-wide compensation scheme is the most generous in the world and pays out more compensation than all the other schemes in the EU put together. Each year it pays out about £170m in compensation. The table below⁵ gives estimates for the total compensation paid under the state compensation schemes in EU Member States.

	Total compensation paid (€)
Austria	1,400,000
Belgium	6,307,000
Denmark	5,456,000
Finland	5,130,000
France	147,550,000
Germany*	106,694,000
Ireland	3,329,000
Luxembourg	42,000
Netherlands	4,706,000
Portugal	972,000
Spain	1,540,000
Sweden	7,421,000
United Kingdom	340,926,000

The GB scheme pays compensation in two ways: for the pain and suffering of the injury; and for loss of earnings and special care costs.

⁵ Source: Mikaelsson and Wergens (2001) "Repairing the irreparable: State compensation to crime victims in the European Union". All estimates are from 2000 except for (*) which are from 1999. This is the most recent comparison undertaken and was used by the European Commission in its 2001 Green Paper on compensation to crime victims.

For the payments for pain and suffering, injuries are graded into 25 tariff bands according to their seriousness. These range from £1,000 for injuries such as fractured fingers and sprained ankles (tariff band 1) through to £250,000 for quadriplegia or severe brain damage (tariff band 25). The grading of the injuries and the tariff payments are broadly in line with the way that the civil courts assess injuries in claims for damages.

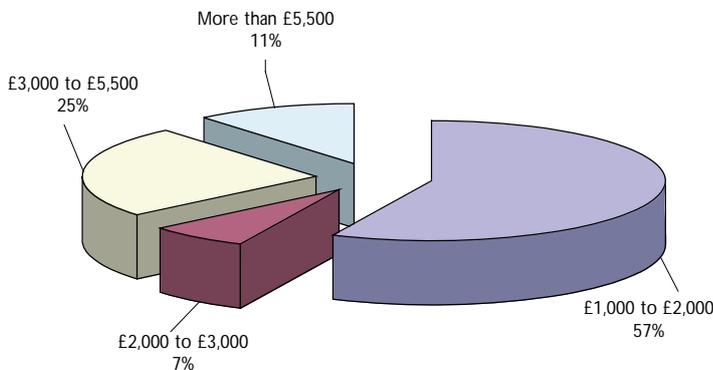
On top of the payment for pain and suffering, compensation is also payable for lost earnings, pension contributions and special care needs (such as medical treatment, adaptations to property and nursing). Loss of earnings and special care is only payable where the applicant has been incapacitated as a result of the injury for at least 28 weeks – this is because statutory sick pay is available for the first 28 weeks.

The maximum total award for a case is £500,000 including loss of earnings and special care. It is possible to reopen cases where the person's medical circumstances change after the award has been made or where the person's financial circumstances change.

The scheme is open to blameless victims of violent crime, including terrorism, injured in England, Wales and Scotland; Northern Ireland has a similar scheme. The detail of how the scheme operates is set by Parliament, including the levels of the tariff bands, the maximum payable and the eligibility criteria.

Between 65,000 and 70,000 applications are made every year and between 35,000 and 40,000 are successful. Many cases fail because they do not meet the basic eligibility criteria of the scheme. Fifty-seven percent of the compensation awards are in the range of £1,000 to £2,000. Victims with the most serious injuries account for a small proportion of the successful claimants (11% getting awards of more than £5,500 - band 10 upwards). Sixty-eight per cent of all applicants are male and 34% of all applicants are aged 24 or under. On average cases cost £200 to reach their first decision (including a rejection); those which go to review cost £400 and those which go to appeal cost £1,600. The average cost to resolve a case is about £305.

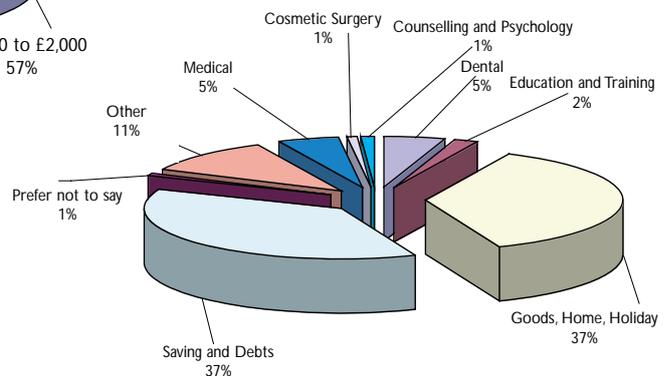
Annual compensation by band - 2004/05



We carried out research in 2005 on who applies to the scheme and how people spend their compensation. Sixty-two per cent of respondents came from a household whose income was less than £30,000, and 16% less than £10,000. The most frequently recorded injuries of respondents were fractures (23%), followed by scarring (17%), mental illness (16%) and damage to teeth (11%). Taking account of their injuries, just over half of respondents considered that the award was either very sufficient or sufficient.

Most respondents spent their compensation on saving for the future and general expenditure including paying off debts (37%), or on holidays, consumer goods, spending on family and friends, home improvements or a specific project (37%). Small percentages of people spent their compensation on medical treatment: 5% on medical treatment, 5% on dental treatment, 1% each on counselling/psychology and cosmetic surgery.

Goods and services – purchased with awards



The way that people spend their compensation may well be because even the simplest cases can take up to a year to settle. In the interim, the welfare state, employers, families, friends and the voluntary sector will often have helped the victim to recover from the incident.

How well does the scheme work?

There are several concerns about the scheme and the way it operates. Some of these were highlighted by the tragic events of 7 July 2005 in which 52 innocent people were killed in the terrorist bombings in London and hundreds were injured, some severely. Other concerns have been raised since the scheme began in the mid-1960s and go to the heart of whether and how the State can provide appropriate levels of compensation.

The concerns are:

- size of payments, particularly in comparison to civil damages, and the maximum award limit of £500,000;
- speed of making payments;
- taking account of the applicant's criminal record in deciding whether to reduce or refuse compensation;
- the fact that the scheme does not apply overseas, either for terrorism or other violent crime; and
- the fact that the scheme covers some incidents that are not crimes of violence.

Size of payments, particularly in comparison to civil damages, and the maximum award limit of £500,000

The scheme has been criticised for the size of payments for individual injuries (including the payments in fatal cases), the overall limit of £500,000 and the fact that the civil courts sometimes award substantially higher damages for comparable injuries.

The tariff payments for the pain and suffering of the injury are broadly in line with the amounts awarded by the civil courts, as set out in the Judicial Studies Board "Guidelines for the Assessment of General Damages in Personal Injury Cases". The grading of the severity of injuries into the 25 tariff bands is carried out for the Government by an independent medical panel and is kept under review. In 2001 we increased the tariff payments to help to take account of inflation.

Compensation payments awarded by the civil courts tend to be larger as they are not subject to the scheme's £500,000 cap and can take account of a greater element of lost earnings and future care, and can also include exemplary damages relating to the manner in which the injury was caused or increased, and aggravated (punitive) damages intended to punish the defendant.

We are sympathetic to the argument that the most serious cases should receive higher levels of compensation and that the cap of £500,000 needs changing. But such changes need to be considered in a wider debate about the scope of the scheme and how well it meets the needs of victims – and that debate needs to take account of the other services provided by the state, for example the NHS meeting the healthcare needs of victims, local government meeting housing and social care needs, and the benefit system meeting financial needs. ***We would welcome views on whether to increase the maximum award limit.***

We believe that many victims of less serious offences need early, practical support, such as help with improving their personal safety or dealing with insurance claims, rather than relatively small amounts of financial compensation from the state which arrive long after the crime. And the victims of more serious offences need suitable compensation settlements to help to ensure that their long-term needs are covered.

But the taxpayer needs to be sure that resources are used in the most effective and efficient manner possible and that support is being targeted sensibly, at appropriate amounts to those victims who most need it and where it can be most effective in meeting their needs. We are therefore proposing to refocus the scheme around the concept of “seriousness” in terms of the injury. ***We would welcome views on whether the scheme should be refocused around the concept of “seriousness”.***

Options for defining “seriousness”

There are several ways of defining “seriousness”. Our preferred option would be to develop a clinical definition of a “serious injury”, drawing on the experience of the civil courts in awarding damages, the insurance industry in covering serious injuries and illnesses, and the medical profession in diagnosing and treating conditions. This definition would then be used to determine eligibility for financial compensation through the scheme.

Other options include:

- using an existing statutory definition of a serious injury, for example the definition of disability in the Disability Discrimination Act 1995: “a physical or mental impairment which has a substantial and long-term adverse effect on a person’s ability to carry out normal day-to-day activities”;
- drawing on the Judicial Studies Board “Guidelines for the Assessment of General Damages in Personal Injury Cases” which classify injuries into broad bands by severe, moderately severe, moderate, minor and less serious;

- incapacitation for a set period of time, for example the 28-week criterion in the CICS for eligibility for loss of earnings and special care; and
- drawing on the definitions used by the insurance industry for critical illness policies.

We would welcome views on how best to define “seriousness”.

Whichever definition is used, we propose that those injuries which did not fall within the definition would no longer receive financial compensation from the scheme but would benefit instead from improved support services. This would help us to ensure that we are targeting our investment to meet victims’ needs. There is clear evidence from the BCS that the most common type of support that victims of violent crime want is someone to talk to about the crime and protection from further victimisation – something that is not provided for by a financial settlement under CICS.

Improved support services would meet this need by delivering immediate, tailored and practical help through a network of Victim Care Units (see chapters 3 and 4). These units would be funded from the savings released by removing the less serious cases from the scheme, as we believe that this is the most effective way to meet the needs of these victims.

The injuries which remained within the scheme would no longer receive compensation for loss of earnings and special care, but instead we would increase the tariff payments for injuries and raise the existing cap of £500,000 so that serious cases receive higher awards than currently. These

increases would be funded by the savings from removing the less serious injuries from the scheme. We announced in this year's Pre-Budget Report that from October 2006 compensation payments for victims will generally be exempted from calculation for means-tested benefits.

This approach would have the added advantage of speeding up and simplifying the process of settling cases as there would no longer be lengthy and complicated calculations on loss of earnings. In addition, a simplified scheme should reduce the number of victims seeking assistance from lawyers, who often charge a proportion of any award offered.

In making changes which remove injuries from the scheme we recognise that there are difficult cases across all the tariff bands, particularly sexual offences (including those against children) and fatal cases. For sexual offences in particular, the psychological effects can linger for many years. These are cases which the public find especially repugnant because of the effect on the victim, and would rightly expect that we would continue to pay financial compensation. In any changes to the scheme we therefore propose to make an exception for sexual offences (including those against children).

Similarly, in fatal cases the circumstances are particularly horrific and the trauma to the victim's family is severe. We therefore propose to make an exception for fatal cases in any change to the scheme, including continuing to pay for loss of dependency. There remains, though, the issue of how any compensation scheme can adequately cost a life. The scheme currently pays £11,000 where there is one qualifying claimant and £5,500

for each claimant where there is more than one. This is broadly in line with the amounts that the civil courts would pay in claims for damages. ***We would welcome views on whether these amounts are appropriate and, if not, how a different basis for compensation could be devised.***

We recognise that changes to the scheme mean that some cases would be dealt with differently in the future and that some applicants who have already received their compensation would have received more under a new scheme. However, we do not believe that it would be fair or workable to apply changes retrospectively. Changes also need to be approved by Parliament, which could mean that it could be at least a year before any changes would come into effect. ***We would welcome views on whether changes to the scheme should apply from the date of the incident or the date of the application.***

Potential applicants to the scheme should not alter their decision on whether or when to apply to the scheme as a result of anything in this paper.

Speed of making payments

State compensation schemes around the world face the same problem: how to deal quickly and fairly with a large volume of cases, while being sure that taxpayers' money is being spent properly. The Criminal Injuries Compensation Authority (CICA) aims to settle cases as quickly as possible. But cases involving serious injuries may take a while to settle because of the complexity of calculating and agreeing loss of earnings, and often delays are outside the CICA's control. The CICA received 66,360 applications in

2004-05 and the average time to settle a case is currently 39 weeks, which is of course faster than many successful actions for damages in the civil courts. In comparison, the Hong Kong scheme, with 563 cases in 2004-05, generally takes no more than 3 months⁶ and New South Wales, with 5,098 cases in 2004-05 aims to finalise the majority of claims within 12 to 18 months⁷.

We recognise that the speed at which cases are dealt with is important to the victim. In some cases, a victim may not feel able to rebuild their life when their case is still outstanding. In others, a victim who has lost earnings as a result of the crime may need their financial settlement quickly to help them pay their household bills.

We know that currently the scheme is not fast enough. We are determined to speed it up, while ensuring that the scheme is not open to abuse.

Part of the time taken on a case is in receiving essential reports: a police report confirming that the incident took place and that the applicant was not to blame for the incident; and a medical report on the injuries so that the level of compensation can be determined.

We will work with Chief Constables to accelerate and simplify the process for providing police reports to CICA (including whether there is scope for greater use of technology between the police and CICA), so as to meet the new target in the Code of Practice for Victims of Crime of 30 days for providing the initial police report.

Some cases are complex and difficult to settle,

involving lengthy discussions with the victim about lost earnings and special care needs. In many cases, it is right that CICA should pay interim awards to help the victim until the final settlement is reached. To date, interim awards have tended to be the exception. ***We would welcome views on whether to change the scheme so that interim awards become the norm.***

We will also explore with the insurance industry whether there are lessons that could be applied to CICA to streamline its administration and processes for settling claims.

Taking account of the applicant's criminal record in deciding whether to reduce or refuse compensation.

One aspect of the scheme that is sometimes questioned is the fact that it takes into account the applicant's criminal record in determining compensation.

The scheme requires compensation to be reduced or refused because of the applicant's character as shown by criminal convictions. CICA will ignore any convictions which are "spent" under the Rehabilitation of Offenders Act 1974, but will take account of any "unspent" convictions. The thinking behind this is that a person who has committed a criminal offence has probably caused distress, loss or injury to other people, and has certainly caused expense to society because of police time, court appearances and the cost of sentences. The CICA uses its discretion in deciding on whether to refuse or reduce compensation, based on a published points system to assess the seriousness of the previous convictions.

⁶ Source: Criminal & Law Enforcement Injuries Compensation Board Annual Report 2004-05

⁷ Source: <http://www.lawlink.nsw.gov.au>

We recognise that this is a difficult issue where opinions are sharply divided between those who think that an offender has paid his debt to society through the sentence he received and should therefore be compensated regardless of criminal history, through to those who find it completely unacceptable to compensate in such cases. We believe that it is almost impossible to draw hard and fast rules which would deal with the range of cases from a drunk who had picked a fight through to a convicted bank robber who had been seriously injured in a violent assault – that is why we are not minded to change the sliding scale that is currently used by CICA. ***We would welcome views on the sliding scale used to determine the level of compensation for a person who has “unspent” convictions.***

The fact that the scheme does not apply to British citizens injured overseas.

Recent terrorist attacks have focused attention on the fact that the scheme does not apply to British citizens injured overseas. As a result, there have been calls for the Government to extend the existing compensation scheme.

We recognise the considerable public sympathy there is for British citizens injured overseas. Simply extending the current compensation scheme to provide compensation for injuries sustained overseas would, however, raise a number of issues, including deciding who would be eligible, the difficulty of getting reliable evidence that the injury was a result of terrorism or violent crime, the high risk of fraudulent applications, and the cost of providing a global compensation scheme.

Although not designed to provide compensation, insurance can be purchased to help deal with some of the immediate consequences of terrorist attacks whilst travelling abroad and we are exploring ways of raising public awareness of this. We are also looking at the option of setting up a national disaster charitable fund, to provide immediate assistance for victims.

These are complex issues, which we want to consider thoroughly; we will make an announcement in due course.

The fact that the scheme covers some incidents that are not crimes of violence

The scheme was intended as compensation for violent crime deliberately inflicted on the victim, where the victim stood no realistic prospect of getting compensation from the perpetrator. A financial award is society's way of acknowledging the harm that has been done to the victim as a representative of the community. It was never intended to be a substitute for employers' insurance, or to pay compensation for anything other than violent crime.

However, over the years, the scheme has come to do just that, and payments are made to:

- people injured in the course of (crime prevention) duties when taking an exceptional risk;
- workers injured as a result of violent crime at work; and
- train drivers who witness a suicide in front of their train, or railway workers who come upon the immediate aftermath of a suicide.

Of course, in cases of violent crime the only person who is to blame is the offender. But the fact that the scheme compensates in such cases could be seen to act as a disincentive for employers to make the workplace safe and do everything reasonably possible to protect their employees.

We would welcome views as to whether this is appropriate in all cases of injury at work, or whether there are violent crimes that cannot reasonably be guarded against by employers and for which society as a whole should continue to provide compensation.

There is a real debate to be had about whether the CICS should cover these kinds of cases. There is an argument for saying that employers are best placed to protect their employees and minimise the risk to them – and should, through their insurance or otherwise, bear the risk and cost of compensating them for injuries if they fail to do so.

Private sector employers must hold employers' liability compulsory insurance (ELCI), which provides for compensation where the employer has been negligent in protecting their workers and acts as an incentive for ensuring safety at work, but the public sector is exempt from this requirement.

Many of the cases concerned are in the public sector and we, as a Government, are prepared to consider the possibility of public sector employers taking the responsibility of compensating their employees, rather than relying on the Criminal Injuries Compensation Scheme. There is equally a question as to whether the private sector too takes on this responsibility. We are therefore considering removing from the scheme cases where someone is injured whilst at work. Where the employer is in the public sector, it will take responsibility for compensating any such cases.

We would also welcome views on how the same could be achieved in the private sector, for example through work based schemes or on a case by case basis.

Of course, people who are injured as a result of violent crime at work or in the course of duty should be helped and supported back to work, and have access to the same victim support as others. We would therefore work with employers and the insurance industry to make sure that employees continue to receive appropriate help if injured at work.

We will ensure that our final proposals as they affect local government will be consistent with the Government's New Burdens Doctrine.

Conclusion

We want to re-focus the scheme around the concept of "seriousness". We want to speed it up and increase payments to the most seriously injured.

We want victims with less serious injuries to benefit from improved support services rather than relatively small amounts of financial compensation. We want to ensure that these services are tailored to individual needs and are delivered quickly. In the next two chapters we look at what services we should offer and explore the most effective ways in which to deliver them.

Chapter 3

Emotional and practical support for victims of crime



Providing support to victims can also enable them to stay engaged in the criminal justice process and increase their confidence in the CJS.

Support services

Crime can affect people in a variety of ways and how a person will react to a crime can depend on a number of factors, including their personal circumstances and the type of crime they have suffered.

Some victims may need help and support to help them recover from their experience and to return to as normal a life as possible.

In the previous chapter we looked at how financial awards under the CICS could be better targeted to meet the needs of victims in the most serious cases.

In this chapter we look more closely at the emotional and practical needs of victims and examine how we can ensure that victims are receiving immediate, practical and local support that is tailored to their needs and that helps prevent them becoming a victim of crime again.

1. What do victims want and need - the ideal

Victims should receive the support they need to help them get their lives back to normal as soon as possible after a crime has been committed. There is clear evidence that victims benefit from services which are co-ordinated and integrated, that communicate and work together effectively⁸.

James and Adam have come home from a night out to find their front door kicked in and their flat burgled. They need to secure their flat overnight and replace the locks on the front door. They would also like information about what they can do to stop their flat being burgled again. In the medium term they would like to know whether the police have caught the burglar.

Jackie has been raped by a stranger. She has reported the crime to the police. She needs immediate medical attention and support from specialised health professionals. She may need emotional support from trained therapists, and may continue to need this for a considerable time after the incident. In the longer term, if the case comes to court, she will need support through the trial process.

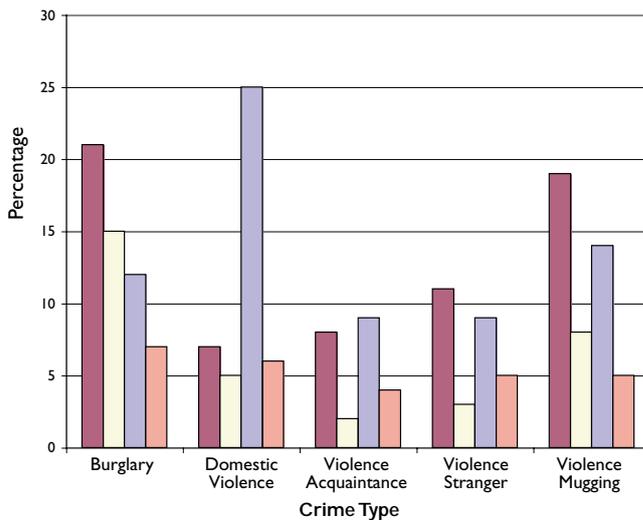
⁸ Mezey, G., Flander, M., Robbins, I., Cowie, H., Bartlett, A., Papadakis, S. and Martin, S. "What Works Best In Supporting Victims of Crime: A literature review", Office for Criminal Justice Reform (forthcoming).

Usha has walked out of a violent relationship, taking her two children with her. She needs to be put in touch with a refuge that can house her and her children that evening. She may then need advice and support to rebuild her life, including finding somewhere to live, information about the benefits system and childcare arrangements. She may also need support if she wants to press charges against her partner and information about the progress of her case.

Whilst victims' needs vary, there are three key elements of support for all victims:

- provision of information and advice;
- emotional support; and
- practical help.

What support or advice victims wanted for burglary and violence 2002/03



Source: British Crime Survey 02/03

- Information from police
- Practical help
- Emotional support/someone to talk to
- Information on reporting/compensation

Provision of information and advice

Crime is a disempowering experience and one of the most important elements of support for all crime victims is helping them to regain a sense of control. Victims need to be provided with information and advice so that they can make informed choices and decisions about what services they need and what action they can take to help them rebuild their lives.

Emotional Support

There is often an emotional element in people's reaction to crime. This can include feelings of fear, shame, anger towards the offender and resentment against the CJS. Such emotions can be deeply distressing and many victims need emotional support to help them cope with these feelings.

Practical help

Crime can have a significant impact on everyday life and some victims of crime may need help to return quickly to normal life. There will often be a number of practical issues for them to deal with before they can do this, such as seeking medical help for an injury or installing security measures in their home.

Access to services

Victims of crime need to know that the CJS will respond to their needs and that support services are accessible, depending on the individual victim and the urgency of their needs.

The 2002-03 BCS showed that victims did not require any support or advice in 75% of all incidents (54% of reported incidents)⁹. For these victims, providing contact details of support organisations and simple written advice on who to contact can often be all that is needed. This approach ensures that services are not offering support unnecessarily but it does not exclude the victim from receiving help should they need it at a later stage.

For the 25% of victims who need support, what is appropriate access to services is likely to be determined by the immediacy of their need.

There is evidence that people from some black and other minority ethnic (BME) communities are less likely to access victim services despite the fact that BME groups experience much higher levels of victimisation than white people. This might be because of their perception of the CJS, a lack of awareness of the services that are available to them or cultural or linguistic issues. There have been some projects to address this including allowing people to access victim services through self-referral, third party reporting and involving community groups in the provision of victim services. In developing services that meet the needs of victims we are keen to build on this and look at ways to ensure that people from all communities feel able to access services and ensure those who provide these services are equipped to serve all parts of our diverse society.

Ethel and George are an elderly couple. They were attacked in their own home one evening by several masked men, who demanded money and jewellery. They were not seriously injured, but were terrified requiring treatment and medication from their doctor. They need their home to be made secure and are now afraid to stay in their own home. They may need emotional support.

Bashir, a student, was stabbed in the chest when he disturbed a burglar trying to steal his laptop from his flat. He was in hospital for three days recovering from his injuries. Later he needed advice on claiming from his insurance for the stolen computer.

Maureen and her two children live in a council house. She has had ongoing problems with her neighbours and gangs of youths hanging around her property. One night her windows were smashed, her car was damaged and she was subjected to verbal abuse and threatening behaviour. Maureen needed protection from the neighbours and youths, practical help to replace the windows and emotional support to be able to go about her daily life.

2. Current Situation

The Government's main mechanism for delivering emotional and practical support services to victims is through the £30m a year grant to Victim Support.

⁹ BCS Support for Victims of Crime 2002/3 HO online report 31/04.

Victim Support is an independent national charity which helps victims and witnesses of crime and their families and friends and works to promote victims and witnesses interests. The organisation's support services are provided by a network of local charities that are affiliated to a national association.

Victim Support raises approximately £10m from sources other than central government, including local government and charitable donations. Most of Victim Support's services to victims are delivered by trained volunteers whose time is estimated to be worth £27m a year.

Victim Support's Services

Victim Support offers free and confidential emotional support and practical help and information to victims of crime. This includes someone to talk to in confidence, signposting to other organisations and help with insurance and CICS claims. In some areas the local Victim Support scheme may offer enhanced services, such as professional counselling, but this can be dependent on local funding.

Victim Support also runs the Witness Service to give information and support to those attending court. Its services include a chance to see the court before the trial, information about court procedures and accompanying witnesses in the court room.

The Victim Supportline, operated by Victim Support's National Office, can also help those affected by crime by providing information and emotional support.

Victim Support 2004-05 facts and figures

- Community-based Victim Support services helped almost 1.3 million victims.
- 91% of referrals came from the police.
- Victim Support has over 11,000 staff 9,500 volunteers (estimated to be worth £27million a year) and 1,600 paid staff.
- The Victim Supportline answered over 15,000 calls.
- The Witness Service supported almost 400,000 witnesses, victims, family and friends.
- The Witness Service arranged 170,000 pre-trial court visits.

Specialist Services

In addition to Victim Support there exists a wide range of specialist groups in the voluntary sector to support victims of particular crime types and victims with particular needs. The government provides funding to many of these organisations, for example:

Families bereaved through homicide

SAMM (Support After Murder and Manslaughter) is a self-help organisation which exists to support those who have been bereaved as a result of homicide. Since 1998 the Government has paid an annual grant (currently £140,000 a year) to SAMM, which is its principal source of income.

Sexual violence and abuse

Over 2004-05 and 2005-06 the Government made £4m available through the Victims Fund for the development of services to victims of sexual violence and abuse. This money came from recovered proceeds of crime.

A proportion of the £4m was used to increase the number and coverage of Sexual Assault Referral Centres. Most of the funding was used to develop good-quality services within local communities for victims of all forms of sexual assault and their families.

We are making available a further £1.25m in 2006-07 to continue the development of support services for victims of sexual violence and abuse.

Successful Victims Fund Application

Women's Support Network was established in 1997, providing one-to-one support and counselling to women who have suffered domestic violence and sexual abuse. It successfully applied to the Victims Fund and received a £35,000 grant in 2005/6 to increase counselling and support sessions and develop an advocacy service.

Gun and Knife Crime

We are supporting community organisations to tackle gun crime and in May 2004 launched the Connected Fund to provide grants to small community groups. It has so far supported more than 150 groups. Criteria for the fund include providing support for victims of gun and knife crime and their families, for example providing advice and support services, or supporting witnesses during trials. The fourth round of the fund was launched in November 2005.

Developing future support services

The new Commissioner for Victims and Witnesses will play a major role in ensuring that victims receive immediate, practical and local support services, tailored to their needs. As well as being a champion for victims' interests, the Commissioner will:

- act as a capacity-builder for victims organisations, giving advice and support;
- encourage victims organisations to work together more effectively to deliver support services;
- recommend services for future funding, particularly through the Victims Fund; and
- identify gaps in local service provision, particularly in services needed by specific groups such as victims of hate crime.

Distribution of the Victims Fund from 2007/8 will be based on advice from the Commissioner. So far, the fund has concentrated on victims of sexual offences. *We would welcome views on whether the focus of the fund should be widened to cover other serious crime types e.g. the families of homicide victims or victims of hate crime.* We will pass these views onto the Commissioner who will draw on them to reach a recommendation on where best to spend the money.

3. What services should we provide in the future?

We want to provide a comprehensive range of support services for victims that are immediate, practical, local and tailored to their needs.

Emotional Support

Many victims of crime benefit from having someone to talk to about their experience. Victims need to be treated with respect and to be listened to. We want to ensure that victims receive a compassionate, understanding and friendly response. We want to provide emotional support such as:

- reassurance that the crime was not their fault;

- help in understanding the feelings they are experiencing;
- support in the choices they make;
- support in participating in a restorative justice programme where appropriate; and
- professional counselling where appropriate, including help with post-traumatic stress.

Practical Support

Services to victims have tended to focus on emotional support rather than practical help, although many voluntary sector organisations and police forces also provide practical help. We want to build on this good practice to ensure that the practical needs of victims are met on a more consistent basis, ending the variability of service provision.

We want to provide brokering and advocacy with agencies. Some victims may need advice on who to turn to for the help they need and also someone to organise that help for them. This could include:

- help with arranging re-housing, for example where a victim is being repeatedly targeted in their home, and for intimidated witnesses;
- acting as a gateway to work or education. In some cases victims may need opportunities to re-train for a new career, which could be helped through referrals from VCUs to information and advice services locally and nationally (through learndirect and www.direct.gov.uk);
- liaising with agencies (including CJS agencies, Social Services, landlords, employers, community and voluntary organisations) to ensure that those services are provided effectively; and
- advice on how to obtain and enforce court orders.

We want to ensure victims are protected from further victimisation. This could include:

- providing information on reputable local locksmiths or, depending on the victim's needs, paying for and installing the security directly, such as lock-fitting, burglar alarms and, in the most serious cases, safe rooms;
- the provision of personal attack alarms for victims of violent crime; and
- working with local authorities and the local community to improve security in an area e.g. CCTV and street lighting.

We want to help victims to return to as normal a life as possible, as quickly as possible. This could include:

- financial assistance. Victims may need an emergency grant, loan or vouchers in order to meet their necessary expenses in the short term (e.g. in cases where a victim has had all their money stolen). Or they might need other kinds of financial help, for example amounts deducted from salary to pay Government-supported student loans under the current scheme can rise or fall in line with fluctuations in salary, and repayments will stop if income falls below the repayment threshold;
- help with treatment costs. Victims who need non-emergency treatment that public services are not able to provide, for example some dental treatment or cosmetic surgery following a violent attack, might need a voucher which they could redeem for the work;
- someone to help clear up the signs of the crime in the home (e.g. after a burglary), or in the long term to make modifications to a home if a victim has suffered serious injury;

- access to childcare. Domestic violence victims may need quick access to childcare if they have decided to leave a violent home with their children. Victims may also need childcare if they need to attend hospital or the police station as a result of the crime;
- transport. If someone's mobility has been affected by the crime they may need transport to get to work, to the shops, or to hospital; and
- help with administration and form filling etc. A victim, trying to come to terms with their ordeal, may find it difficult to fill in forms for benefits or compensation and would find help to do so useful.

In the next chapter we consider several models for providing these services so as to make the most effective use of the resources available so as to provide services that are immediate, local, practical and tailored to the victim's needs.

Information and advice

We want to ensure that victims receive information and advice to help them recover from a crime and that this is targeted at all communities. This includes:

- information about the progress of their case throughout the criminal justice process;
- signposting to support organisations. A victim of crime may not know what organisations and support are available;
- information and advice about crime prevention and personal safety. A burglary victim would benefit from information about how to secure their property to prevent another burglary; and
- information about compensation and benefits. A victim may not know about compensation or benefits for which they are eligible.

We would welcome views on the services we want to provide in the future for adult and child victims of crime.

Chapter 4

Delivering support and services to victims of crime



In the previous chapter we looked at the emotional and practical needs of victims and the types of services we want to provide to meet those needs.

In this chapter we look at various models for delivering these services through the Labour manifesto commitment to develop a nationwide network of victim and witness support units that provide practical help. The new units which we are calling Victim Care Units (VCUs) would take on a key role in commissioning, targeting and delivering services to victims. The idea builds on the concept of Witness Care Units, now being rolled out nationally, to support victims and witnesses through the court process. Together they will ensure a seamless, end-to-end support service for victims.

The models for VCUs that are set out below take account of the existing voluntary sector provision, and the proposed changes to the CICS set out in chapter 2. The aim is to deliver services that are immediate, local, practical and tailored to the victim's needs so that the right services can be provided to victims who need them, when they need them.

The key stages in delivering services to victims

There are several key stages in the process for delivering services to victims. We need to make sure that each of these is as effective and rapid as possible, focusing on the victim's needs.

The stages are:

Stage 1: When the crime is reported to the police

This first contact with the CJS is often the ideal opportunity to provide information on the support services available locally and how to contact them.

Under the Code of Practice for Victims of Crime, this information will be provided locally through a directory of support services as part of the existing Victims of Crime leaflet. The Code also requires the police to refer victims to Victim Support within two working days.

Another means to provide useful information to victims at this stage is through a helpline. For example, a burglary victim might only need information on dependable local locksmiths and security advice on how to make their home safe.

Stage 2: When the police arrive at the scene

The initial needs assessment should be similar to triage in the health service: assessing the immediate needs of the victim and determining who requires urgent help, who requires less urgent help and, in some cases, who requires no further help beyond the information and reassurance already provided. We feel that there may be potential for making greater use of the police's first face-to-face contact with the victim to assess their immediate needs.

Doing the initial needs assessment for the victim as soon as possible after the crime is important if appropriate services are to be delivered as quickly as possible. Whoever carries out the needs assessment has to have the skills to do this in a way that genuinely assesses need and does not prejudge victims' needs by their personal characteristics or the crime they have experienced. The rollout of neighbourhood policing teams in all areas of England and Wales by 2008 also offers an opportunity to broaden the support offered to the victim. Neighbourhood policing teams will be led by police officers but involving special constables, community support officers, volunteers, neighbourhood wardens and others. *We would welcome views on how needs assessments for victims could be delivered as soon as possible after the crime, and who could best carry out this role, for adult and child victims of crime.*

Stage 3: From needs assessment to the service provider

Once needs have been assessed, victims should be referred to the support services that will help them overcome the effects of the crime. This referral process should be as fast as possible, while making sure that support services have all the information necessary about the victim and the circumstances of the crime. Ideally, there should be automatic data transfer from the police to the support services and we need to develop support services that can respond 7 days a week to victims' needs, particularly so that the victims of crimes committed on Friday and Saturday evenings can be supported as quickly as possible.

To get to this position will need the police to improve and standardise how they transfer victims' data to support services who, in turn,

should introduce more efficient ways of handling that data once it is received, so that support is provided to the victim as quickly as possible.

Who provides the services?

At the moment, many victims' services are delivered by trained volunteers, often supported by a salaried management infrastructure. This is the model used by Victim Support and other voluntary sector providers. This is an immensely valuable and experienced resource - for example, a recent study of Victim Support estimated that its volunteer base is worth £27m a year. We want to maintain and build on this wealth of experience in befriending and supporting victims.

We also think that there is scope for more use of specialist staff in delivering services to victims with particular needs, for example in the most serious cases such as sexual offences, domestic violence, serious violent offences and racial offences. This is an approach already being adopted in some Victim Support areas e.g. in Southwark where specialist, trained staff deal with victims of these particular crime types, freeing up the volunteer pool to focus on the victims of other offences and carrying out the important role of befriending and providing emotional support. We also need to consider what we can do to ensure that organisations providing the services are as effective and accessible as possible to all communities.

Providing services from a menu of options

In developing the new VCUs we will work with Victim Support and other voluntary sector providers to use the research evidence on what help victims want and need to develop a menu of services based on the victim's personal characteristics and the crime they have

experienced. This menu would link to the needs assessment and form the basis of the services that could be developed into a care package for the victim. The menu would be flexible, however, allowing the VCU discretion to put together the right services for the individual.

What would the menu of services contain?

We set out in the previous chapter the kinds of emotional and practical support we want to see provided to victims. The resources we are proposing to redirect from the CICS to VCUs will provide them with the means to offer packages of practical help to victims to ensure that their needs are met, where the state or other voluntary sector providers are not already meeting them.

Options for delivering VCUs

There is a range of possible models for delivering VCUs, taking account of the existing voluntary sector and statutory providers. Below are the four main models we have identified; our preference at this stage is for option one. *We would welcome views on them and suggestions for other models.*

Option 1: Voluntary sector-led Victim Care Units

We could deliver VCUs by working more closely with existing voluntary sector providers, particularly Victim Support, to develop much greater specification of services, expand the range of services to include those mentioned earlier, and require changes in the infrastructure so as to bring the needs assessment process nearer to the report of the crime and speed up the service delivery.

In this model, we would develop a specified set of services to be delivered to victims. The specification could also cover issues such as the availability of services out-of-hours and speeding up the referral and needs assessment processes.

Victim Support would receive additional funding to provide an enhanced range of services provided by a mix of volunteers and specialist staff, delivering a menu of services to a contract with the individual victim.

This model would involve minimum disruption to the current voluntary sector providers, while recognising that there is an increasing role for the voluntary sector in providing services to deliver Government targets in exchange for the substantial funding they receive, whilst maintaining the clear independence of the service provider from the CJS.

Option 2: Voluntary Sector and police partnerships

We could deliver VCUs through a hybrid model: a partnership of the voluntary sector and the police. This would be similar to the current police and CPS partnerships in the Witness Care Units. The police would concentrate on delivering their criminal justice obligations, including providing information to the victim on the progress of their case (under the Code of Practice for Victims of Crime). The voluntary sector would concentrate on delivering an expanded range of services.

Option 3: Police-led Victim Care Units

We could develop a network of police-led Victim Care Units separate from the current voluntary sector providers. They would be set up within and managed by police forces, with police staff. They would take over most of the infrastructure role that currently lies with the voluntary sector i.e.:

- receiving details of victims directly from the police data systems;
- carrying out rapid needs assessments and agreeing the service contract with the victim; and
- deciding on what kinds of services should be provided to the victim.

The VCU would then commission services from a range of suppliers, for example, befriending and emotional support from voluntary sector providers such as Victim Support, specialist support from the voluntary or the statutory sectors (e.g. counselling from the NHS). The Government would specify the kinds of services to be delivered and manage the performance of the VCUs through Service Level Agreements.

This model would offer the potential for faster and more efficient help for victims using standard processes across all VCUs, while still being able to draw on the expertise and skills of the voluntary sector. It would, though, need careful consideration of the resource implications and the other demands on the police, including restructuring of forces. We would also need to ensure that the victim was confident that the support they received was independent from the CJS.

Option 4: National Victim Care Helpline

A more radical approach would be to base the VCU approach around a national helpline available around the clock to provide victims with advice and information on the support services in their local area and arrange for services, along the lines of NHS Direct.

The helpline would receive victims details in three ways: self-referral by the victim; immediate referral by the officer at the scene who assesses the victim as being in need of immediate help; and referral from the police crime report.

The helpline would contact the victim referred and provide the following:

- reassurance and support;
- information on locally-available services;
- a needs assessment to agree with the victim the support services they need; and
- liaison with support service contractors to arrange for those services to be provided to the victim.

The helpline would operate on a national basis but could maintain a local feel by working in teams shadowing individual police forces. The police could also have dedicated Victim Care Officers in each force who would work with the helpline to make sure that the local aspect of service provision worked effectively. Alternatively, the helpline could be an addition to the other models taking on much of the administrative burden and handling self-referral cases or referral from other agencies.

This would clearly be a major shift in the way that we provide victims services and a fundamental change for the voluntary sector. It would, though, have the potential to speed up the delivery of services to victims to a standard level across the country. Any move to a national helpline would need to take account of the existing 999 emergency telephone number and the proposed single non-emergency telephone number.

Scope for working with the private sector to support victims of crime

Given that the estimated costs/loss of output as a consequence of crime is estimated at £4.25bn each year¹⁰, we are also interested in the scope for the involvement of the private sector in VCUs, via Corporate Alliances to bring together private sector players to fund a topic of concern to them.

There is a precedent in the United States for the private sector bolstering the delivery of services to victims of crime. Corporate Alliances with the private sector have also recently been developed in the UK in supporting victims of domestic violence.

A Corporate Alliance could offer:

- financial contributions to fund locally-delivered services to victims. This funding could contribute towards payments to help meet victims needs or bolster existing practical services such as health care, home security etc;
- practical help to victims, such as donating goods or encouraging their staff to volunteer to support victims or help to run the VCU;

- promote awareness of the impact of crime on the victim and community;
- development and maintenance of local sources of information such as websites; and
- help to get victims back to work through education or training opportunities.

We would welcome views on the potential for closer working with the private sector in helping victims of crime.

This chapter has set out the processes involved in assessing victims needs and providing services to them, and has made suggestions for how services might better be provided in the future through VCUs. We are making available £1m in 2006-7 to pilot the models for VCUs in a number of areas.

The final chapter summarises the questions raised throughout this document on which we would welcome views.

¹⁰ Dubourg and Hamed. The Social and Economic Costs of Crime against Individuals and Households 2003/4 . Home Office report 30/05

Chapter 5

Consultation Questions

Ch 2 Financial Support:

- 1) Compensation orders. We would welcome views on:
 - a) whether to deduct court-ordered compensation from benefits.
- 2) Maximum award limit. We would welcome views on:
 - a) whether to increase the maximum award limit.
- 3) Refocusing the scheme. We would welcome views on:
 - a) whether the scheme should be refocused around the concept of seriousness ; and
 - b) how best to define seriousness .
- 4) Payments in fatal cases. We would welcome views on:
 - a) whether the current payments for fatal cases are appropriate and, if not; and
 - b) how a different basis for compensation could be devised.
- 5) Applying awards retrospectively. We would welcome views on:
 - a) whether changes to the scheme should apply from the date of the incident or the date of the application.
- 6) Interim awards. We would welcome views on:
 - a) whether awards should become the norm.
- 7) An applicant's criminal record. We would welcome views on:
 - a) the sliding scale used to determine the level of compensation for a person who has unspent convictions.
- 8) Anomalous categories in the scheme. We would welcome views on:
 - a) whether this is appropriate in all cases of injury at work, or whether there are

violent crimes that cannot reasonably be guarded against by employers and for which society as a whole should continue to provide compensation.

- b) how compensating employees could be achieved in the private sector, for example through work based schemes or on a case by case basis.

Chapter 3 Emotional & Practical Support

- 9) Use of the Victims Fund 2007/08. We would welcome your views on:
 - a) whether the focus of the fund should be widened to cover other serious crime types e.g. the families of homicide victims or victims of hate crime.
- 10) Support services. We would welcome your views on:
 - a) the services we want to provide in the future for adult and child victims of crime

Chapter 4 Delivering Support

- 11) Needs assessment. We would welcome views on:
 - a) how needs assessments for victims could be delivered as soon as possible after the crime for adult and child victims of crime; and
 - b) who could best carry out this role for adult and child victims of crime.
- 12) Options for Victim Care Units. We would welcome views on:
 - a) our models for Victim Care Units and suggestions for other models.
- 13) Working with the Private sector. We would welcome views on:
 - a) the potential for closer working with the private sector in helping victims of crime.

Annex I

About this Consultation Paper

The information you send us may be passed to colleagues within the Home Office, the Government or related agencies.

Furthermore, information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

Please ensure that your response is marked clearly if you wish your response and name to be kept confidential.

Confidential responses will be included in any statistical summary of numbers of comments received and views expressed.

The Department will process your personal data in accordance with the DPA - in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

In line with the consultation criteria set out at Annex 2, a summary of the responses received will be published within 3 months of the closing date for this consultation, and will be made available on our website - www.cjsonline.gov.uk

Please send your comments, by 1 March 2005, to:

Alpa Panchal
Victims & Confidence Unit
Office for Criminal Justice Reform
1st Floor, Fry Building
2 Marsham Street
London
SW1P 4DF

Email address: rebuildinglives@cjs.gsi.gov.uk

Further copies of this consultation paper can be obtained from this address or by telephoning Alpa Panchal on 020 7035 8414.

It is also available on-line at www.cjsonline.gov.uk

If you require this document in another format e.g. large print, Braille or audio taped, please contact us at the above address.

Annex 2

Consultation Criteria ¹¹

This consultation follows the Cabinet Office Code of Practice on Consultation - the criteria for which are set below.

The six consultation criteria

1. Consult widely throughout the process, allowing a minimum of 12 weeks for written consultation at least once during the development of the policy.
2. Be clear about what your proposals are, who may be affected, what questions are being asked and the timescale for responses.
3. Ensure that your consultation is clear, concise and widely accessible.
4. Give feedback regarding the responses received and how the consultation process influenced the policy.
5. Monitor your department's effectiveness at consultation, including through the use of a designated consultation co-ordinator.
6. Ensure your consultation follows better regulation best practice, including carrying out a Regulatory Impact Assessment if appropriate.

The full code of practice is available at:
www.cabinet-office.gov.uk/regulation/Consultation

Consultation Coordinator

If you have any complaints or comments specifically about the consultation process only, you should contact the Home Office consultation co-ordinator Bruce Bebbington by email at:
bruce.bebbington@homeoffice.gsi.gov.uk

Alternatively, you may wish to write to:

Bruce Bebbington
Consultation Co-ordinator
Performance and Delivery Unit
Home Office
3rd Floor Seacole
2 Marsham Street
London
SW1P 4DF

¹¹ Code of Practice on Written Consultation, Cabinet Office (November 2000)

Annex 3

Regulatory Impact Assessment

Partial Regulatory Impact Assessment

1. Rebuilding Lives Supporting Victims of Crime

2. Purpose and intended effect

1. The objective of this consultation is to set out proposals to:

- refocus the Criminal Injuries Compensation Scheme (CICS) on the most serious cases; and
- give victims access to appropriate services that are timely, local, practical and tailored to their needs.

2. This Regulatory Impact Assessment considers options for achieving this objective. The options are set out in Section 4.

Background

3. There has been substantial focus on victims issues over recent years with £230m spent annually on victims support services and compensation for victims of crime.

4. Rebuilding Lives Supporting Victims of Crime is a consultation to look at whether these resources are appropriately focused on the needs of victims of crime.

5. The CICS is a GB-wide scheme, covering England, Wales and Scotland. Northern Ireland operate their own scheme. It was set up in 1964 to compensate blameless victims of violent crime. In 1996 it moved on to a tariff basis and was placed on a statutory footing. Changes to the scheme require legislation.

6. Under the tariff scheme, awards totalling £170m are paid out each year. This includes £30m of payments for loss of earnings and special care costs.

7. Administration costs total almost £30m. The scheme is administered by two Non-Departmental Public Bodies (NDPBs) - the Criminal Injuries Compensation Authority (CICA) and the independent appellate tribunal, the Criminal Injuries Compensation Appeals Panel (CICAP).

8. The main recommendations in this paper are:

- focus CICS on seriousness;
- make higher payments for the most serious injuries;
- no longer make financial payments to injuries defined as less serious;
- speed up the process;
- make interim payments the norm;
- consider whether the scheme is the best way to compensate those injured at work; and
- better support to victims through Victim Care Units (VCUs).

9. They are part of a wider strategy to better serve victims of crime, to reduce victimisation and re-victimisation and to further develop the environment where offenders face up to what they have done and take concrete steps to make amends.

10. In January 2004 the Office for Criminal Justice Reform published the Victim and Witness Delivery Plan which set out for local criminal justice boards and agencies how to increase victim and witness satisfaction and how to provide a modern, high-quality service.

Throughout 2004 and 2005 local boards have been working to embed the recommendations of the plan in their local delivery.

11. Roll out of Witness Care Units in England and Wales (costing £36m) commenced in December 2004, and continued throughout 2005. These joint Crown Prosecution Service (CPS)/police units act as a single point of contact for victims and prosecution witnesses. The Witness Care Officers (WCOs) in these units are responsible for carrying out detailed needs assessments for witnesses, maintaining a local contact directory of organisations that can provide support and keeping victims and prosecution witnesses informed of the progress of the case.

12. The Code of Practice for Victims of Crime was launched in October 2005, coming into force in April 2006. The Code places obligations on criminal justice agencies to provide appropriate support services for victims of crime (for example, monthly updates from the police about the progress of the case), providing recourse for the victim where a failure to do so has been demonstrated.

13. Also in October 2005 the CPS announced a ten-point pledge that describes the level of service that victims can expect to receive from prosecutors. For example, the prosecutor will take into account the impact on the victim or their family when making a charging decision.

14. The Witness Charter was launched on 28 November 2005. This sets out new standards of care for all victim and non-victim prosecution witnesses and defence witnesses. The Witness Charter consultation sets out the proposed services witnesses can expect during the criminal justice process, including information about the progress of the investigation or court case at key stages of the process; tailored support based on

individual needs assessment, action against intimidation at court and in the community and emotional and practical support at court.

15. The National Offender Management Strategy: Reducing Re-offending - A Five Year Strategy, due for publication in December 2005, sets out their vision for bringing more offenders to justice, and includes providing greater reparation to the victim.

16. The National Quality of Service Commitment (QoS) has been jointly developed by Association of Chief Police Officers (ACPO) and the Home Office and agreed by the Association of Police Authorities (APA). When issued in November 2006, it will set out national guaranteed standards of service that members of the public can expect whenever they have contact with the police and whatever their reason for contact. It is one of a number of products that is being developed to support the delivery of improved quality of service to the users of police services, including victims and witnesses.

17. All of which reinforces our commitment to put victims at the heart of the criminal justice system and to encourage and enable the offender to make reparation for what they have done.

Rationale for government intervention

18. The CICS needs to be reviewed in the light of the following concerns:

- i. Size of payments is seen as too low, particularly in comparison to civil damages, and also the maximum award limit of £500,000;
- ii. Speed of making payments – currently the average is 39 weeks, which we hope to reduce significantly;

- iii. The fact that the scheme does not apply to British citizens injured overseas;
- iv. The fact that the scheme covers some incidents that are not crimes of violence e.g. train drivers who witness a suicide on the railways.

CICS

19. The GB-wide compensation scheme is the most generous in the world and pay out more compensation than all the other schemes in the EU put together. Each year CICS pays out about £170m in compensation. The table below¹² gives estimates for the total compensation paid in one year under the state compensation schemes in each of the EU Member States.

	Total compensation paid (€)
Austria	1,400,000
Belgium	6,307,000
Denmark	5,456,000
Finland	5,130,000
France	147,550,000
Germany*	106,694,000
Ireland	3,329,000
Luxembourg	42,000
Netherlands	4,706,000
Portugal	972,000
Spain	1,540,000
Sweden	7,421,000
Great Britain	340,926,000

¹² Source: Mikaelsson and Wergens (2001) Repairing the irreparable: State compensation to crime victims in the European Union . All estimates are from 2000 except for (*) which are from 1999.

20. CICS pays compensation in two ways: for the pain and suffering of the injury; and for loss of earnings and special care costs.

21. Injuries are graded into 25 tariff bands for the payments for pain and suffering, according to their seriousness. These range from £1,000 for injuries such as fractured fingers and sprained ankles (tariff band 1) through to £250,000 for quadriplegia or severe brain damage (tariff band 25); broadly reflecting the way that the civil courts assess injuries in claims for damages.

22. Additionally, compensation is also payable for lost earnings, pension contributions and special care needs (such as medical treatment, adaptations to property and nursing) on top of the tariff payment. Loss of earnings and special care is only payable where the applicant has been incapacitated as a result of the injury for at least 28 weeks this is because statutory sick pay is available for the first 28 weeks.

23. The maximum total award in any one case is £500,000 including loss of earnings and special care. It is possible to reopen cases where the person's medical circumstances change after the award has been made or where the person's financial circumstances change significantly.

24. There are several concerns about the scheme and the way it operates, such as concerns about the level of payouts from the CICS (i.e. that the award is too low) and the time taken to assess each case (the average time to reach first decision 39 weeks). Some of these were highlighted by the tragic events of 7 July 2005 in which 52 innocent people were killed in the terrorist bombings in London and hundreds were injured, some severely. Other concerns have been raised since the scheme began in the mid-1960s and go to the heart of whether and how the State can provide appropriate levels of compensation.

25. The terrorist attacks in Sharm el Sheikh, Kusadasi and Cesme, and Bali in 2005 have highlighted the fact that the scheme does not apply to injuries sustained overseas.

26. The scheme was intended as compensation for violent crime deliberately inflicted on the victim; it was never intended to supplement or replace employers liability insurance or compensate for other highly distressing events that do not count as violent crime.

27. Over time the scheme has taken on a number of anomalous cases, where there is an argument for saying that employers are best placed to protect their employees at work, rather than the state:

- compensating workers injured as a result of violent crime at work or in the course of duty when taking an exceptional risk; and
- train drivers who witness a suicide in front of their train, or railway workers who come upon the immediate aftermath of a suicide.

28. The numbers of such cases are:

- on average, some 3,400 course of duty awards have been made each year at a cost of £11.6m;
- about 15% of these awards have been in respect of private sector workers and about 85% have been in respect of public sector workers;
- the police alone account for some 48% of successful claims;
- in 2004-05, 77% of the successful police claims (and compensation paid) were in respect of injuries sustained accidentally while taking an

exceptional risk. Only 23% of police awards were made in respect of normal criminal injuries; and

- but for prison officers and security officers awards for injuries sustained accidentally while taking an exceptional risk comprised only 8% and 2% respectively. In other words, the vast majority of awards were for injuries sustained as a result of assault.

29. On average over the last 5 years:

- 240 educational workers (teachers & support staff) got awards totalling £1.2m a year.
- 58 fire-fighters got awards totalling £0.3m a year.
- 642 medical workers (doctors/nurses/ancillary staff etc) got £2.7m.
- 1,407 police officers got £4.8m.
- 296 prison officers got £0.9m.
- 153 railway employees got £0.5m.
- 323 security officers got £1m.
- In 2004-05, 90% of course of duty awards were at tariff band 9 or below, and roughly £5¹/₂m was paid for those injuries; some £7m compensation was paid in respect of the remaining 10%.

Services

30. The 2003/04 British Crime Survey identified that in 75% of all incidents the victim did not require practical support or advice. The key element in any new system is therefore to target effective help on those victims who need it.

31. The majority of services available to victims of crime focus on emotional rather than practical support.

32. Payments (of CICS awards) are received (on average) 39 weeks after the incident and therefore are not an immediate resource to make good the damage and pay for immediate health care.

3. Consultation

33. The Office for Criminal Justice Reform has carried out substantial consultation at Ministerial and stakeholder level during the development of the policy contained within the Rebuilding Lives Supporting Victims of Crime consultation; with the Voluntary Sector, The Victims Advisory Panel, Staff Associations, Unions and all relevant Government Departments (OGDs).

4. Options

Option 1 Do nothing

34. Doing nothing will not satisfy any of the substantial concerns concerning size of award or speed of payments or improve services to victims.

Option 2 refocus the scheme on seriousness

35. A complete review of the scheme to deliver a faster service, with awards that meet the needs of victims as effectively as possible.

36. Define seriousness by consulting on what definition should be used, including:

- developing a clinical definition;
- using an existing statutory definition, for example the definition used in the Disability Discrimination Act 1995; and

- adopting the definition used by the insurance industry when settling claims.

37. Refocus the scheme on the most serious cases based on agreed definition. This would probably require primary legislation.

38. The removal of the lower bands that do not fall into the agreed definition of seriousness.

39. Raising the cap on awards by integrating the loss of earning and special care element into the tariff scheme, thereby:

- ensuring that the most seriously injured receive higher awards;
- speeding up the process by the removal of complex calculations of loss of earnings; and
- removing the need for lawyers involvement in the application process (which can also add further delays to settlement).

40. Retaining the difficult cases within the scheme that the public find especially abhorrent, namely sexual offences (including those against children) and fatal cases.

41. At present the scheme makes payments in fatal cases of £11,000 for one qualifying applicant and £5,500 for each where there is more than one.

42. Moving to CICA making interim payments the norm as soon as basic eligibility is established, ensuring that the victim receives the funds when it is most needed.

43. Not to change the current position on criminal convictions, where the applicants criminal record is taken into account when making award decisions.

44. Retaining CICA as a GB scheme and therefore not to cover incidents that occur overseas.

45. A review of whether employers should compensate workers injured while at work (in the course of duty) for their injuries, as they are better placed to mitigate the risks, and may be able to include or link with existing workplace schemes. Meaning that that the risk would be transferred to those better able to mitigate it (please see Annex 3a setting out number of awards made in the current scheme relating to course of duty and amounts paid).

46. Removal of awards made to train drivers who witness suicide in front of a train or who deal with the immediate aftermath.

47. Providing services to those victims of crimes who are no longer eligible to receive funds from CICS through VCUs. The services being more suited to what the victim actually needs, emotional support and practical support that is timely, local and tailored to the victims needs.

48. The proposals to refocus CICS on seriousness set out in this paper will apply in England, Wales and Scotland.

5. Costs and benefits

Costs

49. We expect the proposals to be cost neutral to the public purse by making better use of the £230m annual investment in support for victims of crime.

50. In 2006-7 we are investing £1m in piloting several models for VCUs so as to develop detailed costs and benefits. The costs of establishing VCUs we expect to cover from our proposed changes to the CICS.

51. There is scope to raise additional resources from the charitable and private sectors to supplement the VCU budget.

52. Under the current arrangements, approximately £11.6m has been paid on average for each of the last five years. Of this, £1.7m relates to the private sector. We are not proposing to require private sector employers to compensate in the future; rather, we are seeking views. Before any decision is taken we would carry out an impact assessment of the full costs and benefits.

53. Future consultation will take place to develop costs relating to Options 2: paragraph 46 (removal of awards made to train drivers) and paragraph 47 (Victim Care Units).

54. We would welcome views as to whether there would be any impact on private sector insurance premiums and if so what this might be.

55. We recognise that there will be an impact on the public sector and would therefore welcome views on the extent to which they may be effected.

Benefits

56. Refocusing the scheme and raising the upper cap on compensation will make the payments more meaningful and beneficial to the victim.

57. Incorporating the loss of earnings and special care costs into the tariff payment will speed up and simplify the whole process and ensure that the victim receives funds when they need them.

58. Removing the anomalies from the scheme will encourage employers to take steps to make working conditions as free as possible from the

risk of criminal injury to their employees. (Private sector employers must hold employers liability compulsory insurance (ELCI) which provides for compensation where the employer has been negligent in protecting their workers and acts as an incentive for ensuring safety at work).

59. Excluding CICA compensation from assessments of eligibility for means-testing benefits and services.

60. Offering practical solutions to meet the victims needs in a more timely, tailored and practical way to meet their needs more effectively, improve their experience of the CJS and thereby increase confidence. Specifically to target victims who really need help much more quickly (within 24 hours) with services tailored to their needs, for example:

- where a victim has been burgled; providing a reliable locksmith to make good the damaged, vulnerable property; or
- where a victim has been attacked; providing appropriate medical treatment and counselling.

61. Providing sign-posting to other available services and facilities, and greater access to information at a time when the victim feels most vulnerable will enable the victim to regain empowerment and get their life back on track.

6. Small Firms Impact Test

62. The proposals for employers to make arrangements for compensation for workers injured in the course of duty would have an impact on businesses both in the private and public sectors. Whilst the accident and injury

rate may differ from sector to sector, the scale of compensation costs is not known at this time and we welcome views from stakeholders on this proposal. Before any decision is taken, we would carry out an impact assessment of the full costs and benefits.

7. Competition assessment

63. We do not anticipate any positive or negative effects on competition from the policies being consulted on and would welcome view on this matter.

8. Enforcement, sanctions and monitoring

64. The level of claims paid out will be monitored.

65. We want to provide a comprehensive range of support services for victims that are immediate, practical, local and tailored to their needs. These services will allow greater specification of services and therefore greater monitoring:

Emotional Support

66. Many victims of crime benefit from having someone to talk to about their experience. Victims need to be treated with respect and to be listened to. We want to ensure that victims receive a compassionate, understanding and friendly response. We want to provide emotional support such as:

- reassurance that the crime was not their fault;
- help in understanding the feelings they are experiencing;
- support in the choices they make;
- support in participating in a restorative justice programme where appropriate; and

- professional counselling where appropriate, including help with post-traumatic stress.

Practical Support

67. Services to victims have tended to focus on emotional support rather than practical help, although many voluntary sector organisations and police forces also provide practical help. We want to build on this good practice and ensure that the practical needs of victims are met on a more consistent basis, ending the variability in service provision.

68. We want to provide brokering and advocacy with agencies. Some victims may need advice on who to turn to for the help they need and also someone to organise that help for them. This could include:

- help with arranging re-housing, for example where a victim is being repeatedly targeted in their home, and for intimidated witnesses;
- acting as a gateway to work or education. In some cases victims may need opportunities to retrain for a new career;
- liaising with agencies (including CJS agencies, Social Services, landlords, employers, community and voluntary organisations) to ensure that those services are provided effectively; and
- advice on how to obtain and enforce court orders.

69. We want to ensure victims are protected from further victimisation. This could include:

- providing information on reputable local locksmiths or, depending on the victim's needs, paying for and installing the security directly, such as lock-fitting, burglar alarms and, in the most serious cases, safe rooms;

- the provision of personal attack alarms for victims of violent crime; and
- working with local authorities and the local community to improve security in an area e.g. CCTV and street lighting.

70. We want to help victims to return to as normal a life as possible, as quickly as possible. This could include:

- financial assistance. Victims may need an emergency grant, loan or vouchers in order to meet their necessary expenses in the short term (e.g. in cases where a victim has had all their money stolen);
- help with treatment costs. Victims who need non-emergency treatment that public services are not able to provide, for example some dental treatment or cosmetic surgery following a violent attack, might need a voucher which they could redeem for the work;
- someone to help clear up the signs of the crime in the home (e.g. after a burglary), or in the long term to make modifications to a home if a victim has suffered serious injury;
- access to childcare. Domestic violence victims may need quick access to childcare if they have decided to leave a violent home with their children. Victims may also need childcare if they need to attend hospital or the police station as a result of the crime;
- transport. If someone's mobility has been affected by the crime they may need transport to get to work, to the shops, or to hospital; and
- help with administration and form-filling etc. A victim, trying to come to terms with their ordeal, may find it difficult to fill in forms for benefits or compensation and would find help to do so useful.

Information and advice

71. We want to ensure that victims receive information and advice to help them recover from a crime. This includes:

- information about the progress of their case throughout the criminal justice process;
- signposting to support organisations. A victim of crime may not know what organisations and support are available;
- information and advice about crime prevention and personal safety. A burglary victim would benefit from information about how to secure their property to prevent another burglary;
- information about compensation and benefits. A victim may not know about compensation or benefits for which they are eligible; and
- we want to ensure information and advice about services available to victims is effectively targeted at all communities.

72. We believe that the application for criminal injuries compensation is already reasonably straightforward however we would welcome views on how we might further simplify the process to speed up the payment of compensation.

Annex 3a

Course of duty compensation payments made in 04/05

Period 1/4/04 and 31/3/05

	Band	Amount	Number of cases	Amount paid including previous Interims	Total number of cases	Total amount
EDUCATIONAL WORKER (TEACHER ETC)						
	1	1,000	51	£79,457		
	2	1,250	14	£19,313		
	3	1,500	43	£66,428		
	4	1,750	7	£12,213		
	5	2,000	30	£63,214		
	6	2,500	14	£36,400		
	7	3,000	1	£88,619		
	7	3,300	23	£79,916		
	8	3,500	1	£3,700		
	8	3,800	6	£24,070		
	9	4,000	1	£4,100		
	9	4,400	10	£44,140	201	521,569
	10	5,500	9	£76,690		
	11	6,600	1	£6,600		
	12	7,500	8	£622,186		
	12	8,200	8	£174,469		
	13	11,000	8	£90,815		
	14	13,500	1	£16,237		
	15	16,500	1	£16,500		
	16	19,000	1	£19,000		
	17	20,000	2	£347,148	240	1,891,214
FIREFIGHTER						
	1	1,000	9	£8,500		
	2	1,250	2	£2,500		
	3	1,500	17	£26,363		
	4	1,750	1	£2,200		
	5	2,000	10	£21,525		
	6	2,500	6	£15,600		
	7	3,300	3	£11,185		
	8	3,800	1	£4,625		
	9	4,400	2	£7,145	51	99,643
	10	5,000	1	£5,175		
	10	5,500	2	£11,638		
	12	8,200	2	£14,240		
	15	15,000	1	£380,154	57	510,849

	Band	Amount	Number of cases	Amount paid including previous Interims	Total number of cases	Total amount
MEDICAL WORKER (DOCTOR/NURSE ETC)						
	1	1,000	175	£178,832		
	2	1,250	64	£83,381		
	3	1,500	94	£146,081		
	4	1,750	22	£40,764		
	5	2,000	58	£120,762		
	6	2,500	63	£177,073		
	7	3,000	7	£21,658		
	7	3,300	36	£123,720		
	8	3,800	7	£25,690		
	9	4,000	4	£11,225		
	9	4,400	26	£128,766	556	1,057,950
	10	5,000	5	£97,910		
	10	5,500	17	£307,153		
	12	7,500	27	£673,333		
	12	8,200	17	£211,628		
	13	10,000	6	£556,885		
	13	11,000	9	£103,811		
	14	12,500	1	£7,175		
	15	16,500	1	£17,250		
	17	20,000	2	£110,890		
	17	22,000	1	£23,178	642	3,167,162
POLICE OFFICER						
	1	1,000	365	£361,398		
	2	1,250	203	£257,303		
	3	1,500	177	£334,437		
	4	1,750	32	£63,219		
	5	2,000	216	£449,288		
	6	2,500	152	£615,366		
	7	3,000	7	£32,661		
	7	3,300	85	£303,491		
	8	3,500	1	£3,850		
	8	3,800	10	£42,815		
	9	4,000	2	£8,000		
	9	4,400	35	£157,432	1,285	2,629,259
	10	5,000	21	£176,242		
	10	5,500	31	£205,962		
	11	6,000	1	£12,965		
	11	6,600	1	£0		
	12	7,500	33	£789,632		

	Band	Amount	Number of cases	Amount paid including previous Interims	Total number of cases	Total amount
	12	8,200	8	£67,463		
	13	10,000	9	£220,605		
	13	11,000	7	£75,443		
	14	13,500	3	£97,218		
	15	16,500	1	£16,500		
	17	20,000	8	£533,369	1,408	4,824,657
PRISON OFFICER	1	1,000	101	£102,950		
	2	1,250	18	£22,650		
	3	1,500	35	£54,125		
	4	1,750	1	£1,750		
	5	2,000	35	£94,292		
	6	2,500	33	£87,338		
	7	3,000	2	£6,225		
	7	3,300	13	£44,415		
	8	3,500	1	£3,675		
	8	3,800	3	£14,078		
	9	4,400	9	£40,275	251	471,772
	10	5,000	2	£36,075		
	10	5,500	5	£27,500		
	12	7,500	9	£363,851		
	12	8,200	2	£17,150		
	13	10,000	4	£41,420	273	957,768
SECURITY OFFICER	1	1,000	70	£70,400		
	2	1,250	29	£36,401		
	3	1,500	58	£96,196		
	4	1,750	5	£9,431		
	5	2,000	26	£56,615		
	6	2,500	18	£46,434		
	7	3,000	3	£6,875		
	7	3,300	22	£83,846		
	8	3,500	1	£3,500		
	8	3,800	8	£35,805		
	9	4,000	1	£1,000		
	9	4,400	27	£122,552	268	569,055
	10	5,000	2	£20,447		
	10	5,500	8	£170,372		
	11	6,600	1	£6,765		
	12	7,500	4	£97,797		
	12	8,200	4	£35,171		
	13	11,000	1	£11,000		

	Band	Amount	Number of cases	Amount paid including previous Interims	Total number of cases	Total amount
	15	16,500	1	£21,780		
	17	22,000	1	£23,215		
	21	55,000	1	£72,162	291	1,027,764
SUICIDE ON BRITISH RAIL	1	1,000	92	£92,300		
	2	2,500	15	£35,750		
	9	4,000	2	£6,000		
	9	4,400	4	£21,100	113	155,150
	12	7,500	3	£103,111		
	12	8,200	3	£30,390	119	288,651
SUICIDE ON LONDON UNDERGROUND	1	1,000	6	£6,000		
	6	2,500	1	£2,500	7	8,500
	12	7,500	1	£65,937	8	74,437
TRESPASS ON BRITISH RAIL	1	1,000	7	£7,000	7	7,000
	12	7,500	1	£9,433		
	12	8,200	1	£8,200	9	24,633
TRESPASS ON LONDON UNDERGROUND	1	1,000	1	£1,000	1	1,000
	8	3,500	1	£1,200	2	2,200
Grand Total			3,049	12,769,333	3,049	12,769,333
					2,740	5,520,897
					90%	43%
					309	7,248,437
					33	676,980



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