



Ministry  
of Justice

# **Criminal Injuries Compensation Scheme Review**

## **Additional consultation 2023**

July 2023

CP 865



Ministry  
of Justice

# **Criminal Injuries Compensation Scheme Review**

## **Additional consultation 2023**

Presented to Parliament  
by the Lord Chancellor and Secretary of State for Justice  
by Command of His Majesty

July 2023



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# About this consultation

- To:** This consultation is aimed at the public, victims and survivors, victims' groups, academics and clinical experts. We also welcome views from professionals across criminal justice, health, welfare, local authorities and the charity sector.
- Duration:** From 18/07/22 to 15/09/23
- Enquiries (including requests for the paper in an alternative format) to:** Vulnerability and Criminal Law Policy Unit  
Ministry of Justice  
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- How to respond:** Please send your response by 15 September 2023 to:  
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London SW1H 9AJ  
Email: [cics-review@justice.gov.uk](mailto:cics-review@justice.gov.uk)
- Response paper:** A response to this consultation exercise is due to be published as soon as practicable at:  
<https://consult.justice.gov.uk/>

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# Foreword

State-funded compensation offers an important acknowledgment of the harm suffered by victims of violent crime. The Criminal Injuries Compensation Scheme (the Scheme) exists to support all eligible victims of violent crime who have suffered the most serious injuries, as part of a wider package of government support services. To do this effectively and fairly the Scheme balances the consideration of individual applicants' needs within a universal and transparent set of rules and eligibility criteria. In 2021–22 payments to support the recovery of victims totalled more than £158 million.

We have been reviewing the Scheme to examine whether it remains fit for purpose, and effectively supports victims in their recovery. In 2020, we consulted on proposals focused on making the Scheme simpler and easier for people to understand and to engage with.

In the summer of 2022, we undertook a supplementary consultation on whether or not to change the so-called unspent convictions rule which prevents some individuals who have committed serious crimes from benefitting from state-funded compensation, and can lead to reduced awards for others. We did this in compliance with an August 2021 ruling by the High Court that we had not met a legitimate expectation to consult on whether the rule should be revised as recommended by the Independent Inquiry into Child Sexual Abuse (the Inquiry) in 2018.

The publication of the final report of the Inquiry in October 2022 constitutes a landmark moment in our whole of system efforts to tackle child sexual abuse. We recognise the incredible courage of the 7,300 individual victims and survivors who came forward to share their stories and testimonies with the Inquiry and the public. The Inquiry's report contains two additional recommendations for the Scheme, concerning the application of its scope and time limits to victims of child sexual abuse.

We committed in the Government response to the Inquiry (published 22 May 2023) to consult on these recommendations. This will allow us to give due consideration to the important work of the Inquiry and to consider whether to make changes to the Scheme as a result. Although we considered scope and time limits as part of the review, we did not include specific questions on changes to these particular criteria in the 2020 consultation. While no change remains an option, we have looked again at both in the light of the Inquiry's recommendations and considered how changes could be made to the Scheme.

Like the two consultations before it, this consultation is underpinned by the key principles of the Scheme: that it is a universal scheme that exists to support all eligible victims of violent crime who have suffered the most serious injuries, that compensation is an important and public recognition of their suffering, and that the availability of criminal

injuries compensation is part of the wider general and specialist support services available to victims of violent crime. Compensation should be protected for those most seriously affected by their injuries, and the Scheme needs to be both affordable and financially sustainable to continue to do so.

We are grateful to all those who took time to respond to the previous two consultations. Following this third consultation we look forward to sharing our conclusions and proposals about changes to the Scheme so that we can make the most effective use of the available resources to make sure that victims of violent crime can continue to access compensation to help them overcome their injuries and move on with their lives.

**Rt Hon Edward Argar MP**

Minister of State



# Executive summary

1. Compensation is, along with access to emotional and practical support, one way that society can recognise the serious physical and mental harm that victims of violent crime have experienced and help them in their recovery. The Criminal Injuries Compensation Scheme 2012 (the Scheme) is a route of last resort for those unable to seek or obtain compensation for their injuries by other means. We have been reviewing the Scheme to ensure that it remains fit for purpose and to identify where more might be done to support victims effectively in their recovery, and consulting on proposals to achieve this.
2. The core purpose of the Scheme, reaffirmed throughout our review and two previous consultations, is to recognise, through compensation, the harm experienced by a victim injured as a result of violent crime. The Scheme is universal, and although each individual and each case will be different, it must work equally for all victims of violent crime. It is therefore vital that all applicants are subject to, and all applications are assessed against, the same eligibility criteria, requirements and injury tariffs. This ensures against creating a hierarchy of victims, and that decisions can be made in a consistent, fair and transparent way.
3. In 2020, following a review based on careful analysis of data on approximately 75,000 claims received by the Criminal Injuries Compensation Authority (CICA) and guided by the long-held principles of the Scheme, we conducted a consultation on a number of proposals intended to deliver better access to compensation for victims of violent crime, while ensuring that the Scheme remains affordable and financially sustainable. The consultation discussed the background to the Scheme, its scope and purpose, eligibility rules, and the structure of its awards and tariffs, explaining the rationale for any changes put forward, and why we had determined to leave other areas unchanged. No change was proposed to the scope, time limits and some eligibility rules of the Scheme and therefore no specific questions were asked on those topics.
4. In August 2021, the High Court declared that the cross-government Victims Strategy (published September 2018) had created a legitimate expectation of consulting on revising the unspent convictions rule in the Scheme. As the 2020 consultation did not include a specific question on this rule, the court ordered that a further consultation take place on whether the rule should be revised so that applications are not automatically rejected in circumstances where an applicant's criminal convictions are likely to be linked to their sexual abuse as a child (in line with a recommendation of the Independent Inquiry into Child Sexual Abuse (the Inquiry)), and that a decision on

changes to the rule should be taken once this was completed.<sup>1</sup> That consultation was conducted between 9 June and 5 August 2022.

5. On 20 October 2022, the Inquiry published its final report. In addition to restating the Interim Report's recommendation on the unspent convictions rule, recommendation 18 proposed two other changes to the Scheme: firstly, that the scope be extended to include other forms of child sexual abuse, including online-facilitated sexual abuse; and secondly that the time limit for child sexual abuse applications be increased to seven years from the current two.<sup>2</sup>
6. In order to give due consideration to the latest recommendation of the Inquiry, we committed in the Government response to the Inquiry's final report (published 22 May 2023) to conduct this consultation. We are inviting specific views on potential reforms to the scope and time limits of the Scheme, including those recommended by the Inquiry, alongside the option of no reform. This will enable decisions to be taken on the future shape and substance of the Scheme with input from the responses to all three consultations. We will publish our response to all three consultations in due course.

## Our approach

7. We have used an updated set of caseload data from CICA (covering 2020–22) to inform this consultation, as the 2016–19 data used in previous consultations is now out of date and we wanted to ensure that we were capturing the latest trends.
8. In **Section One**, we consider the purpose and scope of the Scheme as a means of redress for victims of violent crime and how this affects applications relating to crimes committed in different ways that may not involve the victim being in the same place or having contact with the perpetrator. We examine the Inquiry's recommendation for

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<sup>1</sup> Independent Inquiry into Child Sexual Abuse, April 2018, Interim Report of the Independent Inquiry into Child Sexual Abuse, section 5.2. <https://www.iicsa.org.uk/publications/inquiry/interim>

<sup>2</sup> The Inquiry recommends that the UK government amends the Criminal Injuries Compensation Scheme to:

- include other forms of child sexual abuse, including online-facilitated sexual abuse;
- amend the rule on unspent convictions so that applicants with unspent convictions are not automatically excluded where offences are likely to be linked to the circumstances of their sexual abuse as a child; and
- increase the time limit for child sexual abuse applications so that applicants have seven years to apply from (a) the date the offence was reported to the police or (b) the age of 18, where the offence was reported whilst the victim was a child. In either circumstance, the claims officer's discretion to extend the time limit remains.

<https://www.iicsa.org.uk/reports-recommendations/publications/inquiry/final-report/ii-inquirys-conclusions-and-recommendations-change/part-i-making-amends/i5-financial-redress.html>

extension of eligibility to non-contact child sexual offences, including online grooming, and how this interacts with the core purpose of the Scheme. We ask for views on two options for extension to the Scheme's scope, including the implementation of the Inquiry's recommendation, as well as the retention of the current scope.

9. In **Section Two**, we consider the rationale and need for time limits in the Scheme, as well as the flexibility that CICA has in admitting applications outside these limits in exceptional circumstances. We explore the calls for changes to the operation of these time limits, including the recommendation of the Inquiry to extend the limit to seven years for victims of child sexual abuse. Weighing these against the principles of the Scheme, we seek views on the suitability of the maintaining existing limits, as well as a range of alternative approaches.
10. Decisions on whether to amend the scope and time limits of the Scheme will be made in conjunction with decisions on whether to revise the unspent convictions rule and to implement any of the other changes on which we have consulted during the review of the Scheme. In doing so, we will consider carefully all views and representations made by respondents to this consultation and the two previous consultations in 2020 and 2022.
11. We are committed to keeping the Scheme both affordable and financially sustainable so that it can continue to provide compensation to victims seriously injured or bereaved as a result of violent crime. Any changes to the Scheme must be cognizant of pressures on public finances, while maintaining our commitment made in the 2020 consultation not to take money out of the Scheme. Any options we take forward will seek to strike a balance of maintaining the sustainability and integrity of the scheme, whilst bringing about improvements.
12. An Impact Assessment can be found at **Annex B**. This shows that the options under consideration that involve making changes to the scope and time limits are expected to result in increased costs of administering the Scheme and publicly funding compensation. To ensure the sustainability and affordability of the Scheme in the absence of additional funding, any changes will require difficult decisions about how to offset additional costs through savings elsewhere in the Scheme. We will consider this following the conclusion of this third consultation and finalise the review, determining which reforms from the three consultations to implement.

### **Equality statement**

13. An Equality Statement can be found at **Annex A**. This sets out that while options which impact only on victims under 18 would be directly discriminatory regarding age within the meaning of the Equality Act, we believe them to be a proportionate means of achieving a legitimate aim and therefore lawful. Regarding indirect discrimination,

available data suggest that the options would have the greatest impact on those most likely to be victims of crime – particularly females, younger people and disabled people. Our view is that the options would not cause particular disadvantage to any group. This consultation includes two questions seeking views on the equalities impacts of the options – see **questions 13 and 14** in the questionnaire.

# Introduction

14. This paper sets out for consultation potential changes to the scope and time limits of the Criminal Injuries Compensation Scheme in response to the recommendations of the Independent Inquiry into Child Sexual Abuse.
15. The consultation is aimed at those within England, Wales and Scotland, reflecting the geographic scope of the Scheme.<sup>3</sup> We are particularly interested in hearing from victims and survivors; victims' groups, services and charities; academics; representatives from the legal sector and professionals from across the criminal justice system. However, this list is not meant to be exhaustive or exclusive and responses are welcomed from anyone with an interest in or views on the subject covered by this paper.
16. A Welsh language consultation paper will be available shortly at <https://consult.justice.gov.uk/digital-communications/cics-review-additional-consultation-2023>
17. An Impact Assessment is attached. This indicates that victims of violent crime and, where applicable, their qualifying relatives; those who represent or assist applicants including victims' charities and victims' services; CICA, MoJ, HMCTS and the Scottish Government are likely to be particularly affected by the potential reforms outlined in this consultation paper. Any changes to the rule would be likely to lead to additional costs to the CICA and HMCTS.
18. Comments on the Impact Assessment are very welcome.

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<sup>3</sup> Although the Inquiry investigated child sexual abuse in England and Wales, the Scheme covers violent crimes in Scotland as well as England and Wales.

## Background to this consultation

19. The Scheme has always been focused on compensating for **criminal injuries** which are sustained and directly attributable to being a direct victim of a **crime of violence**, to taking an exceptional and justified risk to apprehend an offender, prevent a crime, contain the consequences of a crime or assist a constable, or to being present at and witnessing an incident, or the immediate aftermath of an incident, in which a loved one sustained a criminal injury.
20. What amounts to a **crime of violence** is defined within the Scheme, and Annex B of the Scheme describes what such a crime must involve, when an act or omission of a violent nature might amount to one, and what is excluded from being a crime of violence. Where the circumstances in which a person was injured are not included within the definition of a crime of violence an application will be rejected.
21. The Scheme also requires those who wish to claim compensation to submit an application to the CICA as soon as reasonably practicable and within two years of the date of the incident which resulted in the relevant injury. Claims made outside of the two-year limit can be considered by the CICA in “exceptional circumstances” and where the evidence provided means that the CICA will not have to make further extensive enquiries to resolve the claim. Separate provision is made within the current Scheme for those who were under the age of 18 at the time the relevant injury was sustained.
22. The cross-government Victims Strategy published on 10 September 2018 set out a criminal justice system-wide response to improving the support offered to victims of crime. It was acknowledged that the Independent Inquiry into Child Sexual Abuse (the Inquiry) had made a number of recommendations for changes for victims and survivors of sexual abuse, including a recommendation for changes to the Scheme’s unspent convictions rule.<sup>4</sup> The Strategy made a commitment to review the Scheme, taking full account of the findings of the Inquiry.
23. The review was carried out and is summarised in the Criminal Injuries Compensation Scheme Review 2020 consultation document.<sup>5</sup> The review was informed by a detailed analysis of approximately 75,000 claims received by the CICA between 1 January 2016 and 1 January 2019. The review took account of information and views

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<sup>4</sup> Independent Inquiry into Child Sexual Abuse, April 2018, Interim Report of the Independent Inquiry into Child Sexual Abuse, section 5.2. <https://www.iicsa.org.uk/publications/inquiry/interim>

<sup>5</sup> Ministry of Justice, 2020, Criminal Injuries Compensation Scheme Review 2020, paragraphs 7 to 16. <https://www.gov.uk/government/consultations/criminal-injuries-compensation-scheme-review-2020>

of stakeholders and interested parties, and expressly considered the early findings of the Inquiry as well as reports of the Victims' Commissioner for England and Wales and the All-Party Parliamentary Group on Adult Survivors of Childhood Sexual Abuse.

24. We are adopting the principles established in the 2020 consultation (which also underpinned the supplementary consultation), as follows:
  - Compensation offers an important acknowledgment of the harm suffered by victims of violent crime;
  - Compensation is an important part of government support for victims of violent crime, which also includes general and specialist services, and emotional and practical assistance;
  - Compensation should be protected for those most seriously affected by their injuries, including where those injuries may not be immediately evident or their impacts easily quantifiable;
  - The Scheme is one of last resort, offering compensation for victims of violent crime who have been unable to seek compensation through other means; and
  - The Scheme needs to be both affordable and financially sustainable to continue to provide compensation to victims of violent crime.
25. In the 2020 consultation document we published our findings and conclusions across the wide range of topics considered as part of the review, and set out proposals for reform. For each of the areas where change was proposed, the document outlined the current position and identified the case for change.
26. In August 2021, the High Court declared that the terms of the Victims Strategy 2018 had created a legitimate expectation of consultation on revising the unspent convictions rule, and that this expectation had been breached by not asking a specific question on the matter in the 2020 consultation. We looked afresh at the rule as required by the High Court judgment and undertook a further consultation between June and August 2022, which was solely concerned with whether the unspent convictions rule should be revised, in line with the recommendation made by the Inquiry or in some other way.
27. In October 2022 the Inquiry published its final report. In addition to restating the recommendation on unspent convictions from the *Interim Report*, recommendation 18 called on the Government to include other forms of child sexual abuse, including online-facilitated sexual abuse within the scope of the Scheme, and to increase the time limit for applications from victims of child sexual abuse.
28. We are now undertaking an additional consultation on whether the scope and time limits of the Scheme should be amended in line with the final recommendations of the Inquiry or in some other way. A final decision on overall changes to the Scheme

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will only be taken after the consultation is complete and will draw on the findings of the review and the evidence collected through the 2020, 2022 and 2023 consultations. A response to all three consultations will be published in due course.



# Scope of the Scheme: potential reforms

## Scheme scope and operation

### Definition of a ‘crime of violence’

29. Since its inception in 1964, the purpose of the Scheme has been to provide compensation to victims who have sustained physical and/or mental injury as a direct result of a crime of violence. This focus on violent crime was reiterated in 1995 during debates on the Criminal Injuries Compensation Bill that placed the Scheme on a statutory footing.<sup>6</sup>
30. Paragraphs 4–6 of the 2012 Scheme set out three categories under which a person might be eligible for an award:
- suffering a criminal injury directly attributable to being a direct victim of a crime of violence
  - sustaining a criminal injury directly attributable to taking an exceptional and justified risk to apprehend an offender, prevent a crime, contain the consequences of a crime or assist a constable, and
  - sustaining an injury due to being present at and witnessing an incident, or the immediate aftermath of an incident, in which a loved one sustained a criminal injury.
31. Paragraph 4 of the Scheme provides that a person “may be eligible for an award under this Scheme if they sustain a criminal injury which is directly attributable to their being a direct victim of a crime of violence committed in a relevant place”. In the majority of instances this involves a perpetrator and victim being present together when there is contact between them that causes injury or an immediate threat of violence exists. The meaning of “crime of violence” is explained in Annex B and is described as being a crime which involves:
- a physical attack;
  - any other act or omission of a violent nature which causes physical injury to a person;
  - a threat against a person, causing fear of immediate violence in circumstances which would cause a person of reasonable firmness to be put in such fear;
  - a sexual assault to which a person did not in fact consent; or

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<sup>6</sup> Hansard (1995, May 23). *Criminal Injuries Compensation Bill* [Hansard]. (Vol. 260). <https://hansard.parliament.uk/Commons/1995-05-23/debates/9262cbcb-d058-4ced-bb69-692a152c7852/CriminalInjuriesCompensationBill>

- arson or fire-raising.<sup>7</sup>

32. A person is only eligible for a compensation award under the Scheme if the injury is sustained in these circumstances and the act or omission must have been done intentionally or recklessly.
33. The definition provides for some crimes that do not involve contact to be a crime of violence where a threat was made that caused a person to fear immediate violence. In the *Getting it right for victims and witnesses* consultation that preceded the 2012 Scheme it was noted that: 'The threat of an attack is capable of being a crime of violence if it would place a reasonable person in fear of an immediate physical attack, and the victim was in fact in such fear. An offence committed from a distance (e.g. harassment by telephone or electronically) will not normally be a crime of violence, unless there are direct threats which put the recipient in fear of immediate physical harm.'<sup>8</sup>

### **Operation of the Scheme**

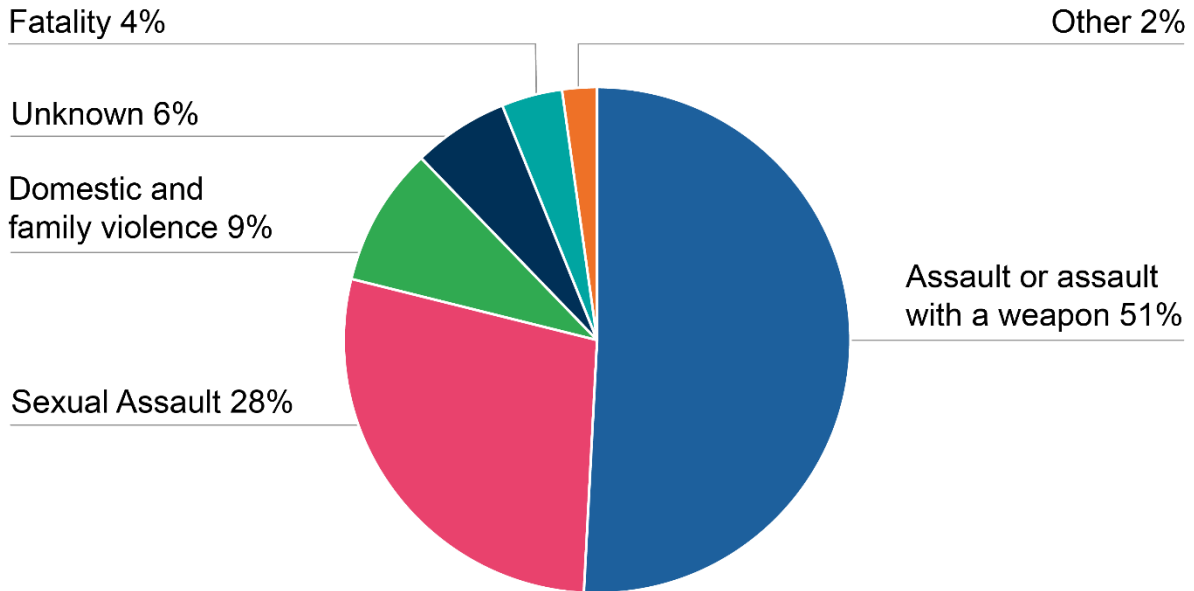
34. Analysis of CICA data for the 2022/23 consultation showed that the majority of cases, 51%, were for injuries sustained from an assault with or without a weapon. Sexual injuries accounted for 28% of cases, a further 9% were for domestic and family violence, 6% for unknown incident types, 4% for fatalities and 2% for other sources of injury.

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<sup>7</sup> Criminal Injuries Compensation Scheme 2012 (amended), Para 4 and Annex B.

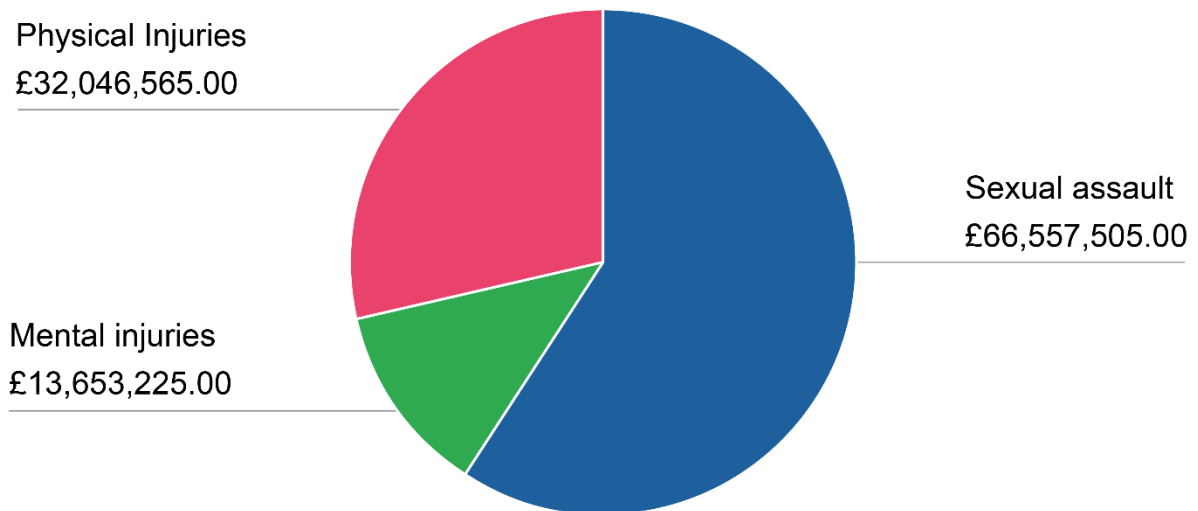
<sup>8</sup> Ministry of Justice, January 2012, *Getting it right for victims and witnesses*, para 179.  
<https://consult.justice.gov.uk/digital-communications/victims-witnesses/>

### Claims by crime type



35. In terms of the injuries inflicted by these crimes, CICA data show that in 2022–23 £32,046,565 was paid out for physical injuries, £66,557,505 for injuries related to sexual assault and £13,653,225 for mental injuries.

### Scheme payments by injury type, 2022–23



36. In terms of how the crime of violence definition affects applications, CICA data from 2020–2022 showed that in 15% of all rejected cases the primary reason was ‘insufficient evidence that a crime of violence took place’; which was the third most common primary rejection reason after ‘Injury out of tariff’ (24%) and ‘Not taking all reasonable steps to assist the claims officer’s assessment’ (18%), followed by ‘Not co-operating fully with the police’ (10%) and ‘Application already made to the scheme’ (8%).
37. In terms of rejected application types, ‘Sexual Assault’ overtook ‘Assault’ as the most common incident type rejected by CICA due to ‘insufficient evidence that a crime of violence took place’ between 2019 and 2020 and remained the most common crime type rejected through 2022. The number of rejected cases increased from 598 in 2020 to 1001 in 2022, as part of a general rise in applications to the Scheme in recent years.
38. Police recorded crime data show similar trends for the past three years (2020–22) as in the five years of data considered in the 2020 consultation (2013/14–2018/19).<sup>9</sup> There have been increases in reported sexual offences and rape – although all of these offences are already within scope of the Scheme – whereas homicide, death or serious injury through unlawful driving, and violence with injury have remained at relatively similar levels over the past five years. Violence without injury and particularly stalking and harassment – which do not constitute crimes of violence under the Scheme per se – have seen an increase.
39. As in the 2020 consultation, increases in particular crime types are believed to be indicative of a number of factors other than a genuine increase in crime. While reported sexual offences are at the highest level on record, the Office for National Statistics (ONS) note that ‘The latest figures may reflect a number of factors, including the impact of high-profile incidents, media coverage, and campaigns on people’s willingness to report incidents to the police, as well as a potential increase in the number of victims.’<sup>10</sup> Similarly, while stalking and harassment saw the largest increase of any category of offence, this is believed to be driven primarily by significant changes in police recording practices.

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<sup>9</sup> Office for National Statistics (ONS), released 26 January 2023, ONS website, Crime in England and Wales: Appendix Tables, Year ending September 2022, table A4.  
<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/datasets/crimeinenglandandwalesappendixtables>

<sup>10</sup> Office for National Statistics (ONS), released 27 October 2022, ONS website, statistical bulletin, Crime in England and Wales, year ending June 2022.  
<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/crimeinenglandandwales/yearendingjune2022#domestic-abuse-and-sexual-offences>

40. There is some evidence for a rise in online grooming offences. Data gathered by the National Society for the Prevention of Cruelty to Children (NSPCC) from 41 UK police forces showed an 84% rise since 2017/18, taking the total to more than 27,000 offences since 2017. In 2021/22, there were 6,156 sexual communication with a child offences, an increase on the previous year.<sup>11</sup> In 2022 the Internet Watch Foundation (IWF) confirmed 255,571 webpages as containing, linking or advertising child sexual abuse imagery, with 199,363 or 78% of these assessed as containing 'self-generated' imagery.<sup>12</sup> This represented a 6%pt increase on 2021, or a 9% increase in overall terms. The IWF noted that 'In some cases, children are groomed, deceived or extorted into producing and sharing a sexual image or video of themselves by someone who is not physically present in the room with the child.'

### **Calls to extend the scope of the Scheme**

41. The 2020 consultation noted:

We have heard concerns from stakeholders that it fails to provide for serious non-contact offences which have increased in prevalence, such as grooming, online exploitation, coercive control, stalking, and modern slavery. In such cases it is argued that whilst there may have been no physical altercation and no immediate threat of violence, the psychological impact may be commensurate with the type of mental injuries compensated through the Scheme. In its third report, the All-Party Parliamentary Group for Adult Survivors of Childhood Sexual Abuse called for the scope of the Scheme to be expanded to include non-contact and online forms of abuse.<sup>13</sup> And the Independent Inquiry into Child Sexual Abuse noted in its report on The Internet that account should be taken of the fact that online-facilitated abuse is often a feature of sexual offending against children.<sup>14</sup>

42. While the 2020 consultation did not have a proposal (or question) in relation to scope and the crime of violence definition, 27% of respondents raised the scope of the Scheme in their response to Question 17 which asked, "Do you have any further comments on the Scheme?". These respondents made the case that certain specific crimes should be brought into scope for compensation.
43. Of those respondents who raised the issue, the majority called for non-contact offending such as stalking, online exploitation, grooming, coercion and modern slavery/trafficking to be included in the Scheme. They cited a rise in non-contact

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<sup>11</sup> NSPCC, July 2022, <https://www.nspcc.org.uk/about-us/news-opinion/2022/online-grooming-crimes-rise/>

<sup>12</sup> Internet Watch Foundation, published 27 April 2023, IWF Annual Report 2022. <https://annualreport2022.iwf.org.uk/trends-and-data/self-generated-csam/#>

<sup>13</sup> APPG Adult Survivors of Child Sexual Abuse, February 2020, Can Adult Survivors of Child Sexual Abuse Access Justice and Support? February 2020 - <https://www.appgsurvivorscsa.co.uk/infosupportsurvivors>

<sup>14</sup> Independent Inquiry into Child Sexual Abuse, Published 12 March 2020, The Internet Investigation Report. <https://www.iicsa.org.uk/reports-recommendations/publications/investigation/internet.html>

online offending, changes in patterns of offending and the equivalence of the impact on victims to that of physical offences.

44. In October 2022, the Inquiry published its final report, which included a recommendation to extend the scope of the Scheme:
- “That the UK government amends the Criminal Injuries Compensation Scheme (the Scheme) to include other forms of child sexual abuse, including online-facilitated sexual abuse.”
45. The Inquiry noted that a court judgment in 2022 decided that a ‘crime of violence’ does not include online grooming where there is no fear of “unlawful and immediate violence”.<sup>15</sup> It expressed a view that the focus on crimes involving violence, and what was envisaged when the first Scheme was set up in 1964, is outdated and that the Scheme should reflect the nature of crimes being committed today.
46. The Inquiry also expressed a view that the Scheme does not take into account that child sexual abuse (CSA) may occur without physical contact e.g. online, and does not consider its harm, including fear around images of sexual abuse being online. In the same court judgment in 2022 the court stated: “Criminal conduct online or via text messaging may have a devastating impact on the lives of those affected, both during and after the events themselves. All must condemn this conduct; however, its inclusion within the Criminal Injuries Compensation Scheme is a matter for Parliament and not the Courts.”
47. In its final report the Inquiry reiterated a statement from its Internet Investigation Report of March 2020 that the Scheme should be fit for the internet age and the fact that online-facilitated abuse is often a feature of sexual offending against children.<sup>16</sup> It said that there has been a significant increase in online-facilitated CSA and sexual exploitation, and that for some victims the Scheme may be the only route to access compensation.

## **Potential options for reform**

48. In the 2020 consultation, when explaining our decision not to propose any changes to the scope of the Scheme, our rationale was that there had not been a significant change in the nature of violent crime. As noted in paras 36–39, the picture has remained fairly similar in the years since, with only limited increases in non-violent crime.

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<sup>15</sup> CICA v FTT and RC (CIC); RN v FTT and CICA (CIC) [2022] UKUT 103 (AAC) UA-2019-001594-CIC\_\_UA-2020-000600\_CIC.pdf (publishing.service.gov.uk)

<sup>16</sup> Independent Inquiry into Child Sexual Abuse, 2020, Part F.4 para 40

49. Although the evidence described above does not seem to indicate a major change in the profile of violent crime, we recognise the strength of feeling from those supporting and representing victims and the weight attached to the Inquiry's recommendation, in relation to who should be eligible for criminal injuries compensation. We have given careful consideration to the calls for reform, as well as thought to how any reform might be made coherent with the purpose and principles of the Scheme and avoid the creation of a hierarchy of victims. The two options we have identified are as follows and discussed below:
- Amend the definition of a 'crime of violence' to include other forms of child sexual abuse, including online-facilitated sexual abuse, as recommended by the Inquiry.
  - Amend the eligibility criteria to add an additional clause to bring non-contact offences with equivalent effect within scope.
50. In the Impact Assessment published with this consultation, we have assessed the impact of no change and of the two approaches to extending the scope of the Scheme. Further to the discussion that follows, we invite views on each approach and on how the reforms could be implemented.

### **No change to the scope of the Scheme**

51. The current scope of the Scheme reflects its aim: to recognise through compensation the harm suffered by eligible victims injured as a result of violent crime. The existing definition of a crime of violence allows the CICA to assess applications in a timely and proportionate manner, and ensures that the Scheme's resources are directed toward compensating the most seriously injured victims. As noted in the Inquiry's final report (see para 45), this definition of a 'crime of violence' has been upheld by the courts.
52. We previously concluded there had not been a significant change in the nature of violent crime, and that widening the definition beyond crimes that are violent in nature and involve touching and physical contact or threat of immediate violence, would mean going far beyond the original intention of the Scheme. It remains our view that the current definition already captures a broad range of circumstances, including where non-contact offences such as grooming and stalking had escalated into ones involving violence or threats of immediate violence.
53. There is a risk of drawing arbitrary distinctions between crime types and the fact that changes to the definition would risk making the Scheme operationally unworkable and unaffordable, and not reflect the broader public understanding of what amounts to a crime of violence.
54. Lastly, the availability of compensation through the Scheme may not be the best way to support victims in their recovery. Under the tariff of injuries, the only payment available for non-physical injury or sexual assault would be for disabling mental

injury. Commensurate with the principle to compensate those most seriously injured by violent crime, there is a relatively high bar in terms of eligibility for payments based on the severity of the injury caused directly by the crime the person was a victim of (which must be a disabling mental injury diagnosed by a clinical psychologist or psychiatrist) and the time that it persists for. The value of the award is similarly linked to the severity and duration of the injury. In 2020 we noted that compensation is only one way that society can recognise the harm victims have experienced and help them in their recovery, and that the Government funds other forms of specialist, tailored and long-term support which may be better placed to assist victims of other types of crime and may do so in a more timely and accessible manner.

55. As both the justification for the current scope and concerns about extending the definition persist, and trends in the crime data are similar to those seen at the time of the 2020 consultation, retaining the current scope of the scheme is a valid option.

**Question 1:** What are your views about the scope of the Scheme remaining unchanged?

**Amend the definition of a ‘crime of violence’ to include other forms of child sexual abuse, including online-facilitated sexual abuse, as recommended by the Inquiry**

56. This option would involve amending Annex B of the Scheme to include other forms of non-contact child sexual abuse, including online-facilitated sexual abuse such as grooming and image offences, as recommended by the Inquiry. This would be the only change made to the Scheme’s scope, focusing purely on the cohort of non-contact child sexual abuse victims identified by the Inquiry.
57. In February 2020, the All-Party Parliamentary Group on Adult Survivors of Childhood Sexual Abuse published its final report. This recommended that the Government ‘Extend the definition of violent crime, and thereby eligibility for the Scheme, to include non-contact forms of child sexual abuse’. The Inquiry’s initial observation on the topic came through the investigation report on *The Internet*, published in March 2020 while the review of the Scheme was ongoing and said: ‘The government needs to ensure that the CICA Scheme is fit for the internet age and takes account of the fact that online-facilitated abuse is often a feature of sexual offending against children.’ This was also echoed in some responses to the 2020 consultation.
58. The Inquiry’s recommendation, from its final report in October 2022, was similar to that of the APPG, that the Government amend the Scheme ‘to include other forms of child sexual abuse, including online-facilitated sexual abuse.’
59. Child sexual abuse is defined by the Department for Education as ‘Sexual abuse of children involves forcing or enticing a child or young person to take part in sexual



activities, whether or not the child is aware of what is happening.<sup>17</sup> The activities may involve physical contact, including abuse by penetration or non-penetrative acts, which are in scope of the Scheme and payments are set out in Part B of the tariff of injuries. The definition also includes non-contact activities, such as involving children in looking at, or in the production of, sexual images, watching sexual activities, encouraging children to behave in sexually inappropriate ways, or grooming a child in preparation for abuse including via the internet. Non-contact activities like grooming and other coercive and manipulative exploitation do not in themselves come within scope for compensation, unless they involve a threat that would cause a reasonable person to fear immediate violence. They are, however, factors that the CICA will take into account when determining whether consent was genuinely freely and voluntarily given in sexual assault cases.

60. While we absolutely recognise the seriousness of these offences, making victims of non-contact child sexual abuse eligible for compensation through the Scheme would fundamentally alter its long-established purpose to compensate victims of violence.
61. Extension to cover non-contact child sexual abuse would also have implications for the administrability of the Scheme, due to the evidential difficulties presented by these types of crime and the volume of additional applications. Disabling mental injury is the only payment that would be available, but is burdensome and traumatising for applicants, and amongst the most difficult and time-consuming types of payment for the CICA to administer, due to the need for specialist reports to evidence the injury, which the CICA pays for at a cost already exceeding £1m per year.
62. The volume of offences would also have implications for the Scheme's affordability, although the relatively high bar for proving disabling mental injury means that individual victims might not be satisfied with the compensation that they are able to claim. Given the above, the other support services funded by Government appear better placed to help this group of victims to overcome the mental injury that they have suffered. The Government's response to the Inquiry's report points to the additional funding made available to support survivors, as well as the inclusion in the Victims and Prisoners Bill of a duty on Police and Crime Commissioners, local authorities and Integrated Care Boards in England to collaborate when commissioning support services for victims and survivors of sexual abuse.

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<sup>17</sup> Department for Education, July 2022, Working Together to Safeguard Children.  
<http://www.gov.uk/government/publications/working-together-to-safeguard-children--2>

**Question 2:** What are your views about amending the definition of a crime of violence to include other forms of child sexual abuse?

**Question 3:** If you agree that the definition should be extended in this way, which non-contact forms of child sexual abuse should be brought in scope of the Scheme?

**Amend the eligibility criteria to add an additional clause to bring non-contact offences with equivalent effect within scope.**

63. This option would add a new category of non-contact offences to the three existing eligibility categories of the Scheme (i. being a direct victim of a crime of violence; ii. sustaining an injury directly attributable to taking an exceptional and justified risk to prevent or mitigate a crime, assist a constable, or apprehend an offender; or iii. witnessing the criminal injury of a loved one).
64. This would deliver on and go further than the Inquiry's recommendation, but avoid arbitrariness in defining the cohort of victims affected by bringing a more coherent group of similar non-contact offences into scope. By creating a wider new category of eligibility, it would also better reflect the significant change to the Scheme's purpose that would result from the implementation of the Inquiry's recommendation.
65. A number of respondents to the 2020 consultation who commented on this area of the Scheme through Question 17 went further than the Inquiry in their calls to extend the scope of the Scheme, with suggestions for a range of other non-contact offences with serious psychological effect to be included, such as coercive control, image-based sexual abuse ('revenge porn') and stalking.
66. Extending the scope of the Scheme along these lines would potentially avoid the creation of a hierarchy of victims which could be caused by bringing a specific group into scope without a strong policy rationale for making the distinction between that group and victims of other non-contact offences. Adding a new eligibility category for non-contact offences would also be more coherent than trying to fold a subset of non-contact offending into the definition of a crime of violence at Annex B of the Scheme. This approach could also help preserve the universality of the Scheme as there would be no distinction based on the age of the victim at the time of an incident, providing that a coherent and carefully considered category of non-contact offending with similar psychological effect, were brought in scope. For this reason, we are keen to seek respondents' views on what offending might be covered.
67. However, this approach would still be a fundamental change to the nature of the Scheme, as including crimes that are not violent in nature or involve touching and physical contact or threat of immediate violence would go far beyond its original intentions. It would have an even greater chance of making the Scheme

unaffordable, given the greater range of offending brought into scope and high police reporting rates, and applicants would still need to demonstrate disabling mental injury and meet the threshold in order to receive a payment, limiting their ability to claim compensation through this route. It would also increase the administrative and cost burden of these claims on the CICA (as detailed in para 61). As with the previous option, this group of victims might still be better served by seeking support through other government funded services.

**Question 4:** What are your views on bringing serious non-contact offending within the scope of the Scheme?

**Question 5:** Which types of non-contact offending should be brought in scope of the Scheme?

# Extending the Scheme's time limits: potential reforms

## Time limits and their operation

### Current position

68. Victims seeking compensation through the Scheme must apply as soon as reasonably practicable and within two years of the date of the incident which resulted in the relevant injury.<sup>18</sup>
69. The purpose of this time limit is to ensure that victims are supported to progress their recovery, that the CICA is able to gather sufficient evidence to determine compensation claims, and to ensure the financial sustainability of the Scheme. The time limit has been set at two years since 1996, having been three years under some of the non-legislative schemes that ran from 1964, and is broadly in line with other international compensation schemes.
70. Where the applicant was under the age of 18 on the date of the injury giving rise to the application, the application must be received by the CICA on or before their 20<sup>th</sup> birthday where the incident was first reported to the police before their 18<sup>th</sup> birthday or within 2 years after the date the incident was first reported to the police where it was reported on or after their 18<sup>th</sup> birthday.<sup>19</sup>
71. In all cases claims made outside of the relevant limit can still be considered where “exceptional circumstances” mean that an application could not have been made earlier and where the evidence provided means that the CICA will not have to make further extensive enquiries to resolve the claim.
72. The CICA is cognisant that exceptional circumstances are particularly likely to feature in sexual abuse cases (see paras 75, 86 below) and provides its staff with training to help them to understand the impact of the psychological and emotional trauma in such cases, as well as guidance on the applicability of ‘exceptional circumstances’ to sexual abuse cases – particularly child sexual abuse. This guidance states that:
- Exceptional circumstances are more likely to exist in cases involving sexual abuse, especially where the applicant was a child at the time of the offence. This is because the silence of the victim, and ongoing psychological and

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<sup>18</sup> Criminal Injuries Compensation Scheme 2012 (amended), Paragraph 87.

<sup>19</sup> Criminal Injuries Compensation Scheme 2012 (amended), Paragraph 88.

emotional trauma, are well known to be direct consequences of such crimes. These effects continue into adulthood.

Further, the process of a criminal investigation and trial in such cases will often increase the psychological impact of the crimes. For these reasons, where you are dealing with a case involving sexual abuse in which the applicant did not apply until criminal proceedings concluded, you should accept that exceptional circumstances exist unless you consider there are compelling reasons not to do so.

73. The evidence that victims must supply depends on the case and is not specified by the CICA, beyond medical evidence showing that they suffered an injury that can be compensated under the Scheme. If the evidence provided is insufficient for the assessor to determine the claim, they must reject it unless they are satisfied that any further enquiries necessary to determine the application will not be extensive. This judgement is based on the number of enquiries needed, the length, cost and complexity of those enquiries, the time since the incident and whether there has been a criminal trial (as this means the evidence is likely to be more accessible, even years later).
74. Under paragraph 98 of the Scheme, the claims officer can defer determination of the application until the end of any criminal proceedings relating to the incident in exceptional cases and where the outcome is likely to be material to the determination, or until they are satisfied that the applicant has taken all reasonable steps to obtain compensation or insurance payments through other routes.

### **Operation of the Scheme**

75. CICA data from 2020–2022 show that 18% of personal injury applications were submitted outside the two-year time limit, and of these 61% went on to receive an award. Of those applications submitted outside the two-year time limit, 69% were sexual assault applications and 74% of these received awards. This demonstrates that the current time limits continue to have no apparent disproportionate impact on those claiming for sexual assault and suggests that the ‘exceptional circumstances’ criteria for accepting a claim outside of the two-year limit are still working well.

### **Calls for reform**

76. The Inquiry’s September 2019 report on Accountability and Reparations noted victims and survivors’ concerns that they would exceed the time limit because they felt unable to report their abuse when they were children. It also noted that they may be late in making applications because the police had not informed them of their right to compensation from the Scheme while the investigation or trial was ongoing, and that the fear of being ‘out of time’ might deter them from ever applying. Furthermore, an Inquiry seminar discussed the difficulty victims have with demonstrating ‘exceptional circumstances’ without legal advice. During the evidence sessions for

this strand of the Inquiry, the Chief Executive of the CICA drew attention to the training given to staff for dealing with historical child sexual abuse cases, and the discretion that the CICA could apply in exceptional circumstances. Neither this report, nor the interim report of the Inquiry made any recommendations in relation to time limits.

77. Based on the data at para 75, it was our view in the 2020 consultation that the proportion of claims refused on the grounds of being “out of time” was small and that the ‘exceptional circumstances’ criteria for allowing applications outside the time limits appeared to be working well, was in line with other international schemes, and avoided disproportionate impact on those claiming for sexual assault. It concluded that the two-year limit allowed sufficient time for victims in most cases to consider making a claim and helped ensure the smooth operation of the Scheme. It therefore did not include any options for change, but instead referenced work to raise awareness of the Scheme and the need to make a timely application – including through revisions to the Code of Practice for Victims of Crime in England and Wales (“the Victims’ Code”). These were published in the November 2020 edition of the Code, which notes the need to apply without delay, the possibility of extension to the two-year limit in exceptional circumstances, the different rules for applicants who were under 18 at the time of the incident and the importance of not waiting for the outcome of a criminal trial.<sup>20</sup>
78. 22% of respondents to the consultation did take the opportunity to raise questions on the Scheme’s time limits through their response to Question 17, raising similar concerns to the Inquiry’s Accountability and Reparations report. These respondents were primarily composed of victims’ groups and legal services. The most frequent argument was that time limits should be extended as the current two-year limit is unsuitable for victims of sexual violence, including child sexual abuse, as these victims are often reluctant to report the offence to the police and may wait for a substantial period of time before doing so. Some noted the lack of awareness of the Scheme, while others expressed concerns that victims were being advised against making an application before trial in the fear it could be used against them in court, and others stated that there will be those who are put off from applying entirely because they believed they were too late to do so, and therefore are not visible in the CICA data.
79. Although the majority of child sexual exploitation and abuse, and rape and serious sexual offence cases do currently take longer than two years to complete, victims are encouraged to apply to the Scheme as early as possible. Work that we have

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<sup>20</sup> Ministry of Justice, published November 2020, The Code of Practice for Victims of Crime in England and Wales, 5.2-5.10.

<https://www.gov.uk/government/publications/the-code-of-practice-for-victims-of-crime>

undertaken to explore this issue has not demonstrated any causal relationship between how long cases take and when people apply. The Law Commission has gathered evidence to suggest that some victims may be put off applying by the prospect of being cross-examined on their application for compensation in an attempt to undermine the witness's credibility and to suggest that their allegation is false and motivated by financial gain. The Commission has not proposed that time limits be changed as this might delay victims getting compensation to which they are entitled, instead favouring restrictions on the admissibility and use of claims in trials.<sup>21</sup>

80. The Inquiry's final report, published in October 2022, recommended:

That the UK government amends the Criminal Injuries Compensation Scheme (the Scheme) to increase the time limit for child sexual abuse applications so that applicants have seven years to apply from (a) the date the offence was reported to the police or (b) the age of 18, where the offence was reported while the victim was a child. In either circumstance, the claims officer's discretion to extend the time limit remains.

81. Adding to its earlier observations on the two-year time limit, the Inquiry said that for victims of child sexual abuse whose abuse was reported when they were a child, it was difficult to apply by the deadline of their 20<sup>th</sup> birthday. It noted that victims can be given poor or inaccurate information about how and when to apply or be advised by the police to wait until the conclusion of criminal proceedings, and that victims might not be psychologically prepared to undertake a compensation process alongside criminal proceedings.

## **Potential options for reform**

82. In the 2020 consultation, it was our view that the current time limits were working well, but we recognised that victims were not always sufficiently informed of the need to apply within two years or were given incorrect advice to wait until the conclusion of court proceedings before applying. This was fed into work across Government, and revisions to the Victims' Code to raise awareness of the Scheme across England and Wales. The Victims and Prisoners Bill contains a duty for criminal justice bodies to promote awareness of the Victims' Code, which will help raise awareness of the information on the Scheme contained in the Code.

83. While data on the effectiveness of the current time limits remain compelling, we have given further consideration to how we might change the time limits of the Scheme in recognition of the Inquiry's recommendation and the strength of stakeholder

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<sup>21</sup> Law Commission, published May 2023, Evidence in Sexual Offence Prosecutions, 269-284.  
<https://www.lawcom.gov.uk/project/evidence-in-sexual-offence-prosecutions/>

concerns. We have considered the Inquiry's recommendation in conjunction with how to ensure that the options remain true insofar as possible to the key principles on which the Scheme was founded. We have developed the following four options:

- Amend the time limit to seven years for child sexual abuse applicants who were children under the age of 18 on the date of the incident giving rise to the injury as recommended by the Inquiry
- Amend the time limit to seven years for all applicants
- Amend the time limit to three years for all applicants who were children under the age of 18 on the date of the incident giving rise to the injury
- Amend the time limit to three years for all applicants

84. As with the options for changes to the scope of the Scheme, we have assessed the impact of no change and of the four approaches to changing the Scheme's time limits. Further to the discussion that follows we invite views on each approach and on how the reforms could be implemented.

#### **No change to the time limits of the Scheme**

85. This option would maintain the two-year period from the date of the incident (or if the incident took place before the victim's 18<sup>th</sup> birthday, the later of their 20<sup>th</sup> birthday or two years since they reported the incident to the police) for victims to apply to the Scheme. The CICA would retain discretion to admit claims outside the time limit in exceptional circumstances.

86. The Scheme's current two-year time limit ensures that victims are supported to progress their recovery, that the CICA is able to gather sufficient evidence to determine compensation claims and ensures the financial sustainability of the Scheme. The available evidence continues to support the review's previous conclusion that two years is sufficient time for most victims to make an application, and that the 'exceptional circumstances' criteria for extending the time limit are working well and uphold the principle that compensation should be protected for those most seriously affected by their injuries. Any carve-out from this approach for particular categories of victim risks creating a hierarchy of victims and undermining the universality of the Scheme.

87. Work has been undertaken to improve awareness of the Scheme and the need to apply within two years of an incident. Although it is impossible to attribute it to one single cause, the volume of new claims to the Scheme increased by 12% between 2019/20 and 2022/23, with the past two years seeing the highest volume of new applications since the 2012 Scheme was introduced. Further to this, the Law Commission's consultation on Evidence in Sexual Offence Prosecutions includes a chapter on the admissibility of evidence of claims to the Scheme in sexual offences



trials.<sup>22</sup> As noted above (para 79) the Commission did not recommend amending the time limits for claims, instead proposing restrictions on the admissibility of such evidence.

88. No change remains an option, as the justification for, and supporting evidence for the effectual operation of current time limits remain the same as at the time of the review and 2020 consultation.

**Question 6:** What are your views on the approach to the Scheme's time limits remaining unchanged?

**Question 7:** What further action could be taken to raise awareness of the Scheme and its time limits?

**Amend the time limit to seven years for child sexual abuse applicants who were children under the age of 18 on the date of the incident giving rise to the injury as recommended by the Inquiry.**

89. This option would adopt the recommendation of the Inquiry to increase the time limit for applications in relation to incidents of child sexual abuse so that applicants have seven years to apply from the date the offence was reported to the police or the age of 18, where the offence was reported while the victim was a child. The CICA would retain discretion to extend this time limit in exceptional circumstances. This aims to reduce any deterrent effect that the current time limit has for victims of child sexual abuse applying to the Scheme and remove the need for them to prove 'exceptional circumstances' when making a claim.
90. The Inquiry did not give a reason for recommending *seven* years rather than any other time limit, simply saying that it is 'more appropriate' than two years, given the trauma involved in child sexual abuse cases. The Inquiry did consider whether the two-year limit should start after criminal proceedings conclude but decided this could lead to different treatment depending on progress of criminal proceedings and it may be difficult to define what was meant by 'the conclusion of criminal proceedings'.
91. In recommending that time limits begin from 'the date that the offence was reported to the police; or from the age of 18, where the offence was reported whilst the victim was a child', the Inquiry reflects the current approach of the Scheme for applicants who were under 18 at the date of the injury.
92. While this approach may increase the number of victims of child sexual abuse who are able to access compensation through the Scheme, providing that they are able to provide the necessary evidence, it departs from an important principle of the

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<sup>22</sup> Law Commission, 2023, 279.

Scheme. By restricting the extended time limit to one category of victim, it takes away from the Scheme's universal character and creates a hierarchy of victims, with child victims of sexual abuse treated more favourably than child victims of other types of abuse. Given that much of the rationale for extending the time limit for victims of childhood sexual abuse could also apply to physical abuse in childhood, it is not clear that there is a strong rationale for limiting the extension in this way.

93. This approach would also risk the financial sustainability of the Scheme. Although we know that many applicants for child sexual abuse already receive compensation through the Scheme's exceptional circumstances provisions, extending the time limit would likely see an increase in applications received beyond the current two-year time limit. While this might not result in a significant increase in the overall amount of compensation paid out by the CICA, it would increase the operational costs not just for the CICA, as the CICA would need to gather evidence on a larger number of claims. This could prove a particular challenge, as evidence might not be readily available and accessible, or even retained for that long.<sup>23</sup> Obtaining evidence in these additional cases would also place greater administrative and unfunded cost burdens on other agencies including the police and medical authorities.

**Question 8:** What are your views on amending the Scheme's time limit to seven years for child sexual abuse applicants who were children under the age of 18 on the date of the incident giving rise to the injury, with the CICA retaining discretion to extend the time limit in exceptional circumstances?

#### **Extend the time limit to seven years for all applicants**

94. This option builds on the recommendation of the Inquiry to extend the time limit to seven years for *all* applicants, rather than restricting the extension to applications in relation to incidents of child sexual abuse. For applicants under the age of eighteen at the time of the incident, the seven years would run from either the date that the offence was reported to the police or the age of 18, where the offence was reported while the victim was a child. The CICA would retain discretion to extend the time limit in exceptional circumstances.
95. This delivers on and goes further than the Inquiry's recommendation while maintaining the universality of the Scheme and avoiding the creation of a hierarchy of victims. Instead, all applicants would be able to benefit from the extended timescale, allowing them longer to prepare for the compensation process, and fewer who would otherwise have sufficient evidence to successfully gain compensation through the

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<sup>23</sup> In response to Recommendation 17 of the Inquiry (access to records), the Information Commissioner's Office has committed to reviewing its current guidance and explore issuing additional guidance to support victims and survivors of child sexual abuse and organisations that hold their records.

'exceptional circumstances' route would be put off from applying by the time limit. This would potentially benefit both victims of hard-to-disclose offences such as domestic or sexual abuse, as well as those whose cases were affected by delays in the justice system. This approach would also align with the principle of the Scheme as a 'last resort', by giving applicants more time to explore other compensation routes.

96. However, this approach would pose significant evidential difficulties due to the amount of time that might have elapsed since the incident. As well as increasing the administrative cost for the CICA of processing these applications, lack of evidence may mean that some newly eligible applicants were still unsuccessful in obtaining compensation. As with the Inquiry's recommendation, there is no clear evidence for why seven years is the most appropriate time limit for the Scheme.
97. This approach would have the greatest overall impact on the resources of the Scheme of any of the change options under consideration, and would risk either making the Scheme unaffordable, or significantly reducing the value of awards and level of service for applicants.

**Question 9:** What are your views on amending the Scheme's time limit to seven years for all applications, with the CICA retaining discretion to extend the time limit in exceptional circumstances?

98. Given the Inquiry's rationale that seven years should be sufficient to allow for robust applications to be made to the Scheme, it may no longer be necessary for the CICA to retain discretion to admit cases outside the time limit if it were raised to seven years. This would potentially reduce the administrative burden on the CICA, allowing it to process claims more quickly, rather than having to spend time assessing the evidence from applications outside the revised time limit.
99. However, it is acknowledged that this may mean that the most historical cases are no longer able to receive compensation through the Scheme. It is also evident that the limited extent to which administrative savings would arise, would not meaningfully help balance the cost of additional awards resulting from a seven-year time limit.

**Question 10:** If the time limit for applications to the Scheme were extended to seven years, either for applications in relation to child sexual abuse or for all applications, is it necessary for the CICA to retain discretion to further extend the time limit in exceptional circumstances?

**Amend the time limit to three years for all applicants who were children under the age of 18 on the date of the incident giving rise to the injury**

100. This option is a modification of the Inquiry's recommendation. It would extend the time limit for all applicants who were children on the date of the incident giving rise to the injury. The time limit would be extended to three years from the date that the offence was reported to the police or the age of 18, where the offence was reported while the victim was a child. CICA's discretion to extend the time limit would remain.
101. It would respond to the Inquiry's identification of a need for change, but with a clearer rationale for the time limit, as the three-year time limit would bring the Scheme's time limit into alignment with other relevant time limits in the justice system, such as civil litigation. It would also give a clearer explanation for the departure from the principle of universality, as applications from children are already treated differently, and this approach would not distinguish between incidents of historic sexual abuse and historic physical abuse of children. It would also maintain the CICA's discretion to extend the time limit, which the evidence suggests works well.
102. Nonetheless, the three-year time limit is not without issue. Beyond alignment with some existing data retention periods, there isn't strong evidence to support the selection of three years in this area specifically. Moreover, an extension to three years may not be sufficient to overcome the issues that have been raised with the existing time limit, due to the length of police investigations and the trauma resulting from some of the offences involved. Indeed, the Inquiry recommended separately that the three-year limitation period for personal injury claims should be removed.<sup>24</sup> The Government will publish a consultation paper later this year exploring options on how the existing judicial guidance in child sexual abuse cases could be strengthened as well as setting out options for the reform of limitation law in child sexual abuse cases.

**Question 11:** What are your views on amending the time limit to three years for all applicants who were children under the age of 18 on the date of the incident giving rise to the injury?

**Extend the time limit to three years for all applicants**

103. Finally, this option would extend the time limit to three years for all applicants to the scheme. For applicants under the age of eighteen at the time of the incident, the three years would run from either the date that the offence was reported to the police

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<sup>24</sup> The three year limitation period for personal injury cases brought by victims of child abuse was removed in Scotland by The Limitation (Childhood Abuse) (Scotland) Act 2017.

or the age of 18, where the offence was reported while the victim was a child. The CICA would retain discretion to extend the time limit in exceptional circumstances.

104. The advantages of this option are similar to those of the previous option, responding to the need for change identified by the Inquiry and bringing the time limit into alignment with those elsewhere in the justice system. It has the added advantage of better maintaining universality and avoiding the creation of a hierarchy of victims by extending the time limit for all applicants. It could therefore have some benefit for victims affected by justice system delays or victims of hard-to-disclose offences such as domestic or sexual abuse, rather than solely victims of child sexual abuse. This would be more straightforward for the CICA, as they would not need to identify whether the incident or applicant was eligible for the extended time limit when processing the application. There are also similar issues, in relation to whether a three-year time limit would benefit applicants, as well the potential operational and cost implications it might have.

**Question 12:** What are your views on amending the time limit to three years for all applicants to the Scheme?

# Questionnaire

We would welcome responses to the following questions set out in this consultation paper.

## Scope

**Question 1:** What are your views about the scope of the Scheme remaining unchanged?

**Question 2:** What are your views about amending the definition of a crime of violence to include other forms of child sexual abuse?

**Question 3:** Which non-contact child sexual offences should be brought in scope of the Scheme?

**Question 4:** What are your views on bringing serious non-contact offences within the scope of the Scheme?

**Question 5:** Which non-contact offences should be brought in scope of the Scheme?

## Time limits

**Question 6:** What are your views on the approach to the Scheme's time limits remaining unchanged?

**Question 7:** What are your views on amending the Scheme's time limit to seven years for child sexual abuse applicants who were children under the age of 18 on the date of the incident giving rise to the injury, with the CICA retaining discretion to extend the time limit in exceptional circumstances?

**Question 8:** What further action could be taken to raise awareness of the Scheme and its time limits?

**Question 9:** What are your views on amending the Scheme's time limit to seven years for all applications, with the CICA retaining discretion to extend the time limit in exceptional circumstances?

**Question 10:** If the time limit for applications to the Scheme were extended to seven years, either for applications in relation to child sexual abuse or for all applications, is it necessary for the CICA to retain discretion to further extend the time limit in exceptional circumstances?

**Question 11:** What are your views on amending the time limit to three years for all applicants who were children under the age of 18 on the date of the incident giving rise to the injury?

**Question 12:** What are your views on amending the time limit to three years for all applicants to the Scheme?

## **Equalities**

**Question 13:** Do you agree that we have correctly identified the range and extent of the equalities impacts for no change and each of the potential reforms set out in this consultation (Annex A)? Please give reasons and supply evidence of further equalities impacts as appropriate.

**Question 14:** Are there forms of mitigation in relation to equality impacts that we have not considered?

Thank you for participating in this consultation exercise.

# About you

Please use this section to tell us about yourself

<b>Full name</b>	
<b>Job title</b> or capacity in which you are responding to this consultation exercise (e.g. member of the public etc.)	
<b>Date</b>	
<b>Company name/organisation</b> (if applicable):	
<b>Address</b>	
<b>Postcode</b>	
If you would like us to acknowledge receipt of your response, please tick this box	<input type="checkbox"/> (please tick box)
Address to which the acknowledgement should be sent, if different from above	

**If you are a representative of a group**, please tell us the name of the group and give a summary of the people or organisations that you represent.

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## Contact details/How to respond

Please send your response by 15 September 2023 to:

**Vulnerability and Criminal Law Policy Unit**  
Ministry of Justice  
Victims, Vulnerability and Criminal Law Policy Directorate  
7<sup>th</sup> Floor  
102 Petty France  
London SW1H 9AJ

**Email:** [cics-review@justice.gov.uk](mailto:cics-review@justice.gov.uk)

### Complaints or comments

If you have any complaints or comments about the consultation process you should contact the Ministry of Justice at the above address.

### Extra copies

Further paper copies of this consultation can be obtained from this address and it is also available on-line at <https://consult.justice.gov.uk/digital-communications/cics-review-additional-consultation-2023>.

Alternative format versions of this publication can be requested from [cics-review@justice.gov.uk](mailto:cics-review@justice.gov.uk).

### Publication of response

A paper summarising the responses to this consultation will be published as soon as practicable. The response paper will be available on-line at <https://consult.justice.gov.uk/>.

### Representative groups

Representative groups are asked to give a summary of the people and organisations they represent when they respond.

## **Confidentiality**

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 2018 (DPA), the UK General Data Protection Regulation (GDPR) 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 Ministry.

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

# Consultation principles

The principles that Government departments and other public bodies should adopt for engaging stakeholders when developing policy and legislation are set out in the Cabinet Office Consultation Principles 2018 that can be found here:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/691383/Consultation\\_Principles\\_\\_1\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/691383/Consultation_Principles__1_.pdf)

# Annex A: Equality Statement

## Introduction

1. This consultation document sets out the current scope and time limits of the Criminal Injuries Compensation Scheme (the Scheme) and options for change in response to the recommendations of the Independent Inquiry into Child Sexual Abuse (the Inquiry). The Inquiry followed our 2020 consultation on proposals to deliver better access to compensation for victims of violent crime while ensuring the Scheme remains affordable and financially sustainable, and our supplementary consultation in 2022 on the Scheme's unspent convictions rule. The previous consultations considered proposals and options for different elements of the Scheme to those considered in this consultation.<sup>25</sup> We will therefore consider all responses received on equality impacts in the round after this consultation.
2. The core purpose of the Scheme, reaffirmed through the two previous consultations, is to recognise, through compensation, the harm experienced by a victim injured as a result of violent crime.<sup>26</sup> The Scheme must work equally well for all victims of violent crime. The Criminal Injuries Compensation Authority (CICA), which administers the Scheme, therefore assesses all applications against the same eligibility criteria, requirements and injury tariffs. This ensures that decisions for all victims are made in a consistent, fair and transparent way. Considering the potential equality impacts of the options presented in the consultation is a key element of this.

## Policy potential reforms summary

3. This equality statement builds on the equality impacts identified in the previous consultations by considering equality impacts for this consultation's options regarding the scope of the Scheme and the time limit for applying. The options are as follows:

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<sup>25</sup> Ministry of Justice, July 2020, Criminal Injuries Compensation Scheme Review 2020 - GOV.UK  
<https://www.gov.uk/government/consultations/criminal-injuries-compensation-scheme-review-2020>

Ministry of Justice, July 2022, Criminal Injuries Compensation Scheme Review: Supplementary Consultation 2023 – GOV.UK  
<https://www.gov.uk/government/consultations/criminal-injuries-compensation-scheme-review-supplementary-consultation>

<sup>26</sup> Defined in Annex B of the Scheme [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/808343/criminal-injuries-compensation-scheme-2012.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/808343/criminal-injuries-compensation-scheme-2012.pdf)

## Scope of the Scheme

- **No Change** – Compensation is payable to eligible people injured as a result of violent crime, which is defined in Annex B of the Scheme. All applications are assessed against the same eligibility criteria, requirements and injury tariffs. The current definition of violent crime captures where non-contact offences such as grooming and stalking escalate into ones involving violence or threats of immediate violence.
- **Option 1a, Amend the definition of a ‘crime of violence’ to include other forms of child sexual abuse, including online-facilitated sexual abuse** – Annex B of the Scheme would be amended to include other forms of non-contact child sexual abuse, including online-facilitated sexual abuse such as grooming and image offences, as recommended by the Inquiry.
- **Option 1b, Amend the eligibility criteria to bring non-contact offences with equivalent effect within scope of the scheme** – This option would add a new category of non-contact offences to the three existing eligibility categories of the Scheme (i. being a direct victim of a crime of violence; ii. sustaining injury directly attributable to taking an exceptional and justified risk to prevent or mitigate a crime, assist a constable, or apprehend an offender; or iii. witnessing the criminal injury of a loved one). This category might include online-facilitated sexual abuse and other offences such as grooming, coercive control, revenge porn and stalking.

## Time limits for applying to the Scheme

- **No change** – Victims must apply to the Scheme as soon as reasonably practicable and within two years of the incident which led to the injury. Where the applicant was under 18 on the date of the injury, the CICA must receive the application on or before the applicant’s 20th birthday where the incident was first reported to the police before their 18th birthday or within 2 years of the incident first being reported to the police where it was reported on or after their 18th birthday. In all cases claims made outside of the relevant limit can still be considered in exceptional circumstances.
- **Option 2a, Amend the time limit to seven years for child sexual abuse applicants who were children under the age of 18 on the date of the incident giving rise to the injury as recommended by the Inquiry** – This would adopt the recommendation of the Inquiry to increase the time limit for applications in relation to incidents of child sexual abuse so that applicants have seven years to apply from the date the offence was reported to the police or the age of 18, where the offence was reported while the victim was a child. CICA would retain discretion to extend this time limit in exceptional circumstances.
- **Option 2b, Extend the time limit to seven years for all applicants** – This builds on the recommendation of the Inquiry to extend the time limit to seven years for all applicants, rather than restricting the extension to applications in relation to incidents of child sexual abuse. For applicants under the age of 18 at the time of the incident, the seven years would run from either the date that the offence was reported to the police

or the age of 18, where the offence was reported while the victim was a child. CICA would retain discretion to extend the time limit in exceptional circumstances.

- **Option 2c, Amend the time limit to three years for all applicants who were children under the age of 18 on the date of the incident giving rise to the injury** – This modifies the Inquiry’s recommendation. It would extend the time limit for all applicants who were children on the date of the incident giving rise to the injury. The time limit would be extended to three years from the date that the offence was reported to the police or the age of 18, where the offence was reported while the victim was a child. CICA’s discretion to extend the time limit would remain.
- **Option 2d, Extend the time limit to three years for all applicants** – This option would extend the time limit to three years for all applicants to the scheme. For applicants under the age of 18 at the time of the incident, the three years would run from either the date that the offence was reported to the police or the age of 18, where the offence was reported while the victim was a child. CICA would retain discretion to extend the time limit in exceptional circumstances.

## Equality Duties

4. This document records the analysis undertaken by the Ministry of Justice to fulfil the requirements of the Public Sector Equality Duty (PSED) as set out in section 149 of the Equality Act 2010. This requires the department to pay due regard to the need to:
  - **eliminate unlawful discrimination** – direct discrimination, indirect discrimination, discrimination arising from disability, and harassment, victimisation and any other conduct prohibited by the Act
  - **advance equality of opportunity** between people who share a protected characteristic and people who do not share it
  - **foster good relations** between people who share a protected characteristic and those who do not share it
5. The protected characteristics which have been considered are:
  - sex
  - age
  - race
  - disability
  - gender reassignment
  - pregnancy and maternity
  - religion or belief
  - sexual orientation
  - marriage and civil partnership (but only in respect of the first aim of the Equality Duty).

## Equalities Considerations

### Direct discrimination

- Options 1a, 2a and 2c in the consultation would benefit only victims who were under 18 on the date of the crime. This means that, regarding the protected characteristic of age under the Equality Act, these options are directly discriminatory against older people. However, we believe them to be a proportionate means of achieving a legitimate aim and therefore lawful, given the need to consider access to justice in the face of known vulnerability and trauma for child victims of crime. We believe that the other options presented in the consultation are not directly discriminatory and would not result in people being treated less favourably due to any protected characteristic.

### Indirect discrimination

- On the basis of the available data, we consider that individuals with certain protected characteristics may be disproportionately impacted by the consultation options due to their over-representation as victims of the violent crimes that are, or may potentially be, in scope for compensation under the Scheme. However, we do not think this is likely to result in a particular disadvantage to victims who do not share those protected characteristics, as explained below.

### Scope of the Scheme

#### *Equalities data on current Scheme scope*

- People who are victims of non-violent crimes are not eligible for awards. There is some information available on the protected characteristics of these victims. This suggests younger people, females and disabled people are more likely to be victims of some non-violent crimes.<sup>27</sup> See paragraphs 15 to 17 for more details.
- We have not been able to obtain data on the protected characteristics of race, religion or belief, sexual orientation, gender reassignment, pregnancy and maternity and marriage and civil partnership.

#### *Option 1a: Amend the definition of a 'crime of violence' to include other forms of child sexual abuse, including online-facilitated sexual abuse.*

- This option would benefit victims of online-facilitated child sexual abuse by making them eligible to apply for compensation through the Scheme.

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<sup>27</sup> Office for National Statistics (ONS), July 2017, Overview of burglary and other household theft <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/overviewofburglaryandotherhouseholdtheft/englandandwales#which-groups-in-society-are-most-likely-to-be-victims>

11. This option may have a particular benefit for women and girls. An NSPCC report, published in 2022, shows a rise in online grooming crimes, saying that 82% of grooming cases in 2021/22, where the gender was known, were against girls.<sup>28</sup>
12. By definition this option would have a greater benefit for younger victims, as it would increase the types of child sexual abuse that victims could claim compensation for. It does not make any changes for people who were adults when the crime occurred. The impact of the proposal may become greater over time as NSPCC statistics show that online grooming crimes are rising and data from 41 UK police forces show an 84% rise since 2017/18. The international Internet Watch Foundation says that while children aged 11–13 appear most frequently in ‘self-generated’<sup>29</sup> child sexual abuse imagery, such imagery including children aged 7–10 increased by 129% from 2021 to 2022.<sup>30</sup>
13. People with a disability may benefit from this option as they are more likely to be a victim of the types of crime covered by the expanded definition. The Inquiry’s ‘Child sexual exploitation by organised networks investigation report’ published in 2022 cites Home Office-funded research in 2016. This suggested that, *‘Some factors, such as limited understanding of social cues and social interaction, can make young people more at risk of exploitation. Social isolation can also potentially make young people with disabilities more vulnerable to grooming and exploitation. Children who are deaf or have a physical disability are considered to be three times more likely in general to experience abuse than those without a disability.’*<sup>31</sup>
14. We have not been able to obtain data on the protected characteristics of race, religion or belief, sexual orientation, gender reassignment, pregnancy and maternity and marriage and civil partnership.

***Option 1b: Amend the eligibility criteria to bring non-contact offences with equivalent effect, such as grooming, coercive control, revenge porn and stalking within scope of the scheme.***

15. As indicated by the available data, victims who are younger, female or disabled may be more likely to be victims of non-violent crime. This option would therefore benefit

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<sup>28</sup> NSPCC, July 2022, Online grooming crimes have risen by more than 80% in four years  
<https://www.nspcc.org.uk/about-us/news-opinion/2022/online-grooming-crimes-rise/>

<sup>29</sup> ‘Self-generated’ imagery means ‘child sexual abuse images and videos created using smartphones or webcams and then shared online. In some cases, children are groomed, deceived or extorted into producing and sharing a sexual image or video of themselves by someone who is not physically present in the room with the child.’

<sup>30</sup> Internet Watch Foundation, April 2023, ‘Self Generated’ CSAM - 2022’s Trends & Data  
<https://annualreport2022.iwf.org.uk/trends-and-data/self-generated-csam/#>

<sup>31</sup> IICSA, October 2022, Final Report D.4: Children with disabilities  
<https://www.iicsa.org.uk/reports-recommendations/publications/investigation/cs-organised-networks/part-d-meeting-needs-particular-groups-sexually-exploited-children/d4-children-disabilities.html>



these victims by potentially making them eligible to apply for compensation through the Scheme.

16. Crime Survey for England and Wales data on harassment, stalking and non-physical abuse suggests young women are nearly twice as likely to be victims of harassment than young men (21% of women aged 16 to 34 years compared to 13% of men the same age), with the main difference between women and men being experience of sexual harassment (15% and 4%, respectively).<sup>32</sup> Data also suggest that women are more than twice as likely as men to experience stalking.<sup>33</sup>
17. Office for National Statistics data show that women aged 16 to 24 are less likely to experience non-physical abuse than women aged over 25, but more likely to experience stalking than women aged over 25.<sup>34</sup> The same dataset showed that women with a disability were more likely to experience non-physical abuse than women without a disability.
18. We have not been able to obtain data on the protected characteristics of race, religion or belief, sexual orientation, gender reassignment, pregnancy and maternity and marriage and civil partnership.

### **Time limits for applying to the Scheme**

#### *Equalities data on current time limits for applying to the Scheme*

19. Groups which are over-represented as victims injured by violent crime are most affected by time limits for applying for compensation. Data suggest that men and women are similarly likely to be victims. In terms of other protected characteristics, those most likely to be victims of crime may be as follows:
  - age – younger people
  - race – black or mixed ethnic background
  - disability – people with disabilities
  - religion and belief – Jewish people
  - marriage and civil partnership – separated people
  - sexual orientation – gay/lesbian and bisexual people

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<sup>32</sup> ONS, January 2023, Crime in England and Wales  
<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/crimeinenglandandwales/yearendingseptember2022>

<sup>33</sup> ONS, November 2022, Stalking: findings from the Crime Survey for England and Wales  
<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/datasets/stalkingfindingsfromthecrimesurveyforenglandandwales>

<sup>34</sup> ONS, February 2016, Intimate personal violence and partner abuse  
<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/compendium/focusonviolentcrimeandsexualoffences/yearendingmarch2015/chapter4intimatepersonalviolenceandpartnerabuse#heavily-victimised-groups-of-partner-abuse>

20. More details are at paragraphs 26 to 27. We have not been able to obtain data on gender reassignment or pregnancy and maternity. We also do not have data on groups that do not apply for compensation because of the current time limits and would be successful if the time limit was increased.

*Option 2a: Amend the time limit to seven years for child sexual abuse applicants who were children under the age of 18 on the date of the incident giving rise to the injury as recommended by the Inquiry.*

21. This option may impact on and benefit victims of child sexual abuse who can evidence their abuse, by removing any deterrent effect that the current time limit might have.
22. We believe this option would have a greater impact on women and girls than men and boys. In 2019 the majority (80%) of child victims of sexual offences were female.<sup>35</sup> Women are more likely than men to have experienced abuse before the age of 16 years, with around one in four women and one in six men having experienced it.<sup>36</sup>
23. This option may particularly impact victims with disabilities as research suggests that this group may be disproportionately impacted by child sexual abuse. A literature review by the Inquiry considering abuse in residential schools stated that there is ‘a consensus that disabled children are at a greater risk of sexual abuse than their non-disabled peers, and most estimates put this increased risk at around three times that of non-disabled children’.<sup>37</sup> An international study, published in The Lancet Child & Adolescent Health journal in 2022<sup>38</sup> says that disabled children are twice as likely to face neglect and/or sexual, physical or mental abuse than children with no disabilities.<sup>39</sup>

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<sup>35</sup> ONS, January 2020, Child sexual abuse in England and Wales: year ending March 2019  
<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/childsexualabuseinenglandandwales/yearendingmarch2019>

<sup>36</sup> ONS, March 2020, Child abuse in England and Wales: March 2020  
<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/childabuseinenglandandwales/march2020>

<sup>37</sup> IICSA, March 2019, Child sexual abuse in residential schools - a literature review  
<https://www.iicsa.org.uk/document/child-sexual-abuse-residential-schools-literature-review.html>

<sup>38</sup> The Lancet Child & Adolescent Health, May 2022,  
[https://www.thelancet.com/journals/lanchi/article/PIIS2352-4642\(22\)00033-5/fulltext](https://www.thelancet.com/journals/lanchi/article/PIIS2352-4642(22)00033-5/fulltext)

<sup>39</sup> The Guardian, March 2022, Almost a third of disabled children and teenagers face abuse, global study finds  
<https://www.theguardian.com/society/2022/mar/17/almost-a-third-of-disabled-children-and-teenagers-face-abuse-global-study-finds>

24. We have not been able to obtain data on the protected characteristics of race, religion or belief, sexual orientation, gender reassignment, pregnancy and maternity and marriage and civil partnership.

Option 2b: Amend the time limit to seven years for all applicants to the Scheme.

And

Option 2d: Amend the time limit to three years for all applicants to the Scheme.

25. These options could impact on and benefit all victims injured by violent crime by giving them longer to apply to the Scheme. Option 2b may have a greater impact than option 2d due to the longer time limit for applying to the Scheme.
26. Data suggest that men and women are similarly likely to be victims of violent crime.<sup>40</sup> Younger people may be more likely than older people to experience violent crime. The year ending March 2022 Telephone Crime Survey for England and Wales showed that people aged 18 to 24 years (3%) were most likely and people aged 75 years and over least likely (0.2%) to be victims of this.<sup>41</sup> People from mixed ethnic groups (20%) are most likely, and people from white ethnic groups least likely (13%) to be victims of crime (which includes non-violent crime).<sup>42</sup>
27. Office for National Statistics data show patterns for personal crime (which includes violent crime). People with disabilities are more likely to have experienced this (15.4%) than people with no disability (12.4%). Jewish people are most likely to be victims (19.1%) and Hindu people least likely (10.9%). Separated people are most likely to be victims of personal crime (19.2%) and widowed least likely (9.1%). Gay/lesbian and bisexual people (around 19%) are more likely than heterosexual/straight people (13.2%) to be victims.<sup>43</sup>
28. We have not been able to obtain data on the protected characteristics of gender reassignment or pregnancy and maternity.

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<sup>40</sup> ONS, November 2022, The nature of violent crime in England and Wales: Year ending March 2022 <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/thenatureofviolentcrimeinenglandandwales/yearendingmarch2022#groups-of-people-most-likely-to-be-victims-of-violent-crime>

<sup>41</sup> ONS, November 2022, The nature of violent crime in England and Wales: Year ending March 2022 – appendix tables <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/datasets/thenatureofviolentcrimeappendixtables>

<sup>42</sup> Gov.uk, June 2021, Ethnicity Facts and Figures: Victims of Crime <https://www.ethnicity-facts-figures.service.gov.uk/crime-justice-and-the-law/crime-and-reoffending/victims-of-crime/latest>

<sup>43</sup> ONS, July 2022, Crime in England and Wales: Annual Trend and Demographic Tables <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/datasets/crimeinenglandandwalesannualextremetrendanddemographicstables>

*Option 2c: Amend the time limit to three years for all applicants who were children under the age of 18 on the date of the incident giving rise to the injury.*

29. This option would benefit younger people, namely those who were children at the time of being injured by a violent crime, as it would give them more time to apply for compensation. This option would not apply to adult victims.
30. While there are few data available on the protected characteristics of child victims of crime generally, data on the protected characteristics of child sexual abuse victims suggest girls and children with disabilities are more likely to be victims (paragraph 22 to 23).
31. We have not been able to obtain data which break child victim statistics down by all crimes or the protected characteristics of race, religion or belief, sexual orientation, gender reassignment, pregnancy and maternity and marriage and civil partnership.

## **Harassment and victimisation**

32. We do not consider there to be a risk of harassment or victimisation as a result of these options.

## **Disability and the duty to make reasonable adjustments**

33. Options for amending the Scheme for victims of child sexual abuse and other crimes may benefit those with disabilities as research suggests that this group may be disproportionately impacted by crime.
34. It remains important to make reasonable adjustments for disabled victims to ensure appropriate support is given.

## **Advancing equality of opportunity**

35. Consideration has been given to how these example potential reforms impact on the duty to advance equality of opportunity by meeting the needs of victims who share a particular characteristic, where those needs are different from the need of those who do not share that particular characteristic.
36. We consider the examples outlined may advance equality of opportunity for certain protected characteristics. For example, revising the Scheme so that some/all victims have a longer time period within which to apply to the Scheme, or to widen the definition of a crime of violence for the purposes of the Scheme, may benefit victims with protected characteristics who are more vulnerable to these crimes.

## **Fostering good relations**

37. We consider that this objective is unlikely to be impacted by the options under consideration.

## **Decision making**

38. We do not consider that the options above are likely to result in unlawful discrimination. Furthermore, as described above, we consider it likely that the options will advance equality of opportunity for victims. However, we will consider responses to equalities considerations in this consultation in the round with those of the 2020 and 2022 consultations. The equalities impacts of any agreed changes to the Scheme will be considered where relevant new data are available.

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