



Ministry of
JUSTICE

Reform of the Criminal Injuries Compensation Scheme

Equality Impact Assessment

July 2012

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Introduction

1. This equality impact assessment (EIA) accompanies 'Getting it right for victims and witnesses: the Government response' published by the Ministry of Justice (MoJ). It is concerned with the reform to the Criminal Injuries Compensation Scheme.
2. The EIA analyses the potential impact of the reforms on the advancement of equality of opportunity, the fostering of good relations and the elimination of discrimination, harassment, victimisation and other conduct that is prohibited under the Equality Act 2010. .
3. The analysis has been informed by the feedback that we have received to the consultation document 'Getting it right for victims and witnesses' which set out the proposed changes to criminal injuries compensation, and builds on the initial EIA that accompanied that document.
4. This EIA should be read alongside the Government response document and the associated Impact Assessment (IA) 'Reform of the Criminal Injuries Compensation Scheme'.
5. In this introductory section of the full EIA we first set out the relevant legal duties, the background to the criminal injuries compensation reforms, followed by the approach we have taken to assessing impacts including the sources of evidence and methodology used.
6. For each of the areas of reform in the response to consultation, we then set out what the consultation proposals were, the feedback on the equalities impacts of the proposals received through consultation, our analysis of the likely impact of the reforms we are taking forward and an assessment of how this differs from the analysis in the initial EIA. We set out our consideration of the impacts identified, whether they can be justified and proposals for mitigation.
7. This document has a number of annexes:
 - Annex A - profile of recipients of CICS payments and profile of victims of violent and sexual crimes;
 - Annex B – evidence tables;
 - Annex C – information sources.

Equality Duties

8. Section 149 of the Equality Act 2010 places a duty on Ministers and the Department, when exercising their functions, to have 'due regard' to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other prohibited conduct under the Equality Act 2010;
- Advance equality of opportunity between different groups (between those who share a protected characteristic and those who do not); and
- Foster good relations between different groups (between those who share a protected characteristic and those who do not).

9. The eight relevant protected "protected characteristics" are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation. In having due regard to matters in the first bullet point above, it is also necessary to consider equality impacts in relation to the protected characteristic of marriage and civil partnership.

10. Direct discrimination is defined in section 13(1) of the Equality Act 2010, as follows:

A person (A) discriminates against another (B) if, because of a protected characteristic, A treats B less favourably than A treats or would treat others.

11. Indirect discrimination is defined in section 19 of the Equality Act 2010, which reads relevantly as follows:

(1) A person (A) discriminates against another (B) if A applies to B a provision, criterion or practice which is discriminatory in relation to a relevant protected characteristic of B's.

(2) For the purposes of subsection (1), a provision, criterion or practice is discriminatory in relation to a relevant protected characteristic of B's if—

(a) A applies, or would apply, it to persons with whom B does not share the characteristic,

(b) it puts, or would put, persons with whom B shares the characteristic at a particular disadvantage when compared with persons with whom B does not share it,

(c) it puts, or would put, B at that disadvantage, and

(d) A cannot show it to be a proportionate means of achieving a legitimate aim.

12. In relation to discrimination arising from disability and the duty to make reasonable adjustments, Section 15 of the Equality Act 2010 states:

A person (A) discriminates against a disabled person (B) if—

 - (a) A treats B unfavourably because of something arising in consequence of B's disability, and*
 - (b) A cannot show that the treatment is a proportionate means of achieving a legitimate aim.*
13. Sections 20 and 21 of the Equality Act 2010 also impose a duty to make reasonable adjustments where a disabled person is placed at a substantial disadvantage in comparison with a non-disabled person.
14. Harassment and victimisation are defined in sections 26 and 27 of the Equality Act 2010 as, respectively, certain forms of unwanted conduct related to relevant protected characteristics and subjecting a person to a detriment in certain circumstances.

Summary

15. This EIA relates to Part 2 of the consultation paper Getting it right for victims and witnesses and the Government response. A summary of our reforms is as follows:

- Eligibility

We will tighten eligibility to claim under the Scheme so as to restrict awards to blameless victims of crime who fully cooperate with the criminal justice process, and close bereaved relatives of victims who die as a result of their injuries. The new Scheme will tighten existing provisions relating to an applicant's unspent criminal convictions. Applicants, unless they are in an exempted category, will have to show ordinary residence in the United Kingdom.

- The Tariff

Tariff payments will continue to be made to those most seriously affected by their injuries and those that have been the victim of the most distressing crimes. We will remove tariff bands 1-5 for less serious injuries and reduce payments in bands 6-12. We will protect tariff payments for all injuries in bands 13 and above of the 2008 Scheme. Awards specifically in respect of sexual offences and patterns of physical abuse will be protected, wherever in the tariff they currently appear.

- Loss of Earnings

Loss of Earnings payments will be made on a flat rate basis linked to the statutory sick pay rate to those who can no longer work and those who have very limited capacity to do so.

- Special Expenses

We will continue to make special expenses payments (for example, care costs and adaptation to accommodation) except for private care costs not available on the NHS which will be removed.

- Fatal Cases

We will continue to pay the bereavement award, funeral payments and parental service payments. We will make dependency payments in fatal cases in line with our loss of earnings reforms.

- Process

We are making it clearer in the Scheme what evidence the applicant will be required to provide as a minimum to make out their case, tightening the circumstances where CICA will meet the costs of obtaining medical evidence and reducing the time limits to seek an internal review.

16. We have considered the impact of the proposals against the statutory obligations under the Equality Act 2010¹. Those are outlined below. The detailed analysis of the potential impacts of our reforms is set out in the rest of this document.

Direct discrimination

17. The reforms relating to Getting it right for victims and witnesses are not expected to treat anyone less favourably than others because of a protected characteristic. We therefore do not consider that there will be any direct discrimination resulting from these reforms.

Indirect discrimination

18. The reforms do give rise to potential adverse effects in relation to a number of the protected characteristics, in particular age, sex, race and disability. For example, in our reforms on connection to the UK, restrictions on eligibility under the Scheme based on residency status could give rise to potential adverse effects in relation to the protected characteristic of race. Were it established that these effects constituted a particular disadvantage, which could have indirect discriminatory effects, we consider any such impact to be justified on the basis of our aims to protect payments to those most seriously affected by their injuries and as far as possible where the impacts of injuries are long-term and life-changing..
19. We have also considered whether the changes give rise to the possibility of pregnancy and maternity discrimination or breach of an equality clause and concluded that they do not. For example, in discussing our reforms on eligibility for loss of earnings, we considered the implication of this reform on parents with no recent work history due to pregnancy or childcare responsibilities. Consequently we have framed our policy to provide loss of earnings for those who were not in work at the time of the incident but who can demonstrate a regular work history or a good reason for not having such a history. We have in mind, in particular, those with child-care responsibilities or carers.

Discrimination arising from disability and reasonable adjustments

20. The reforms will aim to advance equality of opportunity for disabled people by attempting to protect payments in a number of areas. Safeguarding these payments will have a positive impact, when compared to reductions elsewhere in the Scheme, for the most seriously injured, who may also be disabled by their injury, and for other vulnerable groups who may share one or more of the protected characteristics. We will ensure that victims with physical disabilities and

¹ We have analysed the potential equality impacts of the reforms against each of the limbs of the public sector equality duty and across each of the protected characteristics, even though "marriage and civil partnership" is not a "relevant characteristic" for the purposes of the second and third limbs of the public sector equality duty, and Part 3 of the Equality Act 2010 (Services and Public Functions) has not been commenced in relation to age."

those with mental health issues have reasonable adjustments made to ensure they have fair and equal access to the CICS. However we are aware that some of our reforms may potentially have an adverse affect on those who share the protected characteristic of disability. For example, there is a possibility that stricter reporting and cooperation requirements might potentially have an adverse effect on disabled people in that their disability may put them at a disadvantage in comparison to non-disabled people. Were it established that these effects constituted a particular disadvantage, which could have indirect discriminatory effects, we consider any such impact to be justified on the basis of our aim to support the principle that victims of crime should report their crime to the police, and should cooperate in bringing their assailant to justice in the determination of whether compensation should be paid..

Harassment and victimisation

21. We have considered whether the reforms give rise to the possibility that a person having a relevant characteristic will be harassed or victimised within the meaning of the Equality Act 2010. We do not consider that these reforms will have any effect on instances of harassment and victimisation.
22. We have also considered whether the changes give rise to the possibility of pregnancy and maternity discrimination or breach of an equality clause and concluded that they do not. For example, in discussing our reforms on eligibility for loss of earnings, we considered the implication of this reform on parents with no recent work history due to pregnancy or childcare responsibilities. Consequently we have framed our policy to provide loss of earnings payments for those who were not in work at the time of the incident but who can demonstrate a regular work history or a good reason for not having such a history. We have in mind, in particular, those with child-care responsibilities or carers.

Advancing equality of opportunity

23. We have had regard to the advancing equality opportunity aspect of the equality duty against all the different reforms, including having due regard to the need to:
 - Remove or minimise disadvantages suffered by people due to their protected characteristics.
 - Take steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people.
 - Encourage people with certain protected characteristics to participate in public life or in other activities where their participation is disproportionately low.
24. Within this context we have also considered the need to advance equality of opportunity between disabled people and other people, the need to take steps to take account of disabled people's disabilities, the need to promote positive attitudes towards disabled people and the need

to encourage participation by disabled people in public life. For example, although an award under the Scheme will be withheld unless the incident giving rise to the criminal injury has been reported to the police as soon as reasonably practicable, in deciding whether this requirement is met we have made it clear in the Scheme that particular account will be taken of the age and capacity of the applicant at the date of the incident.

Fostering good relations

25. We have considered the fostering good relations aspect of the Equality Duty and do not believe that this has any particular relevance to the CICS reforms as they do not focus on tackling prejudice or promoting understanding between people from different groups.

Conclusion

26. We have considered the impact of the changes and the continuation of the CICA Scheme against the obligations under the Equality Act 2010. These are set out in more detail in the 'Analysis of potential impacts' sections. Our assessment is that where there may be potential adverse impacts regarding persons who share protected characteristics, we consider them to be justified in relation to intended outcomes of the policy reforms.
27. We acknowledge there are a number of gaps in the research and statistical evidence we have been able to source regarding the potential impact of our reforms in respect of a number a number of protected characteristics.
28. Overall, having had due regard to the potential differential impacts identified in this EIA, the government is satisfied that it is right to pursue these proposals. To this extent the proposals are considered to be a proportionate means of achieving a legitimate aim in the reform and continuation of the CICA Scheme.

Background to the Criminal Injuries Compensation Scheme

29. The first Scheme for compensation payments to victims of crime in Great Britain was introduced in 1964. It was non-statutory, with compensation being assessed on the basis of common law damages (what an applicant could expect to be awarded in a successful action for damages in the civil courts). Three further non-statutory schemes followed in 1969, 1979 and 1990.
30. Following the enactment of the Criminal Injuries Compensation Act 1995, a new, fundamentally changed Scheme came into force in April 1996. The new statutory Scheme broke the link with common law damages, and provided for payment to be made on the basis of a tariff (scale) of awards that grouped together injuries of comparable severity and allocated a financial value to them. The Scheme also provided for payments to be made for loss of earnings, special expenses and, in fatal cases, bereavement, dependency, funeral and parental services payments. Since 1996, two further statutory schemes have been made, in 2001 and 2008 respectively. The current Scheme in force is the Criminal Injuries Compensation Scheme 2008 (the Scheme).²

Policy considerations and objectives

31. The CICS is a demand-led scheme which costs the Government over £200m each year. The Scheme has historically been underfunded, with funding allocated at the beginning of the year needing to be topped up later in the year.
32. The review of the Scheme was overdue and has taken place in a difficult financial climate. The Scheme must be sustainable if it is to continue to offer timely compensation to victims in the long-term and provide a set of fair, realistic expectations. Our policy reforms mean that payments are focussed on those victims who are most seriously injured by violent and sexual crime. For those with less serious injuries, we believe that it is more beneficial for victims and better value for money to provide immediate practical and emotional support to victims, rather than small amounts of financial compensation.
33. By examining the Scheme against our wider principles for reform, and focusing limited resources on the most seriously injured, we estimate the reforms of the Scheme could deliver savings to the taxpayer of about £50m per year. In formulating our reforms we have taken a number of principles into account. They are:
 - **The need to protect payments to those most seriously affected by their injuries**, measured by the initial severity of

² <http://www.justice.gov.uk/guidance/compensation-schemes/cica/am-i-eligible/index.htm>

the injury, the presence of continuing or on-going effects, and their duration.

- **Recognition of public concern for particularly vulnerable groups and for those who have been the victims of particularly distressing crimes**, even though the injury may not be evident, or the effects particularly difficult to quantify, for example sexual assaults and physical abuse of adults and children.
- **Consideration of alternative provision**. Our changes take into account the availability of other services and resources (e.g. state benefits) a victim may be entitled to receive to meet the needs arising from the injury.
- **Making the Scheme simpler and easier for victims to understand**. Our proposals clarify the eligibility criteria and the evidence victims need to provide to make an application to the Scheme.
- **Ensuring reforms comply with our legal obligations, both domestic and European**, and that we have shown due regard, through analysis and consultation, to the effects on those protected under equality legislation, most particularly in this context: disabled people, women and those from minority ethnic communities.

34. A high level summary of our policy reforms can be found in the response to the full consultation document

Methodology and evidence sources

Methodology

35. This full EIA draws upon a number of evidence sources. We have used the best quality evidence available, mainly national or official statistics, Ministry of Justice research reports or internal criminal justice system management information, but have also drawn on other sources where appropriate. A full list of data sources can be found in Annex C of this document.
36. Our methodology, in accordance with our equality duties, has been to consider the effects of each of our changed policies and the parts of the Scheme we are maintaining, against each protected characteristic (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation). We have explored the potential for the changes to both adversely or positively impact on certain groups due to their protected characteristics.
37. Consideration is also given to how any potential adverse equality impacts might be (a) eliminated or reduced or (b) justified, and how any potential positive equality impacts might be maximised.

Evidence Sources

38. A full list of evidence sources can be found in Annex C of this document. In this full EIA we have updated the analysis where possible using data that has become available since the initial EIA was published on the 30th January 2012.
39. In assessing potential impacts of these proposals in this full EIA we have used the following key evidence sources:
 - Equality data on Criminal Injuries Compensation Scheme (CICS) recipients collected via the Criminal Injuries Compensation Authority's (CICA) Equal Opportunities Monitoring (EOM) form which is issued to all applicants on the point of application, to understand whether there is variation in recipients of CICS by protected characteristic. Comparisons have been drawn with population data and data on victims of violent crime.
 - Data on how the risk of becoming a victim of violent crime varies by protected characteristic, from the Crime Survey for England and Wales (CSEW)³ and the Scottish Crime and Justice Survey (SCJS),

³ The British Crime Survey (BCS) is now known as the Crime Survey for England and Wales to better reflect its geographical coverage. While the survey did previously cover the whole of Great Britain it ceased to include Scotland in its sample in the late 1980s. There is a separate survey – the Scottish Crime and Justice Survey – covering Scotland. Given the transfer of responsibility for the survey to ONS, it was decided that the name change would take effect from 1 April 2012.

to assess whether some victims (in terms of protected characteristics) may be more likely to be affected by the proposals.

- Administrative data on offenders sentenced by protected characteristics are from Criminal Justice Statistics (England and Wales) and Criminal Proceedings in Scotland. Data on offenders starting community orders or suspended sentence orders, or received into prison under a custodial sentence, are from Offender Management Caseload Statistics (England and Wales). These data have been used to assess whether some offenders (in terms of protected characteristics) may be more likely to be affected by the proposals.

Data limitations

40. The data sources used have limitations, as was noted in the initial EIA. The equalities analysis presented here takes into consideration the relative limitations of each data source in terms of the strength of the conclusions that can be drawn regarding the potential equality impacts.
41. Limitations with the equality data collected via CICA's EOM form are summarised below:
 - As with many administrative datasets, the quality of the data is affected by the extent of missing data. The EOM form includes questions on the age, disability status, gender reassignment status, race, religion, sex and sexual orientation distribution of award recipients. However the categories of disability, gender reassignment, religion and sexual orientation registered high non-response rates, large numbers of award recipients did not provide this information on their application. Volumes of missing data are reported and, where appropriate, the data is analysed both including and excluding the missing data to assess the possibility of differential impacts. Where missing data are excluded from the analysis this makes the assumption that recipients for whom data is missing are distributed across the protected characteristic categories in the same proportion as recipients for whom data was available.
 - Where the number of award recipients identifying themselves on the EOM form as having a particular equality characteristic was fewer than 10, the data has not been presented as the small number of cases may give unreliable results.
 - The EOM data is for 2010/11 award recipients; there may be fluctuations in percentages of award recipients with different protected characteristics each year, and there is an increased risk of this where the number of recipients with a certain characteristic is small.
42. Limitations with the equality data from the CSEW are summarised below:
 - The CSEW is a survey conducted face-to-face in which people resident in households in England and Wales are asked about their experiences of a range of household and personal crimes. It

excludes a number of types of crime, such as fraud, crimes against commercial premises, and homicide. The CSEW survey of adults includes those aged 16 and over, experimental statistics are also available for 10-15 year olds, and have been presented where appropriate.

- The differences in the risk of victimisation shown in the CSEW data between groups with protected characteristic may be at least partly attributable to other factors associated with those groups. In addition, the protected characteristics themselves are highly interrelated. For example previous research⁴ has shown that age and ethnicity are interrelated, with the proportion of young people in the Mixed ethnic group found to be large in comparison to other ethnic groups.
- Percentages calculated from the CSEW are subject to a margin of error, and apparent differences may not be statistically significant. The CSEW analysis presented focuses on where statistically significant differences were found in the data.
- Where the number of respondents to the CSEW in sub-group analysis was fewer than 30 the data has not been presented as the small number of cases prevents robust analysis. For some analysis, data from two years of the survey have been combined to allow for more robust sub-group analysis.
- The majority of the data on risk of victimisation presented here include incidents where the victim would not be eligible to apply for the CICS, for example violent crimes where no injury was sustained by the victim. It is not possible, from the CSEW data, to restrict analysis just to those victims who would be eligible for compensation. Therefore the data is not directly comparable with the pool of people eligible for compensation from the CICS.
- See the User Guide to Home Office Crime Statistics for further details: <http://www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/crime-research/user-guide-crime-statistics/>

Data gaps

43. The equality data collected via CICA's EOM form does not include information on the protected characteristics of marriage and civil partnership or pregnancy and maternity, while there are high levels of non-response on the questions related to disability, gender reassignment, religion and sexual orientation as noted above.
44. The CSEW does not include data on gender reassignment, civil partnerships or pregnancy and maternity. There is also limited information from the CSEW on victims with the protected characteristics of religion and sexual orientation as sample sizes for some of the sub-

⁴ Home Office Statistical Bulletin 07/08: Crime in England and Wales 2007/08: Findings from the British Crime Survey and police recorded crime.

groups are small; although additional analysis of this data has been carried out for this final EIA.

45. Administrative data on offenders does not include information on the protected characteristics of disability, gender reassignment, marriage and civil partnership, pregnancy and maternity or sexual orientation.
46. Due to these data gaps we have not presented a comprehensive picture in relation to all the protected characteristics.

Consultation and engagement

47. The consultation document, *“Getting it right for victims and witnesses”* was published on 30 January 2012. Part One of the consultation set out the Government’s approach to ensuring that victims and witnesses get the support they need, both to overcome the consequences of crime and to participate fully in the criminal justice process. Part Two of the consultation document considered the reform of the Scheme. The consultation period ran for 12 weeks and closed on 22 April 2012. The consultation document was accompanied by an initial Equality Impact Assessment specifically in relation to the reform of the Scheme.
48. We received over 300 written responses to the consultation, around 60 of which responded to our questions on reform of the Scheme. We have carefully considered the responses to our reforms and any equality issues that have been raised in relation to our reforms.
49. We also held the following events throughout the course of the consultation period:
- two events in London and Manchester covering all proposals set out in the consultation;
 - four events in Cardiff, Birmingham, Peterborough and York focussing on proposals on commissioning and victims’ experience of the CJS;
 - one event in Edinburgh hosted by the Scottish Government on the Criminal Injuries Compensation Scheme and
 - an afternoon seminar in London on the equality impacts of all the proposals
50. In total, our eight events were attended by about 300 people from some 200 organisations and we received over 350 written responses to the consultation. We have also presented and discussed the proposals at the All Party Parliamentary Group on Victims and Witnesses, the Criminal Justice Council, and at conferences held by Mothers Against Murder and Aggression and the Victims’ Services Alliance.

Eligibility – the scope of the scheme

Policy proposals

Consultation proposal

51. The main purpose of the Scheme is to provide payments to those who suffer serious physical or mental injury as the direct result of deliberate violent crime, including the commission of sexual offences, of which they are the innocent victim. This purpose underpins all of our reforms, and it is reflected in the current Scheme.
52. Our policy in relation to the scope of the revised Scheme is set out in full in Part 2 of the consultation response. The proposals included circumstances which we intended to specifically exclude from the Scheme. We also make explicit where this is current policy. These are:
 - Offences connected with trespass on the railway, which we proposed to remove from the Scheme.
 - Offences committed by a driver in relation to a road traffic accident, except where a vehicle is used as a weapon deliberately to cause injury. Dangerous or reckless driving causing injury in other circumstances will not give rise to a payment under the Scheme. This is a clarification of current policy.
 - Injuries sustained by children in utero injured by the consumption of alcohol by their mother. This is current policy.
 - Where a person is injured accidentally as the result of an intervening event (e.g. a passing cyclist being knocked off his bike when hit by a person who had been forcibly ejected from a pub). This is current policy.
 - Where a verbal (spoken) assault leads sometime later to a person doing physical harm to themselves. This is current policy.
 - Where a person has been the victim of an animal attack, unless the animal itself was used deliberately to inflict an injury on that person. This is a tightening of current policy under which claims have in some cases been considered from applicants attacked by dangerous dogs not kept under proper control.
 - Third parties injured inadvertently by an act the sole purpose of which is suicide (e.g. someone jumps off a building and lands on a person below) We wish to clarify the Government's position that such circumstances should not be "crimes of violence".

- Certain criminal offences, or any sexual activity, to which the applicant has consented in fact but is deemed not to have consented as a matter of criminal law. The current practice in respect of sexual offences presumes that a child under 13 who is the victim of sexual assault will be eligible for compensation if an offence is reported to the police and the child cooperates so far as reasonably practicable with the criminal justice system. Between the ages of 13 and 15 a more difficult assessment must be made in each case. We intend to maintain this practice in relation to consensual activity and extend the principle to where the victim has consented in fact to a violent offence.

Post-consultation decision

53. That the proposals in the consultation (and set out above) be implemented.
54. Although it was not addressed in the full consultation, the initial EIA alluded to proposals to remove eligibility for family members of primary victims who witnessed or who were involved in the immediate aftermath of an injury to their loved one. We have decided to retain the current position and continue to permit family members to claims in these circumstances.

Analysis

55. Due to limitations in the available evidence, we are unable to rule out the potential impacts of these reforms on any of the protected characteristics of gender reassignment, marriage and civil partnership, pregnancy and maternity, religion or belief and sexual orientation. We have identified the following potential effects on the following protected characteristics:

Age

56. Railway workers who witness or are involved in the immediate aftermath of an incident as a result of trespass on a railway can currently claim. As such, the reforms to remove eligibility for such applicants will necessarily only affect those of working age. However, we do not have data on the age distribution of those who claim for injuries resulting from trespass on the railways. We therefore cannot say if there would be a differential effect on a more specific age group.
57. The proposal that the CICS will only provide compensation for injuries caused by dogs when the dog is used deliberately to inflict injury may have a differential effect on children. Hospital Episode Statistic data from the NHS relating to patients who have been admitted to hospital in

England after being bitten or struck by a dog, shows that the greater number of incidences occur in those under the age of 15.⁵

58. We have considered that excluding payment for any sexual activity to which a person has consented in fact but is deemed not to have consented as a matter of criminal law, may impact particularly on young people aged between 13 and 15 who have engaged in consensual sexual activity.
59. Continuing to exclude injuries sustained by children in utero injured by the consumption of noxious substances by their mother will also affect children who are born with injuries as a result.

Disability

60. Continuing to allow claims from applicants who were involved in an incident where they had a 'reasonable fear' that they would be physically injured pays due regard to those applicants who have suffered a disabling mental injury as a result of the incident (e.g. those involved in a terrorist incident). This may constitute a positive effect on the group who are disabled as a result of their injury.

Race

61. We have some data to suggest that railway employees are more likely to come from Black and Minority Ethnic (BME) backgrounds than the population as a whole, so restricting eligibility for this category of witness may have an impact. However, we do not have data on the ethnicity of those who currently receive compensation under this provision so cannot be sure whether our reforms will have a greater effect on BME groups.⁶

Sex

62. A high proportion of railway workers are male. Out of 159,000 UK employees that work on the railways, it is estimated that 4% of the driving and maintenance workforce is female, 31% of the customer service staff workforce is female and 11% of engineering workforce is female⁷. This suggests that our policy reform regarding railway workers is likely to have a greater effect on men.

⁵ <http://www.hesonline.nhs.uk/Ease/servlet/ContentServer?siteID=1937&categoryID=864>

⁶ Out of 159,000 UK employees that work on the railways, 15% of the rail operations workforce and 5% of engineering workforce is from an ethnic minority background (<http://readingroom.skillsfundingagency.bis.gov.uk/sfa/nextstep/lmib/Next%20Step%20LMI%20Bitesize%20-%20Goskills%20-%20rail%20-%20Jun%202010.pdf>). 11% of workers in England are non-white and 3% in Scotland (Asset Skills UK Wide Sector Skills Assessment, 2011. Figure 7. Data derived from the Annual Population Survey 2009)

⁷

<http://readingroom.skillsfundingagency.bis.gov.uk/sfa/nextstep/lmib/Next%20Step%20LMI%20Bitesize%20-%20Goskills%20-%20rail%20-%20Jun%202010.pdf>

Equality issues raised during consultation

63. A few respondents raised issues around consent to sexual offences, to which the applicant has consented in that it may disproportionately affect child victims of sexual abuse, particularly girls if there is evidence to suggest that they complied due to lack of understanding.
64. One respondent raised concerns for those who may suffer a mental disability as a result of witnessing a crime.

Mitigation and justification

65. The policy decision is to maintain the proposals set out above and in the full consultation response. We believe that our mitigation, as set out below and in the initial EIA, sufficiently addresses any potential equality impact relating to this reform.
66. However, we have removed the mitigation in relation to witnesses, as we proposed to retain witnesses within the Scheme.
67. This reform pursues the aim that compensation should be focused on direct victims who suffer serious physical or mental injury as the direct result of deliberate violent crime, including the commission of sexual offences, of which they are the innocent victim. Taking this into consideration and on the basis of the evidence, we consider that it is proportionate that the scope of the Scheme should be restricted to these classes of victims and exclude those who are peripheral to the core purpose of the Scheme.
68. Regarding consent, there are good reasons why the law criminalises certain behaviour or deems those below a certain age unable to consent. However, eligibility for compensation from the State is different, and so we consider it is proportionate that where a person in fact consented to the behaviour, they should not then be able to benefit from state compensation for any injury which results. Current CICA policy practice in respect of sexual offences presumes that a child under 13 who is the victim of sexual assault will be eligible for compensation if an offence is reported to the police and the child cooperates so far as reasonably practicable with the criminal justice system. Between 13 and 15 a more difficult assessment must be made in each case. Consensual sexual activity between young people in this age group who are of similar age and circumstances should not attract criminal injuries compensation. Factors that claims officers consider in assessing this include age and emotional maturity (and the disparity in either), vulnerability, the reality of consent in all the circumstances, and the nature of the relationship between the parties.

Eligibility – connection to the UK

Policy proposals

Consultation proposal

69. We believe that applicants to the Scheme should have a connection to the UK. We proposed to award compensation only to those who have been lawfully resident in the UK for at least six months at the time of the incident. We considered that a minimum requirement of six months' residence demonstrates sufficient connection with the UK, such that it remains right that they should be eligible to claim under the Scheme.
70. While we believe that a residence test is the best way of determining connection with the UK, we are under a number of international and EU obligations which mean that some people will be exempt from the new test:
- a. nationals of EU and EEA Member States and their family members who are in the UK exercising their rights under EU law; and
 - b. nationals (not falling within (a)) of States party to the European Convention on the Compensation of Victims of Violent Crimes;
 - c. victims of human trafficking in accordance with EU Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims.
71. As the existing international and EU legal framework already requires us to pay awards to the nationals of many countries, we also proposed that no British citizen or close relative of a British citizen will have to satisfy the residence test. This is because we do not consider that British citizens should face additional eligibility hurdles and should be on the same footing as EU, EEA and certain Council of Europe (CoE) nationals who will remain eligible.
72. We proposed that serving members of the armed forces and their close relatives, who would not otherwise be eligible and cannot satisfy the residence test due to their service, should also be eligible. This is because we consider that they are connected to the UK by virtue of their service and it is right that should they be injured here, they should remain able to claim.
73. For reasons of administrative simplicity, we proposed to take the date of the incident as the relevant date for assessing whether the residence condition is met. If a person who at the date of the incident had been resident for six months has since left the UK, then that will not affect their eligibility to make a claim.

74. In fatal cases, bereaved relatives who apply to the Scheme would need to meet the residency requirements in the same way as other applicants. However, we did not propose to apply the residence condition in respect of the deceased, so long, as now, that the incident giving rise to the claim takes place in Great Britain.
75. We also proposed an alternative proposal that applicants must at least have been legally present in the UK at the time of the incident. This would mean those who were here illegally would not receive compensation, but everyone else, including short-term visitors, would remain eligible.

Post-consultation decision

76. Having considered the consultation responses we have decided to implement the following policy change:
77. Applicants who can show that they are ordinarily resident at the time of the incident in the UK will be able to apply for an award (removing the six month qualification).
78. A person is exempt from the residence requirement in paragraph 77 above if on the date of the first incident giving rise to the criminal injury which is the subject of the application they are:
- (a) a British citizen;
 - (b) a close relative of a British citizen;
 - (c) a national of a member state of the European Union or the European Economic Area;
 - (d) a person who has a right to be in the United Kingdom by virtue of being a family member of a national of a member state of the European Union or the European Economic Area;
 - (e) a national of a State party to the Council of Europe Convention on the Compensation of Victims of Violent Crimes (CETS No. 116, 1983);
 - (f) a serving member of the armed forces;
 - (g) an accompanying close relative of a member of the armed forces;
 - (h) A person who has been conclusively identified by a United Kingdom competent authority as a victim of trafficking in human beings; or
 - (i) a person who has been granted temporary protection, asylum or humanitarian protection under the immigration rules made under section 3(2) of the Immigration Act 1971.

Analysis

79. Due to limitations in the available evidence, we are unable to rule out the potential impacts of these reforms on any of the protected characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity and religion or belief. We have identified the potential effects on the following protected characteristics:

Race

80. If maintained as proposed, this policy reform would have adversely affected those foreign nationals who had not been ordinarily resident in the UK for at least six months at the time of the incident or to whom we do not otherwise have an obligation (e.g. victims of human trafficking and EU, EEA and certain Council of Europe nationals). We are not maintaining the requirement for six months residency, but are maintaining the policy that they demonstrate a connection to the UK through 'ordinary residence'. This will exclude visitors here on short term visas, including tourists, some students and non EU, EEA members who can not otherwise show they are resident at the time of the incident giving rise to the application.
81. We do not know how many victims of human trafficking there are in the UK or how many are victims of violent crime. Data from the first 24 months of operation of the National Referral Mechanism (NRM), which supports people identified as potential victims of human trafficking, showed that approx. 1,481 potential victims of human trafficking were identified between April 2009 and March 2011. It also shows that approximately 35% of referrals are EU/EEA nationals (we do not have data on those who are Council of Europe nationals), who will be eligible under our reforms if they suffer a relevant crime of violence. Consequently we considered what effect this policy would have on the remainder of human trafficking victims, who are not EU/EEA or Council of Europe nationals.
82. However, our reforms also state that those foreign nationals who have been conclusively identified as a victim of human trafficking (identification through the NRM is the most objective way of determining this according to the internationally accepted definition) and who have suffered a qualifying criminal injury will be eligible for compensation. This gives due regard to those foreign human trafficking victims who are not EU/EEA or Council of Europe nationals by exempting them from the ordinary residence requirement.
83. We have considered the impact on foreign nationals forced into domestic servitude in the UK who are victims of a crime of violence at the hands of their employers. The victim's immigration status will vary – some may be here illegally, others may be present here legally on a migrant domestic workers visa.

Reform of the Criminal Injuries Compensation Scheme Equality Impact Assessment

84. We have also considered what effect this reform would have on asylum-seekers who were here illegally at the time of the incident or had not had their status determined at the time of the incident, but by the time they apply, or come to have their application determined, have been granted refugee status/discretionary leave to remain.
85. Finally, our policy regarding serving members of the armed forces and their families gives due regard to serving foreign nationals in these circumstances.

Sex

86. Data from the NRM show that of 1,664 potential victims of human trafficking who were referred between April 2009 and June 2011, 72% were female.
87. This suggests that our reforms to retain eligibility for those conclusively identified as a victim of human trafficking for the purposes of the NRM gives due regard to foreign female victims of human trafficking who are not EU/EEA or Council of Europe nationals.
88. We did not identify any further categories of victims where there may be a gender related effect with regard to this policy, although we welcomed any evidence or feedback consultees may be able provide in support of any identified effect.

Sexual orientation

89. We have considered the effect this policy reform may have on those who are seeking asylum due to sexual orientation laws in their country. However, we do not have data on the number of asylum seekers who claim on this basis. During the consultation period we welcomed any further information or evidence that consultees may be able to provide on this subject, however we did not receive any further information from consultation responses.

Equality issues raised during consultation

90. Many respondents were concerned that the proposal to restrict eligibility on grounds of residence in the UK may impact on victims of ethnic or religious minority backgrounds.
91. Some respondents raised issues about women on spousal visas who escape domestic abuse and have no recourse to public funds.
92. Respondents also raised questions about our mitigation for asylum seekers who have made a claim at the date of the incident and whose application for asylum is subsequently rejected. These applicants would not receive an award under the Scheme.

93. Some respondents raised points about whether the NRM should be used as the basis to determine whether someone is a victim of human trafficking, in that some potential victims may not be recognised through this process, thus preventing them from claiming.
94. It was also suggested that some human trafficking victims may be ineligible for payments under our proposals for example, if such a victim came here unlawfully because they were exploited or coerced and have subsequently been recognised as a victim of human trafficking. These victims would be unable to show that they were victims of human trafficking at the time of their application.

Mitigation and justification

95. The policy decision is to change our proposal as set out in paragraphs 76-78 above and in the full consultation response. Our mitigation as set out below addresses any potential equality impact relating to this policy decision.
96. Any restrictions on eligibility to the Scheme based on residency status could give rise to potential adverse effects in relation to the protected characteristic of race. The tighter the residency restrictions the greater the potential impacts. Having considered the consultation responses we have decided to remove the requirement to demonstrate at least six months residency.
97. The revision of the policy will benefit those who arrive here and can show a settled purpose for their being in the UK at the time of the incident, including some students. Those who have to satisfy the residence test will no longer have to have done so for six months at the time of the incident; this is more proportionate and will exclude fewer people from the scheme while still maintaining the underlying policy of connection to the UK.
98. Any effects on those non- British victims for example, non EU/EEA members and visitors on short term visas, students and non EU/ EEA members may be mitigated in part. This is because those travelling to the UK for a short stay and suffer a criminal injury, are able to access Government funded emergency medical treatment on the NHS and support services for victims of crime whilst in the UK.
99. We will continue to make payments to those victims whom we are obliged to compensate under our EU and international obligations, including the European Directive on human trafficking which requires that such victims have access to compensation schemes.
100. We have also considered the points made by respondents in respect of human trafficking victims and the timing of their recognition as such a victim. We have developed the final policy proposals so that so long as the applicant has been referred to a competent authority by the time they

apply to the scheme they need not have done so at the time of the incident which is the subject of the application. This recognises that the human trafficking victim may have suffered abuse before they come to the attention of the authorities. So long as they are ultimately recognised as a victim of human trafficking, they will be exempt from the residence requirement. In order that human trafficking victims can get the benefit of this exemption, claims officers will be able to defer the decision under the Scheme for the identification process to take place. Those not conclusively recognised as human trafficking victims will have either to satisfy the residence test or one of the exemptions in the ordinary way. The final proposals satisfy our legal obligations to these victims.

101. Foreign nationals forced into domestic servitude are considered victims of human trafficking, subject to their identification as such through the NRM.
102. We have considered the position of asylum seekers. Like human trafficking victims we will not require them to have made an asylum claim at the date of the relevant incident, but rather at the date on which they apply to the Scheme. Those who are subsequently granted refugee status or discretionary leave or humanitarian protection to remain in the UK will be taken to have demonstrated their connection to the UK and will be eligible. While an asylum claim is being determined, the claims officer will be allowed to defer an application for compensation until the question of their refugee status is settled. Asylum seekers who are not ultimately given leave to remain in the UK will have their claim rejected unless they satisfy the residence requirement in another way.

Eligibility - reporting and cooperation

Policy proposals

Consultation proposal

103. We proposed to:

- clarify and strengthen reporting provisions, requiring that the offence must be reported to the police (rather than any other body) as soon as reasonably practicable after the incident, unless the claims officer is satisfied that the usual rules in respect of timing should not apply due to the age or mental capacity of the applicant or particular circumstances relating to the incident. Such circumstances would include cases in which trauma resulting from a sexual offence has led to a delay in reporting it to the police;
- require that the applicant cooperate so far as reasonably practicable in bringing any assailant to justice (for example, by agreeing to become a witness at trial) in order to qualify for any award. Considerations which might be taken into account in determining what cooperation is reasonably practicable for the victim would include their age and mental or physical capacity;
- retain provisions permitting claims officers to withhold or reduce an award where the applicant has failed to cooperate in determining the claim. This will include (as now) failure to respond to communications from CICA to the most recent address provided by the applicant.

104. Where the incident is not reported to the police as soon as reasonably practicable after the incident (subject to the exceptions outlined above) or the applicant does not cooperate, so far as it is reasonably practicable for them to do so, in bringing the assailant to justice, we proposed that no award will be made.

Post-consultation recommendation

105. Implement consultation policy proposal as set out above.

Analysis

106. Due to limitations in the available evidence, we are unable to rule out the potential impacts of these reforms on the protected characteristics of marriage and civil partnership and pregnancy and maternity. We have identified the potential effects on the following protected characteristics:

Age

107. Data from the CSEW (Table 1 in Annex B) shows information on the age of victims and whether they reported the incident to the police. There was no difference in reporting rates for violent crime between the age groups. The apparent differences between those aged 16-24 (36% of violent incidents reported) and those in older age groups (for example, 51% of violent incidents involving victims aged 65-74 were reported) were not statistically significant. This suggests that the reforms to reporting provisions are unlikely to have a differential effect on certain age groups. However the small sample sizes, particularly for the older age groups, mean that the CSEW data should be treated with caution.
108. We have considered the requirement that the offence must be reported to the police as soon as reasonably practicable after the incident and the effect this reform may have in respect of those victims who did not make the decision to report themselves, such as child victims of sexual abuse.
109. Regarding our reform in relation to cooperation, we have considered the effects arising from a situation where a child maintains that a crime occurred, but the parent/guardian is unwilling to let the child continue with the process in bringing the assailant to justice.
110. We have also considered whether risk of intimidation may make it less likely that victims in certain age groups will report to the police or cooperate in bringing the assailant to justice. The CSEW in 1994 and 1998 collected data on victim intimidation (for adults).⁸ The age of the survey respondent did not have a marked effect on the likelihood of being intimidated. In addition, only a minority of victims who were intimidated said they were intimidated so as to deter them from giving evidence to the police or in court.
111. Nevertheless, in practice the criminal justice system recognises the possibility that a victim's age may make them more vulnerable or more likely to be intimidated. Under the Youth Justice and Criminal Evidence Act 1999, under 18s are by definition 'vulnerable' and therefore have to be considered for particular assistance and arrangements. In addition, official guidance to the police⁹ notes that victims and witnesses who are elderly and frail may be intimidated.
112. However, we recognise that the position of a child is not the same as an intimidated adult (although there may be an overlap) and our plans to make reasonable adjustments to take account of that, which are set out in paragraph 21 of the Scheme regarding reporting to the police as soon as reasonably practicable refers to age and capacity in considering what is reasonably practicable.

Disability

⁸ Victim and Witness Intimidation: Findings from the British Crime Survey, Tarling, Dowds and Budd, 2000

⁹ Vulnerable and Intimidated Witnesses: A Police Service Guide, MoJ, 2011

113. Table 1 in Annex B shows data from the CSEW on the disability status of victims and whether they reported to the police. The difference between the percentage of incidents of violent crime that were reported by those victims who had a long-standing disability or illness (41%) and those victims who did not have a long-standing illness or disability (40%) was not statistically significant. This suggests that the reforms to reporting provisions are unlikely to have a differential effect on victims with disabilities.
114. We have considered whether risk of intimidation may make it less likely that disabled people will report to the police or cooperate in bringing the assailant to justice. Under the Youth Justice and Criminal Evidence Act 1999, witnesses who are suffering from a mental disorder, who have a significant impairment of intelligence or social functioning, or who have a physical disability or are suffering from a physical disorder, are by definition vulnerable. In addition, police guidance on vulnerable and intimidated witnesses advises that victims and witnesses in cases involving crime motivated by reasons relating to disability may be intimidated (though of course many disabled victims will not have been victims of disability-related hate crime). On the other hand, CICA guidance also notes that "staff must remain mindful of the fact that not all of those with a disability will be vulnerable or intimidated or would wish to be regarded as such."¹⁰

Gender reassignment

115. We do not have any data on reporting rates by gender reassignment status.
116. We have considered whether this policy reform to tighten reporting provisions may affect those applicants whose gender reassignment status may present a barrier to them reporting the crime to the police. Police guidance on vulnerable and intimidated witnesses advises that victims and witnesses in cases involving trans-phobic crime may be intimidated, though of course many transgender victims of violent crime will not have been targeted because of their gender reassignment status. However, we do not know of any robust evidence that would allow us to draw conclusions about whether or not transgender people are less likely to report incidents of violent crime to the police than the population at large.¹¹ We did not receive any further information or evidence during the consultation that we had not previously considered.

¹⁰ Staff guidance – Criminal Injuries Compensation Authority

¹¹ We have considered the report written for the Equalities Review (*Engendered Penalties: Transgender and Transsexual People's Experiences of Inequality and Discrimination*, Whittle, Turner and Al-Alami, 2007) which included some results on the attitudes of trans-gender people to the police. We are also aware of the 2008 report on the Scottish Transgender Alliance survey of transgender people living in Scotland. However, we are not able to draw robust comparisons from this work to enable us to identify potential differential effects.

Race

117. Data from the CSEW on the ethnicity of victims and whether they reported to the police shows that the difference between the percentage of incidents of violent crime involving white victims that were reported (41% of incidents) and the percentage of incidents involving victims of black and minority ethnic backgrounds that were reported was not statistically significant (Table 1 in Annex B). This suggests that the reforms to reporting provisions are unlikely to have a differential effect on certain ethnic groups; however the small sample sizes, particularly for the black and minority ethnic groups, mean that the CSEW data should be treated with caution.
118. We are alert to the possibility that in some cases, members of a particular ethnic group may be less likely to report certain crimes to the police. For example, *How Fair is Britain*¹² suggests that some women from particular ethnic minority backgrounds fear reporting domestic violence because of the ramifications for and within their communities. Research¹³ suggests that members of the Gypsy and Traveller community may be particularly reluctant to report to the police. We did not receive any further information from consultation responses.
119. We have also considered the effect our reforms on reporting to the police may have on foreign victims of human trafficking, who may be more reluctant to report the crime for fear of ramifications for both themselves and their families back in their country of origin.
120. We have also considered whether risk of intimidation may make it less likely that victims in certain race groups will report to the police or cooperate in bringing the assailant to justice. Police guidance¹⁴ advises that victims in cases involving racially motivated crime may be intimidated, and that the social and cultural background and ethnic origins of the witness may be relevant to assessing whether they are likely to be intimidated. But, we do not have quantitative data that would allow us to assess the prevalence of these issues, and we did not receive any further information from consultation responses.

Religion and belief

121. We do not have CSEW data on reporting rates according to religion due to small sample sizes, and therefore cannot say whether this reform is likely to have a differential effect on members of particular religions.
122. We are alert to the possibility that in some cases members of certain faith communities may face barriers in reporting certain types of crime to the police. Examples include those who suffer religious hate crime and

¹² How Fair is Britain? The first Triennial Review – Equality and Human Rights Commission – Oct 2010

¹³ Inequalities Experienced by Gypsy and Traveller Communities: A Review. Research Report 12. Manchester: Equality and Human Rights Commission; Access to Justice: a review of existing evidence of the experiences of minority groups based on ethnicity, identity and sexuality. Ministry of Justice Research Series 07/09

¹⁴ Vulnerable and Intimidated Witnesses: A Police Service Guide, MoJ, 2011

may fear coming forward due to their faith status and public perception of it; and concerns about family and community 'honour' which may deter those from certain faith communities from wanting to report, particularly in cases of domestic or sexual violence.

Sex

123. Table 1 in Annex B shows information from the CSEW on the sex of victims and whether they reported to the police. Incidents of violent crimes involving male victims were less likely to be reported to the police (36% of incidents) than incidents involving female victims (46% of incidents). This suggests that the reforms to reporting provisions may have a differential effect on men. However, these figures are for 'all CSEW violence' and include crimes that do not result in injury; therefore they are not directly comparable with the pool of people eligible for compensation from the CICS.
124. We have considered whether risk of intimidation may make it less likely that victims of a particular gender will report to the police or cooperate in bringing the assailant to justice. The CSEW in 1994 and 1998 collected data on victim intimidation (for adults)¹⁵. The data showed that women are more likely to be intimidated than men in general. However, only a minority of victims who were intimidated said they were intimidated so as to deter them from giving evidence to the police or in court. It is therefore difficult to draw firm conclusions from this evidence about the likely overall impact of these proposals for reporting and cooperation and their proposed tightening.
125. Nevertheless, as was noted in the initial EIA, many of the incidents where women reported intimidation involved domestic violence, and official guidance to the police on vulnerable and intimidated witnesses advises that victims and witnesses in cases involving domestic violence may be intimidated. Data from the 2010/11 CSEW shows that only 23% of victims (male and female adults aged 16-59) of partner abuse told the police about their assault, 42% did not tell the police because they thought the incident was too trivial or not worth reporting, however 5% did not report the incident as they feared more violence would result from reporting. Regarding cooperation, 23% of cases came to court as a result of telling the police about the partner abuse experienced. Of the 73% of cases that didn't come to court,¹⁶ for 41% the reason was because the victim decided not to continue,¹⁷ however, it is not known why the victim decided not to continue in these cases.
126. We have also considered that the policy change and the rule that the offence must be reported to the police (and not any other body) had the potential particularly to affect victims of rape or sexual violence. The

¹⁵ Victim and Witness Intimidation: Findings from the British Crime Survey, Tarling, Dowds and Budd, 2000

¹⁶ In addition to the 23% of cases that came to court, 3% had not yet come to court.

¹⁷ Homicides, Firearms offences and Intimate Violence 2010/11: Supplementary Volume to Crime in England and Wales 2010/11, Tables 3.18, 3.20, 3.21

Stern Review¹⁸ states that for these victims “reporting the crime will probably be a distressing experience for the victim – more distressing than reporting most other crimes. Reporting a rape is intimate and for most people, feels humiliating”.

127. Data from the 2010/11 CSEW on risk of victimisation of sexual assault shows that more women than men are victims of serious sexual assault (0.5 % of men, compared to 5.1 % of women, have been victims of serious sexual assault at some time since they were 16).¹⁹ This suggests that the reforms to reporting provisions may have a differential effect on women.
128. Data from the 2009/10 CSEW shows that only 11% of victims of serious sexual assault told the police about their assault.²⁰ The number of male victims in the CSEW sample was too small for an estimate of the proportion of men who report their sexual assault. We therefore do not know whether this reform might have different effects for male and female victims of serious sexual assault.

Sexual orientation

129. We do not have CSEW data on reporting rates by sexual orientation due to small sample sizes, therefore we cannot say if the reforms to reporting provisions are likely to have a different effect on people of different sexual orientations.
130. We have considered that this reform may affect those applicants whose sexual orientation may present a barrier to them reporting the crime to the police. Police guidance on vulnerable and intimidated witnesses advises that victims and witnesses in cases involving homophobic crime may be intimidated, though of course many lesbian, gay and bisexual (LGB) victims of violent crime will not have been targeted because of their sexual orientation.
131. Data from a Stonewall study into the attitudes of British LGB people towards the criminal justice system²¹ found that 1 out of 5 of the 1,658 LGB people surveyed would expect discrimination from the police if they reported an offence; and a quarter thought they would be treated worse than any other victim if they reported a homophobic incident. However, we have little information about how representative the sample is from this survey and the methods used to analyse the data, so these findings should be treated as indicative only. We also do not know if attitudes to the police are associated with reporting rates for victims of violent crime.²²

¹⁸ The Stern Review: A report by Baroness Vivien Stern CBE of an independent review into how rape complaints are handled by public authorities in England and Wales

¹⁹ Homicides, Firearms offences and Intimate Violence 2010/11: Supplementary Volume 2 to Crime in England and Wales 2010/11, table 3.01.

²⁰ Homicides, Firearms offences and Intimate Violence 2009/10: Supplementary Volume 2 to Crime in England and Wales 2009/10, Chapter 3

²¹ Serves you right: Lesbian and gay people's expectations of discrimination (2008)

²² The Stonewall survey also found that nearly one in three lesbian and gay people had reported an offence or suspected offence to the police in the preceding 12 months. However, we do not have information on

Equality issues raised during consultation

132. Many respondents raised the issue of intimidation and reprisals in relation to children and women, victims of hate crime and human trafficking victims. Their fear may prevent them from reporting and so in turn they will be prevented from applying to the Scheme. Regarding human trafficking victims, one respondent pointed out that article 9(1) of the Trafficking Directive requires signatory Member States to ensure that the investigation and prosecution of human trafficking offences is not dependent on the reporting or accusation by a victim and criminal proceedings may continue even where a victim has withdrawn their statement.
133. Some respondents also raised the point that people with learning difficulties or mental health problems mistrust the police, so the restriction on reporting may prevent them from applying to the Scheme. Others said that there could be an adverse effect on disabled people in that their disability puts them at a disadvantage in comparison to non-disabled people.
134. A respondent suggested that cultural differences and language difficulties may affect the level of engagement of a victim with the criminal justice system. They stated that there is a need to ensure that this does not inadvertently affect applicants' eligibility for compensation under the reforms.

Mitigation and justification

135. The policy decision is to maintain the consultation proposal as set out above and in the full consultation response. Our mitigation as set out below addresses any potential equality impact relating to this policy decision.
136. These reforms aim to support the principle that victims of crime should report their crime to the police, and should cooperate in bringing their assailant to justice. Cooperation may not be easy, and may take considerable courage, but in principle, the Government considers that state-funded compensation should only be paid to those who take this step and cooperate fully with the authorities. A police report and subsequent investigation also provides claims officers with the best possible evidence on which to determine whether the applicant has, on the balance of probabilities, been the victim of a crime of violence, and to examine the circumstances of the case. Without that report, or the victim's co-operation in any subsequent proceedings, it can be very difficult to determine whether compensation should be paid.

either the comparable rate for heterosexual people, or contextual information on the likelihood of being a victim or witnessing an offence by sexual orientation.

137. Intimidation in itself is not currently a reason to waive the requirement that the applicant report the crime to the police or cooperate in bringing the assailant to justice. Given the reasons for the cooperation requirement set out above, we do not intend to change the policy and will continue to require reporting and co-operation in these circumstances.
138. As our mitigation sets out, greater support is now available for intimidated victims and witnesses. In addition, in certain categories of victims, or in certain circumstances, e.g. people with disabilities, children and victims of sexual offences, claims officers can waive timing restrictions both on reporting and in determining what is reasonably practicable in terms of cooperation with the criminal justice process.
139. In most instances of language barriers, CICA state that they help where they can, where there is already not some form of support in place, and will continue to do so by signposting to free local translation services. Where appropriate CICA also use The Big Word²³ and its telephone support service to assist. For applicants who lack mental capacity, where there would not already be some form of support in place, CICA would direct people to local statutory services in the first instance.
140. In the case of reporting to the police, alongside arrangements in place to support vulnerable and intimidated witnesses (including police guidance), we have also taken into account the points made by respondents in respect particularly of the vulnerable, such as human trafficking victims and those who may suffer from disability. However, we do not, as one respondent suggested, consider that we are under a legal obligation to waive the reporting and cooperation requirements in respect of human trafficking victims.
141. However, in response to the points made in consultation, we are making explicit in the Scheme that in determining when it was reasonably practicable for the crime giving rise to the application to be reported, claims officers are directed to take into account, in particular, the age and capacity of the applicant, and whether the effect of the incident on the applicant was such that it could not reasonably have been reported earlier. This recognises the position of the young and old, and the disabled, as well as the particularly traumatising effect of certain offences, such as human trafficking and sexual assault. These effects will be relevant to determining when it was reasonable to report the crime to the police. In the case of human trafficking victims, this may not be until the victim is free of their traffickers.
142. Regarding cooperation with the criminal justice system, claims officers are also required to take into account the particular circumstances of the case in determining what it is reasonably practicable for the applicant,

²³ Under the UK Government's Framework Agreement thebigwordGroup have been appointed as the approved supplier of translation and interpreting services to Government departments - <http://www.thebigword.com/>

which would include the applicant's age and mental or physical capacity and the circumstances of the victim.

143. In the situation where a child maintains that a crime occurred, but the parent or guardian is unwilling to let the child continue to cooperate in process of bringing the assailant to justice, claims officers would in the exercise of their discretion, take into account the applicant's age or mental capacity and could accept the initial police report as evidence of the victim's cooperation, regardless of the influence of the parent/guardian on any decision going forward.
144. Our reforms concerning cooperation also take account of the improvements in support functions since the statutory Scheme began. Victims and other witnesses are offered practical support during engagement with the criminal justice system (see Part 1 of the Government's response to the consultation).
145. Additionally, the Government's Call to End Violence against Women and Girls (VAWG) action plan sets out wide range of actions the Government will be taking forward with key partners to deliver its strategy to tackle VAWG and to provide support for such victims.

Eligibility – where the applicant is under 18

Policy proposals

Consultation proposal

146. Currently a claims officer may withhold an award if he or she believes it may be in the best interests of the child.²⁴ We proposed to change this rule so as not to deprive the child victim of an award that might assist them later in life. An award can be placed in trust, and the family or carers of the child can explain the origin of the award, as they see fit at an appropriate time.

Post-consultation decision

147. Implement consultation policy proposal.

Analysis

148. Due to limitations in the available evidence, we are unable to rule out the potential impacts of these proposals on any of the protected characteristics of disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. We have identified the following potential effects on these protected characteristics:

Age

149. Changing the rule that an award is withheld on the basis of the claims officer's assessment of what may be in the best interests of the child in future, promotes equality of opportunity for those applicants under the age of 18 who can now claim in this instance. This may constitute a positive effect on this group.

Equality issues raised during consultation

150. No equality points were made regarding this proposal.

Mitigation and justification

151. This policy reform demonstrates a positive effect. In addition we have been unable to identify any potential adverse effects, either through our own analysis or via consultation. As such, we consider this reform justified and suggest that no further mitigation is required.

²⁴ Paragraph 16(b) of the Scheme.

Eligibility – where the assailant may benefit and injuries occurred prior to 1 October 1979

Policy proposals

152. Schemes prior to 1979 precluded compensation from being awarded if the applicant and assailant were living together in the same household. This was designed to prevent the assailant from benefiting from an award.
153. In 1979, following a review, the rules changed. For offences committed on or after 1 October 1979, an award could be made where the assailant and applicant lived together so as long as the assailant has been prosecuted in connection with the offence, or a claims officer considers there are good reasons why a prosecution has not been brought; and, in the case of adults in the family, the claims officer is satisfied that the applicant and assailant stopped living together and are unlikely to do so again. For offences committed before 1 October 1979, the original rules still apply.
154. We proposed to retain these rules designed to prevent an assailant benefiting from an award, both in relation to incidents before, on and after 1 October 1979.²⁵ In respect of incidents on or after 1 October 1979, an award will not be paid in the case of adults, unless the assailant and victim have stopped living together and the claims officer is satisfied that they are unlikely to do so again. However, we proposed to remove the provision (which is set out in paragraph 17 (a) of the current Scheme) which states that an award will not be paid unless a prosecution has been brought (or there are good reasons why not). We considered that in the light of the reporting and cooperation requirements in the Scheme removal of this paragraph was proportionate.

Post-consultation decision

155. Maintain current policy

Analysis

156. Due to limitations in the available evidence, we are unable to rule out the potential impacts of these reforms on any of the protected characteristics of age, gender reassignment, marriage and civil partnership, pregnancy and maternity. We have identified potential effects on the following protected characteristics:

²⁵ Paragraphs 7(b) (no award in relation to injuries sustained prior to 1 October 1979), 16 and 17 of the Scheme

Disability

157. We have considered whether retaining existing rules preventing an award where the victims and the assailant were living together in the same household would have an effect on disabled people where the assailant is a member of their family and their main carer or a live in carer. Data from the 2009/10 CSEW (Table 2 in Annex B) suggests that a higher proportion of disabled people suffer domestic violence than non-disabled people.

Race

158. We have considered whether retaining existing rules preventing an award where the victims and the assailant were living together in the same household would affect people of particular ethnic origins facing domestic violence, where aspects of their culture present a barrier to them or the assailant leaving the household, e.g. perceived family 'shame', cultural disapproval of divorce, fear of homelessness and being ostracised from the community. However, CSEW data shows, for the most part, little variation in the experience of domestic abuse by ethnicity (Table 2 in Annex B).

Religion and belief

159. We have considered whether retaining existing rules would have an effect on people of particular religions/beliefs facing domestic violence, where aspects of their religion present a barrier to them or the assailant leaving the household. Table 3 in Annex B shows data on the risk of being a victim of domestic abuse by religion from the 2009/10 and 2010/11 CSEW. The data shows little difference in the risk of being a victim of domestic abuse across religious groups; although people who said they had no religion were more likely to be a victim (7%) than people who were Christian, Buddhist or Hindu.

Sex

160. We have considered whether retaining existing rules preventing an award where the victims and the assailant were living together in the same household may have a differential effect on women as compared to the general population.
161. In the case where injury was sustained before 1 October 1979, we have considered that the majority of cases may involve female applicants who have suffered historic abuse.
162. In relation to current victims, who were living with the assailant in the same household at the time of the incident, we considered the effect on victims of domestic abuse (who are mainly female) who may find it difficult to leave the relationship and the household. CSEW data shows where the victim (male and female adults aged 16-59) lived with an

abuse partner (23% of victims), 58% did not leave the shared accommodation because of the abuse.²⁶

Sexual orientation

163. We have considered whether retaining existing rules would have an effect on people of particular sexual orientations facing domestic violence. Table 9 in Annex B shows data on the risk of being a victim of domestic abuse by sexual orientation from the 2009/10 and 2010/11 CSEW. The data shows that bisexual people were more likely to be a victim of domestic abuse (17 per cent) than heterosexual people (6 per cent).

Equality issues raised during consultation

164. No equality points were made regarding this proposal

Mitigation and justification

165. In relation to incidents on or after 1 October 1979, our policy changes will remove the requirement that a prosecution must have taken place, or there is a good reason why there has been no prosecution. The reason for this is because we consider that the rules on cooperation with the criminal justice system and the requirement that the victim and assailant no longer live together should be sufficient to ensure that the offender does not benefit from the award, and, if possible, is brought to justice.

166. However, we will retain our policy in the historic rules relating to injuries prior to 1 October 1979. In these cases, awards will not be made where the victim and the assailant were living together as members of the same family. This rule was changed in 1979 to make it easier for victims of crime in their own homes to claim compensation. However, at that time the decision was taken to change the rules prospectively rather than retrospectively. This was a legitimate choice made at the time, and was in line with the general approach that changes are ordinarily made going forward, rather than in respect of historic claims. The rule has therefore been a feature of every Scheme since 1979.

167. In the light of the potential impacts of retaining the rule, we have considered whether the Secretary of State should amend the rule in relation to injuries sustained before 1 October 1979. We have concluded that it is justified to retain that rule on the basis that one of the aims of the reform of the Scheme is to reduce the burden on the taxpayer and make the Scheme sustainable in the long term. On that basis, and taking into account the policy reforms to reduce elements of compensation in the Scheme in the future, and restrict its scope, we will not change this rule as it would have the effect of increasing the Scheme's potential

²⁶ Home Office Statistical Bulletin 10/11: Homicides, Firearms offences and Intimate Violence 2010/11: Supplementary Volume to Crime in England and Wales 2010/11 – Table 3.13

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liability in an uncertain way in respect of injuries sustained between 1964 and 1979, more than 30 years ago. To open the Scheme up in this way would also involve a significant administrative burden for CICA and could present difficulties for claims officers in establishing the link between the offence and the injuries.

168. Although our data on disability and sexual orientation suggests that a higher proportion of disabled people and bisexual people suffer domestic violence than non-disabled people and heterosexual people, the data includes abuse that does not result in injury. It is therefore not directly comparable with the pool of people eligible for compensation from the Scheme, so we cannot be sure if there will be a differential effect on disabled and bisexual people who will be put at a particular disadvantage.

Conduct and character – conduct

Policy proposals

Consultation proposal

169. We proposed to retain the current discretion to withhold or reduce an award because the conduct of the applicant before, during or after the incident makes it inappropriate for an award to be made.²⁷
170. We also proposed that use of alcohol or drugs would only be a ground for reducing or withholding an award where it has contributed to the injury or its effects, and that payment should not be withheld or reduced solely because alcohol or drugs increased an applicant's vulnerability to attack. We believe this is particularly pertinent in the case of rape victims and, in clarifying our policy in this way, our approach takes into account the recommendations of Baroness Stern's independent review²⁸ into how rape complaints are handled by public authorities.

Post-consultation decision

171. Implement consultation policy proposal

Analysis

172. Due to limitations in the available evidence, we are unable to rule out the potential impacts of these reforms on any of the protected characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief and sexual orientation. We have identified the following potential effects on these protected characteristics:

Sex

173. The clarification regarding the use of alcohol or drugs and the circumstances where an award may be reduced or withheld will mean that there will be greater certainty for applicants and claims officers in determining awards for victims of rape and sexual violence, the majority of whom are women. This may constitute as a positive effect on this particular group.

Equality issues raised during consultation

174. No equality points were made regarding this policy reform.

²⁷ Paragraphs 13(1)(d) and (14)(2) of the Scheme.

²⁸ The Stern Review (2010): A report by Baroness Vivien Stern CBE of an independent review into how rape complaints are handled by public authorities in England and Wales

Mitigation and justification

175. This policy reform demonstrates a positive effect. In addition we have been unable to identify any potential adverse effects, either through our own analysis or via consultation. As such, we consider this reform justified and suggest that no further mitigation is required.

Conduct and character – character and previous convictions

Policy proposals

Consultation proposal

176. We proposed to tighten existing provisions relating to an applicant's unspent criminal convictions. The options we have considered were:
- **Option A:** all those with any unspent criminal conviction should be excluded from claiming under the Scheme, retaining a discretion to depart from the rule only in exceptional circumstances. Those who have spent convictions under the Rehabilitation of Offenders Act 1974 (ROA) at the date of application or death will still be eligible to claim.
 - **Option B:** to exclude from the Scheme those who have unspent convictions for offences which could give rise to an award under the Scheme (namely, for violent or sexual offences). Those with unspent convictions relating to other offences would continue to have their awards reduced or withheld unless there are exceptional circumstances justifying the making of a full or partial award. Reductions for other unspent convictions would be based on the following factors, as at present:
 - the nature of the offence;
 - the sentence passed for the offence;
 - the length of time elapsed since the sentence was passed; and
 - the circumstances giving rise to the claim.

177. In the initial EIA we favoured Option A. Under this option, we also proposed to include a discretion to depart from this rule in exceptional circumstances for example where the victim was assaulted in attempting to prevent a crime or where the victim had engaged in serious criminal activity in their youth (resulting in more than 30 months imprisonment, meaning that their conviction can never be spent) but had shown themselves to have fully reformed later in life.

Post-consultation decision

178. Having taken into consideration the consultation responses we have decided to implement this policy change in the terms set out below.
179. An award will not be made to an applicant who on the date of application has an unspent conviction which resulted in either a custodial sentence

or a community order. In the case of other unspent convictions an award will be reduced or withheld unless there are exceptional circumstances. Applicants with motoring offences for which the only penalty imposed was one or more of an endorsement, penalty points or a fine under Schedule 2 to the Road Traffic Offenders Act 1988 are exempt from this provision and will not generally have their awards reduced.

Analysis

180. The impact of this reform is likely to be affected by the reform of the Rehabilitation of Offenders Act (ROA) 1974. The necessary changes to systems and processes to deliver the reforms to the ROA, which will apply in England and Wales, are expected to be in place by spring 2013 and it is only then that the changes to the ROA can be commenced. In the meantime, the current law will remain in force. The changes to the ROA will change the rehabilitation periods for different sentences; most will become shorter, though custodial sentences of more than 4 years will still never be spent²⁹. In addition, the rehabilitation periods will commence when the sentence ends (including any period spent by the offender on license), rather than from the date that the offender is convicted. As most convictions will be spent more quickly, the changes to the ROA are likely to reduce the impact of these reforms. The analysis presented below is based on the ROA as it currently stands.
181. As the ROA is an area of devolved responsibility, the Government's reforms to the scope of the Act and to rehabilitation periods only apply in England and Wales. No changes to related legislation have been made in Scotland and Northern Ireland where the current scheme will remain in place.
182. Due to limitations in the available evidence, we are unable to rule out the potential impacts of the reforms, in relation to conduct and character, on any of the protected characteristics of gender reassignment, marriage and civil partnership, pregnancy and maternity and religion or belief. We have identified the potential effects on the following protected characteristics:

²⁹ The relevant rehabilitation periods will be as follows:

- • Custodial sentences over 0 months and up to and including 6 months, the conviction would not become spent until 2 years after the end of the sentence;
- • Custodial sentences of over 6 months and up to and including 30 months, the conviction would not become spent until 4 years after the end of the sentence;
- • Custodial sentences of over 30 months and up to and including 4 years, the conviction would not become spent until 7 years after the end of the sentence;
- • Custodial sentence of over 4 years can never be spent;
- • Community order, the conviction would not become spent until 1 year after the end of the order;

These rehabilitation periods will be halved for offenders who are under the age of 18 at the point of conviction with one exception (to ensure that the total rehabilitation period for short custodial sentences is appropriate and proportionate when compared to youth rehabilitation orders), that custodial sentences over 0 months and up to and including 6 months in custody would not become spent until 18 months after the end of the sentence for offenders who are under 18 at the point of conviction."

Age

183. Data is not available on the characteristics of those with unspent convictions. We have data on the ages of those sentenced to various disposals. The relevance of age at time of sentence varies across disposals. As rehabilitation periods are subject to a reduction by half for persons under 18, the new rules in relation to eligibility for compensation will impact less adversely in respect of juveniles. Where the conviction will take a long time to be spent (or will never be spent) then the impact of the reforms will fall across older age groups as well.
184. The data in tables 26 and 27 in Annex B suggests that younger people (those aged under 40 for England and Wales and aged 16 – 30 for Scotland) are overrepresented amongst those sentenced to custodial or community sentences compared to the population at large. We would therefore expect them to be overrepresented amongst those with unspent convictions compared to the population at large.
185. However, we also know that older offenders are more likely to be given custodial sentences of longer than 30 months compared to all offenders given custodial sentences; under the ROA, these sentences can never become spent³⁰.
186. These statistics relate to the entire offender population. The CICS only affects offenders who are subsequently victims of violent crime. The data therefore suggests, but does not prove, that, in comparison with the general population, the proportion of younger victims of violent crime with unspent convictions might be higher than the proportion of older victims. If this is the case, both the current arrangements (of reducing or withholding an award on grounds of criminal convictions) and the reforms to strengthen these provisions are likely to have a greater adverse effect on younger people. This would reflect the composition of the offender population and that of the CICS recipients, where younger adults aged 16 – 24 are overrepresented, thus resulting in an even greater effect on this age group.

Disability

187. As noted above, we do not have data on the characteristics of those with unspent convictions – or on those with unspent convictions who are victims of violent crime.
188. Data from the Surveying Prisoner Crime Reduction prisoner survey suggests that around a third of prisoners aged 18 and over serving custodial sentences of less than 4 years classified themselves as having a ‘longstanding illness, disability, or infirmity of any kind’³¹. 51% of a

³⁰ See www.justice.gov.uk/downloads/legislation/bills-acts/legal-aid-sentencing/laspo-rehab-of-offenders-act-eia.pdf

³¹ Data from, <http://www.justice.gov.uk/publications/statistics-and-data/reoffending/compendium-of-reoffending-statistics-and-analysis.htm>

The data is from the Surveying Prisoner Crime Reduction prisoner survey and the exact question asked was “Can I check, did you have any longstanding illness, disability, or infirmity of any kind just before you

sample of people starting community orders stated that they had a longstanding illness, disability, or infirmity of some kind. It is a reasonable assumption that at least some of these people will be disabled under the Equality Act 2010. 33% of the total sample stated that they had a health condition or disability that limits their ability to carry out everyday activities a great deal or to some extent, and 14% of the total sample stated that they needed help with a physical health condition or disability. These figures compare to 22% of the general population of adults. This suggests the potential for a differential effect, but we are not in a position to say with confidence whether this reform might have a greater effect on disabled people than others.

189. We have considered data relating to mental health and prisoners, which shows that one-quarter (25%) of a sample of prisoners³² was estimated to be suffering from anxiety and depression, and a further 23% of prisoners were estimated to be suffering anxiety or depression (but not both). This means almost half of the sample was identified as suffering anxiety and/or depression compared with 15% of the general population who were estimated to be suffering from different types of anxiety and depression³³.

Race

190. Table 28 in Annex B shows the proportion of people given different sentences in 2010 in England and Wales, from different ethnic groups. Black people are overrepresented amongst those sentenced to custodial or community sentences compared to the population at large. These are the sentences that take the longest to become spent. These figures suggest that the Black ethnic group is more heavily represented amongst those with unspent convictions compared to the population at large.
191. We also know that offenders from the Black ethnic group are more likely to be given custodial sentences of longer than 30 months compared to all offenders given custodial sentences³⁴; these sentences can never become spent under the ROA.
192. Data on prison receptions or community sentences in Scotland are not published by ethnicity. The Statistical Bulletin Crime and Justice Series: Prison Statistics Scotland: 2010-11³⁵ shows that in 2010, 96% of the

came into custody? By longstanding I mean anything that has troubled you over a period of time or that is likely to affect you over a period of time. Please remember that your answer is treated in the strictest confidence and that none of this information will be passed to anyone in the prison or to any government agency that can identify you as an individual."

³² Surveying Prisoner Crime Reduction (SPCR), a longitudinal cohort study of 1,435 adult prisoners sentenced to between one month and four years in prison in 2005 and 2006.

³³ NHS Information Centre for Health and Social Care, Adult Psychiatric Morbidity in England, 2007: Results of a Household Survey, available at: <http://www.ic.nhs.uk/pubs/psychiatricmorbidity07>

³⁴ See www.justice.gov.uk/downloads/legislation/bills-acts/legal-aid-sentencing/laspo-rehab-of-offenders-act-eia.pdf

³⁵ Statistical Bulletin Crime and Justice Series: Prison Statistics Scotland: 2010-11 <http://www.scotland.gov.uk/Publications/2011/08/19154230/8>

Scottish prison population were from White ethnic backgrounds. The 2001 census found that 98% of the population of Scotland were from White ethnic backgrounds. This suggests that people from minority ethnic backgrounds may be slightly overrepresented in the prison population - and therefore amongst those with unspent convictions – in Scotland. However, it is important to note that the census data is now quite old, and the ethnic make up of Scotland may have changed since 2001.

193. The above suggests that any rule that applies to people by virtue of their unspent convictions would be likely to have a greater effect on members of the Black ethnic group. However, it should be noted that the population of interest here is not all those with unspent convictions, but rather those with unspent convictions who are also victims of violent crime. We have no data on this category and so are not able to draw firm conclusions. The ethnic breakdown of recipients of CICS awards in general suggested it was similar to that of the general BME population, but this did exclude unknown cases where race was not recorded and there were high levels of missing data.
194. We do not have any evidence to suggest that there are particular groups of offenders who are both drawn predominantly from one ethnicity and who are at particular risk of subsequent violent crime.
195. We have also considered that taking into account a person's conduct with regard to their immigration status and withholding or reducing an award due to their conduct or character in such circumstances may have a greater effect on those of non-British nationality. However, combined with our reforms on connection to the UK, any reduction will be of less importance than whether the applicant is eligible to apply.

Sex

196. Data on the characteristics of the population with unspent convictions is not available.
197. The population at large is comprised of 51% women and 49% men. Tables 29 and 30 in Annex B show the gender split of those given different sentences. It is clear that more men than women receive every sentence type, and therefore that at any one time there will be more men than women with unspent convictions.
198. We also know that a slightly higher proportion of male offenders are given custodial sentences of longer than 30 months compared to all offenders given custodial sentences³⁶; these sentences can never become spent under the ROA.

³⁶ See www.justice.gov.uk/downloads/legislation/bills-acts/legal-aid-sentencing/laspo-rehab-of-offenders-act-eia.pdf

199. These statistics relate to the entire offender population. The CICS only affects offenders who are subsequently victims of violent crime. They therefore suggest, but do not prove, that the proportion of male victims of violent crime with unspent convictions might be higher than the proportion of female victims. If this is the case, both the current arrangements (of reducing or withholding an award on grounds of criminal convictions) and the proposal to strengthen these provisions are likely to have a greater effect on men. The likelihood of such an impact is further strengthened by the fact men make up the greater number of CICS recipients.
200. There may be specific offence types that involve one gender more than another and where excluding all those with unspent convictions would be a particular concern.
201. One area we have considered is prostitution, which primarily involves women. Statistical research in this area is challenging. Nevertheless, a number of (small scale) studies are summarised in the Home Office publication *Solutions and Strategies: drug problems and street sex markets*.³⁷ Taken together, these suggest that a substantial proportion of female sex workers may have convictions for soliciting, as well as for other offences including drug offences and shop lifting and that a substantial proportion also suffer violent crime, including, but not limited to, sexual assault. This suggests that this policy may have a differential effect on this particular group of female offenders.

Sexual orientation

202. We have considered the effect of any claims that arise from victims who may have unspent convictions in relation to consenting homosexual offences under the Sexual Offences Act 1956 or earlier corresponding legislation in England and Wales. Our mitigation is at paragraph 214.
203. Furthermore, we have considered how this might affect applicants that have a conviction from another country where homosexual acts are illegal. Our mitigation is at paragraph 215.

Equality issues raised during consultation

204. This proposal generated a strong response with regard to the impacts on women offenders who may be vulnerable. Links were made between their offending behaviour and abuse.
205. One respondent raised concerns about human trafficking victims are they stated are often charged with immigration offences which are inextricably linked with their situation of exploitation. Additionally many victims of human trafficking are exploited as a *direct result* of their convictions in their country of origin, e.g. women in prisons are targeted by human trafficking rings.

³⁷ *Solutions and Strategies: drug problems and street sex markets*. Home Office, 2004

206. Respondents also made the link between offenders and high levels of mental health issues, i.e. the policy could disproportionately affect people with a mental health issue.

Mitigation and justification

207. The policy decision is set out in paragraphs 178-179 and in the full consultation response. We consider that the policy based on the seriousness of the disposal strikes the right balance between the aim that those who are of good character receive compensation, and not barring those with more minor convictions from the possibility of receiving compensation altogether.
208. Our policy change may impact on women offenders where abuse is linked to their offending. However fewer female offenders have unspent convictions which result in either a custodial sentence or a community order. Tables 28 and 29 in Annex B show the gender split of those given different sentences, this suggests the policy might have a greater impact on males. However, the population of interest here are those with unspent convictions who are victims of violent crime, for which we have no data, so we cannot be certain about the impact of this reform.
209. Furthermore, our reforms may also mitigate the potential effects, raised by some respondents, on human trafficking victims who have more minor convictions, such as for petty offences or immigration matters which are closely linked to their having been trafficked. In such cases, the discretion which claims officers will have in respect of more minor convictions will allow them to take these circumstances into account. Consultees raised the likelihood of other vulnerable groups such as sex workers, who are mostly female may have minor convictions.
210. We acknowledge the concerns raised about mental health issues and the link to offending, and that our policy decision may have an impact on people who suffer or have suffered from mental health issues. Again we consider that the general policy is justified for the reasons previously set out, and that the discretion in relation to more minor offences, will mitigate the effect of our policy somewhat.
211. The exercise of discretion in cases which do not attract a custodial or community sentence would allow the claims officer to make a full or reduced award to an applicant where the exceptional nature of the case would make it unjust not to do so. A differential impact on certain particular characteristics will not of itself be a reason to exercise the discretion in the applicant's favour.
212. The Scheme has always been intended to benefit blameless victims of crimes of violence. This is not new – there have always been rules in place permitting claims officers to reduce or withhold altogether awards on the basis of previous criminal behaviour. We consider it proportionate to clarify and tighten these rules, so that, apart from in exceptional

cases, no person with an unspent conviction which resulted in either a custodial sentence or a community order should receive an award.

213. The Scheme is a taxpayer-funded expression of public sympathy and it is reasonable that there should be strict criteria around who is considered “blameless” for the purpose of determining who should receive a share of its limited funds. We consider that in principle awards should only be made to those who have themselves obeyed the law and not cost society money through their offending behaviour. Convictions of less than 30 months will become spent under the ROA (and therefore no longer count for the purpose of the Scheme) so long as the offender does not reoffend.
214. With regard to historic convictions for homosexual activity the coalition government’s *Protection of Freedoms Act 2012*³⁸, which received Royal Assent on 1 May 2012, will enable men with historic convictions in England and Wales for consensual gay sex with a partner aged 16 or over to apply to have their offences expunged from official records. The CICA have also advised that claims officers would currently apply their discretion in the applicant’s favour in such cases, and would continue to do so in the future (where they have power to do so).
215. Furthermore, discretion would also be applied by claims officers in the cases of foreign convictions where the criminal behaviour is not an offence in the UK, e.g. convictions for homosexuality, or where criminality arises from totally different cultural standards to the UK, e.g. decency laws.

³⁸ <http://www.legislation.gov.uk/ukpga/2012/9/contents/enacted>

Conduct and character – character provisions in fatal cases

Policy proposals

Consultation proposal

216. We proposed to change the current practice of considering the previous convictions of both the applicant and the deceased as relevant in cases of fatal injury. We proposed that, in general, the character of the deceased should not be relevant. Given we proposed to tighten the existing provisions relating to unspent convictions we believe that continuing to consider the character of the deceased would be unfair on blameless applicants who were dependent upon the deceased. However, we would continue to apply character provisions to applicants under the ‘previous convictions’ rule as set out above in fatal cases.
217. We also intend to have a discretion to depart from this rule in exceptional circumstances where the deceased’s convictions are so serious that to pay for their funeral, or to make other payments in fatal cases would be considered inappropriate (for example if they were subject to a life sentence or had committed serious sexual offences against children).

Post-consultation decision

218. Implement consultation policy proposal.

Analysis

219. We have data on the protected characteristics of CICS recipients for resolved cases for fatal injury in 2010/11, which we analysed to determine where overrepresentation exists amongst those that share protected characteristics. This is set out under our fatal injury reforms at paragraphs 349-395. As a consequence, this reform could constitute a positive effect on groups of people with protected characteristics of age, race, religion, and sex. However, due to data limitations it is difficult to draw firm conclusions.

Equality issues raised during consultation

220. No equality points were made regarding this proposal

Mitigation and justification

221. This policy proposal could have a positive effect. In addition we have been unable to identify any potential adverse effects, either through our own analysis or via consultation. As such, we consider this proposal justified and suggest that no further mitigation is required.

Tariff – reductions to the tariff and protecting serious injuries

Policy proposals

Consultation proposal

222. We proposed to remove tariff bands 1-5 altogether (except in relation to sexual offences and patterns of physical abuse). These bands contain the less serious injuries in the Scheme and awards for multiple minor injuries.
223. We proposed to make reductions to the size of the awards for injuries in current bands 6-12 of the tariff in proportion to their relative seriousness (except in relation to sexual offences and patterns of physical abuse). An injury in Band 6 which currently results in an award of £2,500 would, following reform, receive an award of £1,000, while an injury in band 12 which currently results in an award of £8,200 would receive an award of £6,200.
224. We proposed to protect tariff payments for all injuries currently in bands 13 and above. The purpose of drawing the line at this point was to enable us to protect payments, in their entirety, in over half of all the current tariff bands, while focusing financial reductions to the tariff on the lower and mid-bands, where, relatively speaking, the less serious injuries sit. The vast majority of the injuries in bands 13 and above will have severe, and either long-term or permanent effects.
225. Excluding those applicants who will be in receipt of protected awards as set out in paragraphs 222-223, will mean that most applicants in bands 1-5 will no longer receive compensation and some applicants in bands 6-12 will face a reduction to their overall compensation, in both cases, irrespective of whether they have any of the protected characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation. We therefore do not consider that the proposal will give rise to direct discrimination in respect of any one group.
226. However, careful consideration has been given to the issue of indirect discrimination and this has been dealt with specifically in the individual sections by protected characteristic set out below.

Post-consultation decision

227. Implement consultation policy proposal
228. In their response to the consultation, the First-tier Tribunal (the judicial body which decides on appeals on decisions under the Scheme) argued

that the tariff bands for Major Paralysis injuries and Higher Levels of Brain Damage injuries should be revised as the steps between bands 21 and 25 are too great and can result in substantial under or over compensating. They suggested intermediate levels should be introduced to cover at least 'partial' paraplegia and 'partial' tetraplegia. We considered that this request was reasonable and asked the First-tier Tribunal to convene an ad hoc panel of medical experts to advise on the merits of including these new tariff bands and their descriptions and amounts. In light of the panel's recommendations, we have decided to amend the tariff in the new Scheme to better reflect the degree of seriousness of hemiplegia, paraplegia and tetraplegia injuries.

Analysis

229. This section uses data from CICS resolved claims in 2010/11 by tariff band groups for the protected characteristics of age, disability, race, religion or belief, sex, and sexual orientation (see Tables 4 and 5 in Annex B). Data on the marriage and civil partnership status, and the pregnancy and maternity status of applicants in CICS resolved claims is not available.
230. The CICS resolved claims data has been grouped in to tariff bands 1-5, 6-12, and 13-25 as per our proposals above. Table 4 in Annex B shows the data for the number of resolved cases for those awards we proposed to remove or reduce, and Table 5 in Annex B shows the same information for those awards we propose to protect.
231. Due to limitations in the available evidence, we are unable to rule out the potential impacts of these reforms to the tariff to better reflect the degree of seriousness of hemiplegia, paraplegia and tetraplegia on the protected characteristics of age, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation. The small number of cases that this reform will affect prevents robust analysis of the CICA EOM form data.
232. We have identified the following potential effects on these protected characteristics:

Age

233. CICS data shows that 2% of recipients of those awards we are removing or reducing are aged under 15, compared with 15% of recipients of awards we are protecting, and 5% of recipients of all awards (see Table 4 and Table 5 in Annex B). This suggests that the reforms to protect some awards may have a positive effect on this age group.
234. The data for those aged 15 and over shows that there is little variation between the percentages of recipients of those awards we are removing or reducing, as compared to those we are protecting. For example, 31% of recipients of those awards we are removing or reducing were aged 15-24, compared with 35% of recipients of awards we are protecting,

and 32% of all recipients. This suggests that those aged 15 and over are no more likely to have their award removed or reduced than they are to have it protected.

Disability

235. We recognise that reductions in payments will affect those permanently disabled by a crime of violence in the same way as those whose injuries are temporary. However, for the most part, injuries with longer lasting effects are in higher tariff bands, suggesting that disabled people (including those who do not self declare) will therefore be less affected by the removal of awards in bands 1–5 and any reduction to awards in band 6-12.
236. However, in addition to disabilities due to the injury that people are claiming compensation for, award recipients may be disabled due to other circumstances, for example they may have had a pre-existing disability. The CICA EOM data includes a question on whether people identify themselves as being disabled, this may be due to any circumstances, including due to the injury they sustained. The data in Tables 4 and 5 suggest that there is little variation in the percentage of recipients who identify as disabled for those awards we are removing or reducing (6% of recipients of awards being removed or reduced were disabled), compared with recipients of those awards we are protecting (8%), and recipients of all awards (6%), suggesting no differential effect on this equality group overall. However, these percentages exclude unknown cases where disability was not recorded. There was a high non-response rate (in 71% of all resolved claims disability status was unknown) and so the figures should be treated with caution.
237. Due to the high non-response rate to the disability question in the CICA EOM form, we do not know whether disabled people are overrepresented amongst resolved CICS cases, and so we cannot say whether this group will be put at a particular disadvantage by our reforms to reduce the tariff amounts overall.
238. Recipients of CICS awards for hemiplegia, paraplegia and tetraplegia injuries will, by definition, be disabled by the injuries. Therefore the changes to the tariff to better reflect the degree of seriousness of hemiplegia, paraplegia and tetraplegia injuries, will impact on disabled people. Some award recipients with these injuries will receive and increased awards in comparison to what they would have received under the existing tariff, some recipients with these injuries will receive a reduced award, and others will receive the same level of tariff award. Award recipients that are more severely disabled by these injuries will benefit from, or will not be impacted by, this reform.
239. Data from the 2009/10 CSEW (Table 2 in Annex B) suggests that a higher proportion of disabled people suffer domestic violence than non-disabled people. We have considered that removing awards in bands 1-5, which includes a provision for payment for minor multiple injuries

(which individually would not qualify for the Scheme), had the potential to specifically affect victims of domestic violence. This is an area of particular concern, because the range of injuries that sit within these bands may be consistent with the type of injuries sustained by people suffering from domestic abuse (e.g. multiple minor injuries (bruising, grazing, cuts etc), fractured rib, sprained wrist). However, the data for bands 1-5 in Table 4 in Annex B (awards we are removing) does not show a differential effect on disabled people (6% of recipients of these awards were disabled) when compared to disabled recipients across all tariff bands and injuries (6% of recipients of all awards).

240. Furthermore, it is important to note that the CSEW data includes abuse that does not result in injury. They are therefore not directly comparable with the pool of people eligible for compensation from the CICS, so we cannot be sure if there will be a differential effect on disabled people who will be put at a particular disadvantage.

Gender reassignment

241. A small number of recipients (31) identified themselves as transgender in the CICA EOM form and there were high levels of non-response to the gender reassignment status question. Therefore it is not possible to produce reliable analysis of the data on protected awards, and those awards we are removing or reducing for people with this protected characteristic. We therefore do not know if our reforms to reduce the tariff might put at a disadvantage people with this protected characteristic.

Marriage and civil partnership

242. As no information is held on the marriage/civil partnership status of award recipients, we do not know if our reforms to reduce the tariff might put at a disadvantage people with this protected characteristic.
243. Data from the 2009/10 CSEW (Table 2 in Annex B) shows that women who were separated had higher chances of being a victim of domestic abuse compared with women with another marital status, while men who were separated or divorced had higher chances of being a victim of domestic abuse compared with men with another marital status. This finding should be interpreted with caution, as it may be that abuse suffered contributed to separation or divorce, rather than separated or divorced people being more susceptible to abuse.
244. We have considered whether the removal of awards in bands 1-5 has the potential to affect victims of domestic violence. Information is not collected on whether a CICS application arises from an incident of domestic violence. CICS data indicating whether an incident giving rise to a claim may have been domestic violence or not is presented in paragraphs 251-257. However, the marital/civil partnership status of recipients in these incidents is not known, so we cannot be certain of the

impact of these changes. However we are maintaining pattern of abuse awards that cover injuries in bands 1-5.

Pregnancy and maternity

245. As no information is held on the pregnancy/maternity status of award recipients, we do not know if our reforms to reduce the tariff might put at a particular disadvantage people with this protected characteristic.

Race

246. We have compared data for the awards we are removing or reducing with the data for those which we are protecting (Tables 4 and 5 in Annex B). This shows that a higher proportion of BME recipients would have their awards reduced or removed (13%) compared to those awards that we are protecting (8%). This suggests that this reform may have a differential effect on BME applicants when compared with awards that are protected. However these percentages exclude unknown cases where race has not been recorded, there was a high non-response rate (in 47% all resolved claims race was unknown) and so the figures should be treated with caution.
247. Due to the high non-response rate to the race question in the CICA EOM form, we cannot say whether, relative to the population as a whole, members of a particular ethnic group are overrepresented amongst resolved CICS cases and would be put at a disadvantage by our reforms to reduce tariff amounts overall.
248. Data from the 2009/10 CSEW looks at the potential impact of these reforms on multiple minor injuries which might arise from domestic violence. This shows little variation in the experience of domestic abuse by ethnicity (Table 2 in Annex B). Furthermore, the data for bands 1-5 in Table 4 in Annex B (awards we are removing) does not show a differential effect on BME people (13%) when compared to BME recipients across all tariff bands and injuries (13%).

Religion and belief

249. Award recipients that identify as having no religion are overrepresented amongst resolved cases for those awards we are protecting (48% of recipients of awards being protected had no religion) compared with those we are removing or reducing (38%), and recipients of all awards (39%) (Tables 4 and 5 in Annex B). This suggests that this reform to protect some awards may have a differential effect on those applicants who identify as having no religion.
250. A slightly higher proportion of Muslim recipients received awards in the tariff bands we are reducing or removing (5%), compared with tariff bands that will be protected (1%). This suggests that the reform to remove or reduce some awards may have a differential effect on Muslim applicants. For all other faith groups there is little variation between the

percentage of recipients receiving those awards we are removing or reducing, as compared to those we are protecting.

251. However these percentages exclude unknown cases where faith has not been recorded, there was a high non-response rate (in 57% of all resolved claims religion was unknown) and so the figures should be treated with caution. The high non-response to the religion question in the CICA EOM form also means that we cannot say whether members of a particular faith group are overrepresented amongst resolved CICS cases and would be put at a particular disadvantage by our reforms to reduce tariff amounts overall.

Sex

252. Data from the CICA EOM form (Tables 4 and 5 in Annex B) shows that the percentage of recipients who are men for those awards we are removing or reducing (75%), is higher than the percentage of recipients who are men for those awards being protected (35%), and the percentage of all recipients who are men (68%). This suggests that the reforms to remove or reduce some awards may have a differential effect on men.

253. Conversely, for protected awards a higher percentage of recipients are women (65%) as compared with awards being removed or reduced (25%), and all recipients (32%), suggesting a positive effect of this reform to protect some awards on women.

254. However, due to the high number of claims from men, relative to their representation in the population as a whole (see Table 6 in Annex B), any reduction or protection to the tariff amounts overall will have a greater effect on men as compared to women.

255. Data from the 2009/10 CSEW looks at the potential impact of these reforms on multiple minor injuries which might arise from domestic violence. We know that domestic violence affects people of both genders, however, the risk of being a victim of domestic violence is substantially higher for women than for men. Table 2 shows data from the CSEW on the percentage of adults in England and Wales who had been victims of domestic abuse in the past year. However, these figures include abuse that does not result in injury. They are therefore not directly comparable with the pool of people eligible for compensation from the CICS.

256. A similar pattern was found with respect to partner violence in Scotland (Table 7 in Annex B), although the data is not directly comparable to that from the CSEW, this shows that women were more likely to be victims of partner abuse than men.

257. This data suggests that applications for compensation for injuries resulting from domestic violence are more likely to come from women

than from men. However information is not collected on whether a CICS application arises from an incident of domestic violence.

258. Since the initial screening EIA was published we have explored options for further research into our understanding of the applications for compensation for injuries resulting from domestic violence to inform these reforms. Where CICS applicants have been injured in an incident between members of the same family (e.g. husband and wife, parent and child, siblings, partners including ex-partners not living together) a 'family violence questionnaire' is sent out as part of the application process. This is to provide CICA with further details about the nature of the relationship between the victim and offender and any prosecution brought to establish if the offender might benefit from the compensation.
259. CICA were able to extract data on the number of award recipients who were sent a 'family violence questionnaire' in 2010/11 by the gender and age of the award recipient and the nature of the injuries they sustained. It has been possible to use this data to estimate how many adult victims of domestic violence had been given an award for an injury that was not going to be protected under the reforms (i.e. an injury in tariff bands 1-12 that was not for a sexual offence or patterns of physical abuse claim).
260. There are a number of limitations to this data, for example in some cases the 'family violence questionnaire' may be sent to some applicants, whose relationship to the offender is later found not to meet the definition of a family member. It is not possible to separate out these applicants in the data presented here. Therefore, these figures are only estimates of the number of domestic violence victims and should only be treated as indicative of the possible impact of reforms.
261. Overall around 1,100 award recipients were sent a family violence questionnaire in 2010/11, the majority (1,000 awards, 89%) of these were female victims aged 18 and over, around half (just over 500 awards) of these awards to women who were victims of domestic violence were for injuries in bands 1-5³⁹,
262. Of these 1,000 awards to women who were victims of domestic violence, just over 800 were awards for an 'unprotected' injury (i.e. an injury in tariff bands 1-12 that was not for a sexual offence or patterns of physical abuse claim); around 500 of these were awards for an 'unprotected' band 1-5 injury. The remaining 200 awards were for 'protected' injuries such as those in tariff bands 13 and above, or those resulting from a sexual offence or patterns of physical abuse.
263. The reforms have a similar impact when looking at all award recipients (e.g. approximately half of all award recipients would have their awards removed completely), therefore women who are victims of domestic violence are unlikely to be affected to a greater or lesser extent than other victims by the reforms.

³⁹ Including awards for physical abuse or a sexual offence.

264. It is not possible to say from this data whether any of those women affected by the reforms to the CICS tariff would be eligible for an award under a different injury type, e.g. rather than being awarded for an individual injury sustained they may instead be able to apply for an award under one of the 'pattern of physical abuse' categories.

Sexual orientation

265. A similar percentage of recipients of those awards which we are removing or reducing in the revised Scheme identified as LGB (3%), compared with awards to all LGB recipients (3%) (Table 4 in Annex B). Comparing the data for the awards we are removing or reducing with the data for those which we are protecting (Table 4 and Table 5 in Annex B), shows that a similar proportion of LGB recipients would have their awards reduced or removed (3%) to those that would be protected (5%).

266. This suggests that these reforms would not have a differential effect on LGB applicants. However these percentages exclude cases where sexual orientation has not been recorded. There was a high non-response rate (in 74% of all resolved claims sexual orientation was unknown) and so the figures should be treated with caution.

267. The high non-response rate also means that we cannot say whether LGB people are overrepresented amongst resolved CICS cases and would be put at a disadvantage by our reforms to reduce tariff amounts overall.

268. Tables 8 and 9 in Annex B show data from CSEW on the risk of victimisation by the sexual orientation of victims of crime. Gay or lesbian people are more likely to be a victim of a violent crime (9%) than heterosexual people (4%). Bisexual people were more likely to be a victim of domestic abuse (17%) than heterosexual people (6%).

269. This data suggests that people who identify themselves as gay/lesbian or bisexual are more likely to be victims of violent crime and therefore may be more likely to be impacted by the reforms to CICS. However, these figures include abuse that does not result in injury. They are therefore not directly comparable with the pool of people eligible for compensation from the CICS and so we cannot draw any firm conclusions as to whether LGB people would be differentially affected by this change.

270. Furthermore, the data from the CICS EOM form for bands 1-5 for those awards we are removing or reducing (Table 4 in Annex B) does not show a differential effect on LGB people when compared with their proportions in the population of Great Britain; 3% of recipients in bands 1-5 for those awards we are removing or reducing were LGB, compared with 2% of people in the population overall, (Table 6 in Annex B).

Equality issues raised during consultation

271. Respondents focused on specific injuries, such as medium level brain injuries, but did not make any clear links with equality effects.

Mitigation and justification

272. This policy reform pursues the aim that compensation should be focused on victims who are most seriously affected by their injuries. Taking this into consideration, and on the basis of the evidence, we consider it is proportionate to remove bands 1-5, make reductions to bands 6-12 and to protect bands 13 and above. We believe this represents the fairest way of reducing pain and suffering awards whilst protecting tariff payments for those with the most serious injuries.
273. It is also further mitigated by our plans to protect injuries for awards relating to sexual offences and patterns of physical abuse. Domestic violence victims who claim under this heading will continue to receive an award. In addition, as set out in paragraph 278, we have made explicit in the tariff that domestic violence victims who suffer a series of assaults will still be able to apply under the heading of the tariff award for physical abuse of adults.
274. It is our view that more minor injuries can be catered for by other services, such as the NHS and victim services which will provide for immediate medical and emotional needs. This supports the principle that support for victims should be focused on the needs arising from the injury and how these immediate needs might be better met through alternatives to financial recompense.
275. We will invest more money in support services, available at the point of need. Furthermore, as discussed in Part 1 in the full consultation response document, we aim to raise up to £50m from offenders to pay for new victims' support services. We proposed to reduce the domestic compensation budget by approximately the same amount to reduce the burden on taxpayers while maintaining overall spending on victims.
276. The current Scheme has provisions in place which state that the victim should not continue to live under the same roof as the assailant and should cooperate with police investigations. Any domestic violence victim who does not meet the requirements of these provisions will not receive payment at the moment. As such, for those suffering minor and minor multiple injuries as a result of domestic abuse, the payment of compensation is likely to be much less important than the availability of support and means to stop the abuse continuing.

Tariff – protecting certain categories of awards

Policy proposals

Consultation proposal

277. We proposed to retain at their current level awards, in whatever band, for injuries in respect of sexual offences and patterns of physical abuse (these range from minor sexual physical acts currently in band 1 to patterns of repetitive and severe abuse in band 12). The most serious sexual offences, including rape, currently appear in bands 13 and above and we plan to protect all of the tariff awards in those bands.⁴⁰
278. Our reforms make explicit in the heading under Part B of the tariff award for patterns of physical abuse of adults that domestic violence victims who suffer a series of assaults can apply for compensation under these award categories.
279. We considered the very particular position of those who lose a loved one as a result of a crime of violence. We believe it is right, as an expression of public sympathy, for these payments to be protected at their current level (see paragraphs 348 -395). We also proposed this principle should extend to protecting the level of award for loss of foetus, whether as a result of sexual or violent crime

Post-consultation decision

280. Implement consultation policy proposal.

Analysis

281. Due to limitations in the available evidence, we are unable to rule out the potential impacts of these reforms on any of the protected characteristics of gender reassignment, marriage and civil partnership, race, religion or belief, and sexual orientation. We have identified the following potential effects on these protected characteristics:

Age

282. CICS data showing the equality group distribution of resolved claims for 2010/11 for sexual violence, physical abuse and loss of foetus awards, as compared with the general population of Great Britain is presented in Table 10 in Annex B. The data shows that those aged between 0-34 are overrepresented amongst recipients when compared to the respective population of Great Britain for those individual age groups. This

⁴⁰ Awards in respect of mental injury, which may arise from a violent or sexual offence, will be subject to the reform proposals to remove bands 1-5; reduce bands 6-12 and protect band 13 and above.

suggests that retaining payments for injuries arising from sexual offences and patterns of physical abuse of children may constitute a positive effect on this age group.

283. Our reforms make explicit that domestic violence victims who suffer a series of assaults can continue to apply for an award in respect of physical abuse of adults at the current tariff level. This gives due regard to adult victims in these circumstances.

Disability

284. The percentage of recipients that self-declare as having a disability (2%) is less than in the population for Great Britain (19%) for disabled people, suggesting that disabled people are not overrepresented amongst recipients of this particular group of protected awards (Table 10 in Annex B). However these percentages exclude unknown cases where disability has not been recorded due to a high non-response rate (70%) and so should be treated with caution.

Pregnancy and maternity

285. The reforms protect the award for loss of a foetus; this takes account of the particular position of those who are pregnant at the time of the incident in which they are a victim.

Sex

286. Data from the 2010/11 CSEW shows that more women than men are victims of serious sexual assault and of domestic violence;⁴¹ Furthermore, the data in Table 10 in Annex B shows that a higher proportion of women are represented amongst claims for this group of protected awards (83%) when compared to men (17%) and the female population of Great Britain (51%). This suggests that retaining payments for injuries arising from the sexual crimes or patterns of physical abuse, particularly where it is made explicit that the award may be paid to domestic violence victims, may constitute a positive effect for female victims.
287. There were five resolved claims for loss of foetus in 2010/11 all of which came from women. This would suggest that the protection of this payment would constitute a positive effect for female victims.

Equality issues raised during consultation

288. Respondents positively recognised our policy to protect sexual injuries and patterns of abuse. However some respondents suggested that these payments should be increased.

⁴¹Homicides, Firearms offences and Intimate Violence 2010/11: Supplementary Volume 2 to Crime in England and Wales 2010/11, table 3.01

Mitigation and justification

289. This policy reform demonstrates a positive effect. In addition we have been unable to identify any potential adverse effects, either through our own analysis or via consultation. In relation to suggestions from some respondents to increase these payments, we believe that it is more beneficial for victims and better value for money to provide immediate practical and emotional support to victims, rather than increasing the level of compensation. As such, we consider this reform justified and suggest that no further mitigation is required.

Tariff – multiple injuries

Policy proposals

Consultation proposal

290. Multiple injuries are compensated for using the following formula; the highest 'rated' injury is awarded in full, the second injury is awarded 30% of the tariff value and the third injury is awarded 15% of the tariff value. However, where a person suffers a physical and a mental injury and the amount for the physical injury is higher, there is no award for the mental injury. We intend to amend this rule so as to apply the multiple injury formula in cases where both the physical and mental injury is sufficiently serious to be listed in the tariff.

Post-consultation decision

291. Implement consultation policy proposal

Analysis

292. Due to limitations in the available evidence, we are unable to rule out the potential impacts of these proposals on any of the protected characteristics of age, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation. We have identified the potential effects on the following protected characteristics:

Disability

293. In the case of multiple injuries, this reform gives due regard to those who have suffered a disabling mental injury in combination with a physical injury, where the tariff amount for the latter is higher. This may constitute a positive effect on this group who are disabled, and in particular suffer a mental injury, as a result of their injury.

Equality issues raised during consultation

294. No equality points were made regarding this proposal

Mitigation and justification

295. This policy reform demonstrates a positive effect. In addition we have been unable to identify any potential adverse effects, either through our own analysis or via consultation. As such, we consider this reform justified and suggest that no further mitigation is required.

Tariff – injuries not listed in the tariff

Policy proposals

Consultation proposal

296. Where an applicant makes a claim for an injury which is not listed in the tariff but which is of equivalent seriousness to those which remain in the tariff, we will enable claims officers to make payments to applicants of up to the full amount of the tariff award that appears to be most appropriate to the injury in question, while revisions to the Scheme to include the injury are considered (as opposed to half the proposed tariff in the current Scheme).

Post-consultation decision

297. Implement consultation policy proposal enabling claims officers to make payments to applicants for the full amount of the tariff award.

Analysis

298. Due to limitations in the available evidence, we are unable to rule out the potential impacts of these proposals on any of the protected characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation.

Equality issues raised during consultation

299. No equality points were made regarding this proposal

Mitigation and justification

300. We have been unable to identify any potential adverse effects, either through our own analysis or via consultation. As such, we consider this reform justified and suggest that no further mitigation is required.

Loss of earnings

Policy proposals

Consultation proposal

301. Our loss of earnings proposals were based on the following principles:

- a payment is made in respect of each year (or part year) of past and future loss, after the first 28 weeks of lost earnings;
- loss of earnings payments should be limited to those most seriously affected by their injuries, in particular those who can no longer work;
- loss of earnings payments will be restricted to those who can show a work history at the time of the incident (or a good reason for not having a work history, such as age or caring responsibilities);
- it is reasonable to take account of additional state benefits to which someone who has been seriously injured and is unable to work will be entitled;
- the calculation of loss of earnings should be more administratively straightforward for both victims and claims officers; and,
- while adhering to these principles, we wish to reduce loss of earnings payments in order to contribute to overall Scheme savings.

302. We consulted on two possible options:

- **Option A:** Payments would be calculated broadly as now, but net loss of earnings or earnings capacity would be capped at 60% of the median gross weekly earnings at the time of assessment.⁴² As an example, if the calculation were to be made in this way based on current median earnings, it results in a maximum annual loss of earnings payment of around £12,600 (based on £242 a week x 52 weeks). This is broadly equivalent to the annual salary someone would receive if they worked full time (38 hours a week) and were paid the minimum wage.⁴³ Payments would continue to be reduced to reflect other benefits to which an applicant may be entitled, and also adjusted if the applicant receives another award of compensation or civil damages from the offender in respect of the same injury.

⁴² Based on the latest figures for all employees published by the Office for National Statistics.
<http://www.ons.gov.uk/ons/rel/ashes/annual-survey-of-hours-and-earnings/ashes-results-2011/ashes-statistical-bulletin-2011.html>

⁴³ £6.08 x 38 hours x 52 weeks = £12,014.

Payments would not be adjusted in relation to any insurance payments wholly funded by the victim.

- **Option B:** To pay an administratively simple flat-rate payment based on the Statutory Sick Pay rate. Statutory Sick Pay is paid to employees at a standard weekly rate of £81.60 for a maximum of 28 weeks. If the calculation were based on that figure, the flat rate payment would be around £4,200 for each year of loss (pro rata for part years).⁴⁴
- We have two proposals for considering other sources of income with respect to option B, either:
 - B.1, we do not make any reductions (other than where the applicant receives another award of compensation or civil damages from the offender in respect of the same injury); or,
 - B.2, if the applicant has employer-funded income (e.g. an ill-health pension) which exceeds £12,600 in any year (the cap we propose in Option A) for which loss of earnings is claimed we would not pay the flat-rate for that year. We would continue to disregard state benefits.

303. In relation to both Option A and to Options B1 and B2:

- we would retain the principle of reducing loss of earnings payments in accordance with the Scheme multiplier tables; and
- we proposed that loss of earnings in the new Scheme should apply to applicants with no capacity to earn and those with very limited earning capacity. Payment will no longer be made to those who have diminished earning capacity as a result of their injury but whose capacity is not very limited.

Post-consultation decision

304. Having considered the consultation responses we have decided to proceed with Option B1, to pay an administratively simple flat-rate payment based on the Statutory Sick Pay rate. Statutory Sick Pay is currently paid to employees at a standard weekly rate of £85.85 for a maximum of 28 weeks. Based on that figure, the flat rate payment would be around £4,500 for each year of loss (pro rata for part years).⁴⁵ It is increased annually in line with Consumer Price Index measure of inflation. We will not make any reductions (other than where the applicant receives another award of compensation or civil damages from the offender in respect of the same injury).

⁴⁴ At the time the consultation was published weekly Statutory Sick Pay was £81.60; this figure for weekly Statutory Sick Pay x 52 weeks equals around £4,200.

⁴⁵ Weekly Statutory Sick Pay increased to £85.85 in April 2012; this level of weekly Statutory Sick Pay x 52 weeks equals around £4,500.

Analysis

305. To help our analysis, a CICS case file review of cases that included an application for loss of earnings or special expenses was undertaken by Analytical Services in the Ministry of Justice. In 33 out of 99 cases reviewed the recipient received a loss of earnings award. Full details of the methodology for the case file review were set out in the initial EIA.
306. Due to the small proportion of case files reviewed and the methodology used it is not possible to generalise the findings to the wider population of CICS claims. However, the case file review provided an initial indication of the characteristics of recipients of loss of earnings and/or special expenses.
307. Information on the equality strands was sought during the case file review but it was not possible to gather reliable data on the following protected characteristics of gender reassignment, pregnancy and maternity, race, religion or belief, and sexual orientation. However data on age, disability (following the incident that led to the claim), marriage and civil partnership, and the sex of recipients was available in the majority of the files.
308. Since the initial screening EIA was published, we have carried out additional analysis to further our understanding of the characteristics of recipients of loss of earnings payments. We have analysed data from CICS resolved claims where awards for loss of earnings were made to assess whether there were differences by the protected characteristics of age, disability, race, religion or belief, sex and sexual orientation, as gathered by the CICA EOM form. Data on the marriage and civil partnership status and the pregnancy and maternity status in CICS resolved claims is not available.
309. Due to limitations in the available evidence, we are unable to rule out the potential impacts of these reforms on any of the protected characteristics of gender reassignment, religion or belief, or sexual orientation. We have identified the following potential effects on these protected characteristics:
- Age*
310. We have considered that the expected reduction in average loss of earnings payments may have a greater effect on children and young adults. A younger person who is unable to work again as the result of a criminal injury loses more potential years of earning than an older person with a comparable injury. However, it should be noted that not all applicants for loss of earnings lose capacity permanently. Where there is temporary loss of earning capacity, our proposed reductions will have a similar effect on all those of working age.
311. Table 11 in Annex B shows that the majority of award recipients where a loss of earnings award was made were of working age. Few award recipients were aged under 15 or aged 65 and over. Therefore the

reforms to reduce average loss of earnings payments will impact differentially on those of working age. This reflects the overall findings that people of working age are overrepresented amongst award recipients overall when compared with the general population (Table 6 in Annex B).

Disability

312. Those who would be entitled to claim for long-term loss of earnings will be likely to do so because they have been disabled as a result of their injury. The findings of the case file review (Table 12 in Annex B) indicate that those who receive loss of earnings payments are those who are most seriously injured and the most seriously affected by the crime. Almost two-thirds of recipients awarded loss of earnings were disabled⁴⁶ as a result of the injury that they sustained (20 out of 33 cases). The average loss of earnings payment was higher for recipients that were disabled as a result of the injury (£112,000) than the average payment for recipients that were not disabled as a result of the injury (£46,000).
313. Due to the small number of award recipients who provided information about their disability status on the CICS EOM form (2% provided this information) we cannot draw robust conclusions from the EOM form regarding the disability status of award recipients receiving a loss of earnings award in 2010/11.
314. The available data suggests that any reduction in loss of earnings payments, particularly in relation to medium to long-term loss, will potentially disadvantage those applicants disabled severely enough to lose earning capacity.

Gender reassignment

315. Due to the small number of award recipients who provided information about their gender reassignment status on the CICS EOM form (1% provided this information) no clear conclusions can be drawn regarding gender re-assignment status of award recipients receiving a loss of earnings award.

Marriage and civil partnership

316. The case file review findings show that the majority of the loss of earnings recipients were single (14 cases), 9 were married, 5 were co-habiting and 4 were divorced/ separated⁴⁷. This suggests there may be a lesser effect on those who are married or in a civil partnership, as the minority of loss of earnings recipients were not married. However due to the small number of cases it is difficult to draw firm conclusions.

⁴⁶ This was coded by the research team conducting the case file review following an assessment of the evidence, including medical records, in the files. It was not based on an assessment by the applicant, or their representative.

⁴⁷ In 1 case the marital status of the recipient was not identifiable. It is not known whether any recipients were in a civil partnership as this information was not available in the case files, however, where it was known, the majority of recipients appeared to be heterosexual.

Pregnancy and maternity

317. We have considered the implication of the reforms to eligibility for loss of earnings on parents with no recent work history due to pregnancy or childcare responsibilities. Consequently we have framed our reforms to provide loss of earnings for those who were not in work at the time but who can demonstrate a regular work history, a likelihood of starting or returning to work, or a good reason for not being in work at the time of the incident. We have in mind, in particular, those with child-care responsibilities or carers.

Race

318. Table 11 in Annex B shows that the majority of award recipients where a loss of earnings award was made were white. This reflects the overall findings that the ethnic breakdown of award recipients is similar to that in the general population indicating that this reform will not have a differential impact on different ethnic groups (Table 6 in Annex B). However, only 49% of loss of earnings award recipients provided information about their race, therefore these findings should be treated with caution.

Religion and belief

319. Due to the small number of award recipients who provided information about their religion on the CICS EOM form (96% did not provide this information) no clear conclusions can be drawn regarding religion of award recipients receiving a loss of earnings award.

Sex

320. A reduction in average loss of earnings payments may impact differentially on men. For the population at large, both the employment rate and average earnings are higher for men than women.⁴⁸ If this is also true for those who claim loss of earnings payments under the CICS, and if it is not offset by male applicants having access to more generous alternative loss of earnings provision (pensions, insurance etc), then this element of the reforms may have a greater effect on men than women. However, this does not necessarily mean that men would be put at a particular disadvantage because of these changes as compared to women.

321. The results of the case file review identified that 27 of the 33 recipients awarded loss of earnings were male. This is likely to be because the majority of these claims relate to assaults, a type of crime which men are more likely to be a victim of than women (Table 13 in Annex B).

⁴⁸ Labour Market Statistics, ONS 2011, Annual Survey of Hours and Earnings, ONS 2011 Labour Market Statistics, ONS 2010, Annual Survey of Hours and Earnings, ONS 2009

322. Table 11 presents data from the CICS EOM form. This shows that 67% of award recipients receiving a loss of earnings award in 2010/11 were male and 33% were female, therefore the reforms to reduce average loss of earnings payments will impact differentially on men, because they are overrepresented amongst award recipients in comparison to women. However, this reflects the overall findings that men are overrepresented amongst award recipients (Table 6 in Annex B) and that men are more likely to be victims of violent crime than women (Table 13 in Annex B).

Sexual orientation

323. Due to the small number of award recipients who provided information about their sexual orientation on the CICS EOM form it is not possible to draw robust conclusions about the sexual orientation of award recipients receiving a loss of earnings award in 2010/11 (98% did not respond to this question).

Equality issues raised during consultation

324. Respondents suggested that changes to loss of earnings will primarily affect the most seriously injured, which we recognise in both the initial EIA and in this full EIA.

325. Some respondents raised concerns about post traumatic stress in that it may affect a victim's ability to work.

Mitigation and justification

326. The aim being pursued is that compensation should be available for those most seriously affected by their injuries and account should be taken of the availability of public-funded services to meet the needs arising from the injury, such as employment related state benefits. Therefore we will pay loss of earnings only to those who can no longer work or who have very limited capacity to do so.

327. Given the financial context as set out in paragraph 31, a further key aim of reform is to put the Scheme in a more sustainable position so it can continue to offer timely compensation to victims in the long-term and provide a set of fair, realistic expectations. The Scheme is not intended to return the victim to the position they were in prior to the injury. Our reforms to loss of earnings awards will refocus awards on the most affected, will make payments easier to calculate and will contribute to putting the Scheme on a sustainable footing.

328. Our policy reform, (Option B1) will help to ensure that eligible applicants, regardless of their previous earnings, will receive a clear, predictable sum that will supplement amounts they may receive from other sources

such as state benefits.⁴⁹ It might also assist in quicker resolution of the application. Furthermore, under this reform, payments will not be reduced to reflect other benefits to which an applicant may be entitled, which may mitigate in part the effects of the reduction in these payments on those who claim disability-related benefits linked to their unemployment status.

329. Our policy reform that payment will no longer be made to those who have diminished earning capacity as a result of their injury but whose capacity is not very limited is consistent with our principle of protecting payments for those most seriously injured. Claims officers will use their discretion to determine what constitutes 'very limited earning capacity' for this purpose, in light of all the circumstances of the case.
330. The applicant will need to demonstrate that they had an income prior to the incident, or that there was a good reason why they did not, such as evidence that they were occupied in full time study or had caring responsibilities which meant they were not in a position to work, and that as a result of the incident they have either no or very limited earning capacity.

⁴⁹A Personal Injury Trust can be set up for compensation awards. The value of the trust is ignored for the assessment of eligibility for most means tested benefits and/or local authority support.

Special expenses

Policy proposals

Consultation proposal

331. Special expenses are paid to those most seriously injured and, as such, we proposed to continue to pay all categories of special expenses except for private medical care. The NHS provides a good standard of care. If applicants choose to purchase health care beyond that which the NHS provides they can use some of their tariff award for this purpose.⁵⁰

Post-consultation decision

332. Implement consultation policy proposal.

Analysis

333. To help our analysis, we refer again to the CICS case file review undertaken by Analytical Service in the Ministry of Justice (see the initial EIA for a summary of the methodology). There were 36 cases in the case file review where the recipient received special expenses; 19 of these cases were fatal cases, where bereaved family members were making a claim, the remaining 17 were non-fatal cases, where the recipient was the victim of a violent crime.

334. As found for loss of earnings it was not possible to gather reliable data in this case file review on all of the protected characteristics, but data on the age, disability (following the incident), marriage and civil partnership, and sex of recipients was available in the majority of the files.

335. Since the initial screening EIA was published, we have carried out additional analysis to further our understanding of the characteristics of recipients of special expenses. We have analysed data from CICS resolved claims where awards for special expenses were made by the protected characteristics of age, disability, race, religion or belief, sex and sexual orientation, as gathered by the CICA EOM form. Data on the marriage and civil partnership status and the pregnancy and maternity status in CICS resolved claims is not available.

336. Due to limitations in the available evidence, we are unable to rule out the potential impacts of these reforms on any of the protected characteristics of gender reassignment, marriage and civil partnership, pregnancy and maternity, religion or belief or sexual orientation. We have identified the following potential effects on these protected characteristics:

⁵⁰ Paragraphs 35–36 of the Scheme.

Age

337. Table 14 in Annex B presents data from the CICS EOM form. This shows that the majority of award recipients where a special expenses award was made were of working age, few award recipients were aged under 15 or aged 65 and over. Therefore the reforms to limit some special expenses may impact differentially on those of working age. This reflects the overall finding that people of working age are overrepresented amongst award recipients overall when compared with the general population (Table 6 in Annex B).

Disability

338. The case file review showed that in almost all of violent crime cases where special expenses were awarded the recipient had been disabled as a result of the injury that they sustained⁵¹ (Table 15 in Annex B). In the fatal cases reviewed no recipients were injured in the incident that led to the fatality; however one recipient reported mental health issues following the incident (depression, anxiety and stress) that had a disabling effect.

339. Due to the small number of award recipients who provided information about their disability status on the CICS EOM form (99% did not provide this information) we cannot draw robust conclusions regarding the disability status of award recipients receiving a special expenses award in 2010/11.

340. The available data suggests that our reforms to special expenses may have a differential effect on disabled victims. The removal of private healthcare related expenses will disadvantage those disabled by their injury as well as those that are not suffering a long term disabling injury but receive an award for one-off special expenses for reasonable private medical care not available on the NHS. However, reforms regarding restrictions to special expenses are limited as we are retaining the majority of categories of special expenses.

Race

341. Table 14 in Annex B presents data from the CICS EOM form. This shows that the majority of award recipients where a special expenses award was made were white. This reflects the overall finding that the ethnic breakdown of award recipients is similar to that in the general population (Table 6 in Annex B). This suggests that this reform will not have a differential impact on different ethnic groups. However, only 49% of special expenses award recipients provided information about their race, therefore these findings should be treated with caution.

⁵¹ This was coded by the research team conducting the case file review following an assessment of the evidence, including medical records, in the files. It was not based on an assessment by the applicant, or their representative.

Sex

342. The case file review found that in the special expenses awards to victims of violent crime, 1 recipient was female and 16 were male; this is unsurprising given the increased risk for men of being a victim of a violent crime and the greater number of male CICS recipients when compared with women. In the fatal cases, 11 recipients were female and 8 were male. However, due to the small number of cases it is difficult to draw firm conclusions.
343. Table 14 shows the CICS EOM data; 68% of award recipients receiving a special expenses award in 2010/11 were male and 32% were female. Therefore the removal of private healthcare may have a greater impact on men, as they are overrepresented special expenses among award recipients when compared with women. However, this reflects the overall finding that men are overrepresented amongst award recipients (Table 6 in Annex B) and that men are more likely to be victims of violent crime than women (Table 13 in Annex B).
344. The data suggests that our reforms to limit some special expenses may impact differentially on men, compared to women, who are victims of violent crime.

Equality issues raised during consultation

345. One respondent raised concerns about women who have experienced sexual violence and may require extensive counselling and therapy for a longer period of time than can be offered on the NHS.

Mitigation and justification

346. The aim being pursued is that compensation should be available for those most seriously affected by their injuries and account should be taken of the availability of public-funded services to meet the needs arising from the injury. Taking this into consideration, and based on the evidence, we consider it proportionate to remove costs for private health care as the NHS provides a good standard of care and that the Scheme should not make any additional provision in excess of this. If applicants wish to purchase health care beyond that which the NHS provides, then we consider it appropriate that they will be able to use some of their tariff award for this purpose.
347. Furthermore, in developing our policy we have examined each category of special expenses and have decided to retain the vast majority on the basis that they are most likely to be awarded to those most seriously injured and potentially disabled.

Fatal cases – fatal injury tariff payment (“bereavement awards”)

Policy proposals

Consultation proposal

348. We proposed to protect the current level of award and continue to make payments to the same qualifying applicants.

Post-consultation decision

349. Implement consultation policy proposal.

Analysis

350. Data on the protected characteristics of CICS recipients for resolved cases for fatal injuries in 2010/11 are presented in Table 16 in Annex B. We analysed this data to determine where overrepresentation exists with those that share protected characteristics. While the data on resolved claims in fatal cases provides us with some evidence on the protected characteristics of recipients of fatal injury awards, there are a relatively small number of cases so it is difficult to draw firm conclusions. The findings were as follows:

Age

351. Compared with the general population, adults aged 25-54 are overrepresented amongst award recipients for fatal injury awards, while those aged under 15 are underrepresented (Table 16 in Annex B). For all other age groups, the differences are not substantial. However, there were a small number of resolved claims where the recipient was aged under 15, so the findings for this age group should be treated with caution.

Race

352. Table 17 in Annex B shows that the rate of homicides per million population is highest amongst black people and lowest amongst white people. But, we do not know if applications for fatal awards from CICS are representative of homicides in general. Nor can it be assumed that those bereaved by homicide (including bereaved dependants) are typically of the same ethnicity as the victims, though it may be the case.

353. Table 16 in Annex B shows that in 2010/11, the percentage of BME recipients in resolved cases for fatal injury was higher (18%) when compared to the proportion of BME people in the population of Great

Britain (12%). The percentages of CICS recipients, however, exclude unknown cases where race has not been recorded, and there was a high non-response rate to this question in the CICA EOM form (87% did not provide information about their race status). In addition, there were a small number of resolved claims where the recipient was from a BME group so the findings should be treated with caution. We therefore cannot say whether, relative to the population as a whole, members of a particular ethnic group are overrepresented amongst resolved CICS cases for fatal injury.

Religion and belief

354. The percentage of resolved cases for fatal injury where the recipient registered as having 'no religion' is higher (64%) than in the population in Great Britain (23%), while the percentage of resolved cases where the recipient registered their religion as Christian was lower (33% as compared to 69% in the population in Great Britain) (Table 16 in Annex B). In all other cases where the recipient recorded that they had a specific religion/ faith the number of resolved claims was small so the findings should be treated with caution. In addition, these figures exclude unknown cases where religion/faith of the recipient has not been recorded and there was a high non-response rate to this question in the CICA EOM form (81% did not provide information on their faith). We therefore cannot say whether, relative to the population as a whole, members of a particular faith/non-faith groups are overrepresented amongst resolved CICS cases for fatal injury.

Sex

355. Compared with the general population, men are overrepresented amongst award recipients for fatal injury awards and women are underrepresented (Table 16 in Annex B). This suggests that men may be disproportionately affected by the reforms. Although the data shows an under representation in respect of women, it is not possible from the existing data to understand the reasons for that or the effect of the existing categories of qualifying claimant upon women. Nor is it possible from the available data to examine the protected characteristics of those who are refused a fatal award.

Equality issues raised during consultation

356. An issue was raised regarding the exclusion of siblings from eligibility to receive bereavement awards in honour killing cases and potential discrimination on the basis of race and gender. This issue is not related to a policy change but is part of the existing Scheme.

Mitigation and justification

357. The policy decision is to maintain the consultation policy proposal as set out above and in the full consultation response.

358. We have considered the point raised by one respondent in respect of the siblings of the deceased. The classes of qualifying claimant were analysed in the initial EIA and the consultation responses have not amended the initial position in that document that no adverse effects in respect of sex or race could be identified. The arguments made by that respondent are being litigated and are not new. Even if such effects had been identified, we consider that restricting bereavement payments to those likely to be closest to the deceased to be justified.
359. During the consultation period, Analytical Services in the Ministry of Justice undertook some initial literature searches to establish whether there was any existing evidence on the equality characteristics of people bereaved by homicide. This found that there was limited evidence in this area; the existing literature focused on bereaved parents and children. It was not possible to generalise from these studies as they were largely small scale and robust quantitative data on the equality characteristics of the bereaved was not found. Other options for further research were considered. This included conducting a review of CICA case files for rejected claims in fatal cases to establish why claims were rejected. This work was not taken forward. Discussions with CICA indicated that most rejected claims were likely to be because applicants did not provide adequate evidence to support their claim, and that few applications were made by people who were not eligible as a 'qualifying claimant'. This research would not have been able to give any data about the characteristics of people who did not apply for compensation because they knew they were not eligible. We will continue to work with CICA to consider what evidence can be collected in future.

Fatal cases – loss of parenting

Policy proposals

Consultation proposal

360. We proposed to continue to pay compensation for the loss of parenting to qualifying applicants who were under the age of 18 and dependent on the victim at the time of the victim's death. A payment is made at an annual rate of £2,000 for each year of loss up until the age of 18.
361. We also proposed to retain the provision in the current Scheme that provides for additional payments that the claims officer considers reasonable to meet other specific losses the child may suffer.

Post-consultation decision

362. Implement consultation policy proposal

Analysis

363. Due to limitations in the available evidence we are unable to rule out the potential impacts of these proposals on any of the protected characteristics of disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, religion or belief, sex and sexual orientation. We have identified the following potential effects on these protected characteristics:

Age

364. Continuing to pay services at the present rate and to retain provision for reasonable additional payments may constitute a positive effect on child applicants bereaved by homicide.

Race

365. We do not have any data on the ethnicity of applicants who claim for parental services. However, as Table 17 in Annex B shows that the rate of homicides per million population is highest amongst black people and lowest amongst white people. In 2010/11, the ethnic breakdown of recipients in resolved cases for fatal injury showed that the percentage of BME recipients was higher when compared to the BME population of Great Britain; but the small number of resolved claims where the recipient was from a BME group prevent robust analysis by ethnic group (Table 16 in Annex B).

366. Therefore we do not know if applications for fatal awards from CICS are representative of homicides in general, or if those bereaved by homicide (including bereaved dependents) are typically of the same ethnicity as the victims – but it seems likely that this will be the case. However, our reforms may constitute a positive effect on BME children bereaved by homicide.

Equality issues raised during consultation

367. No equality points were made regarding this proposal.

Mitigation and justification

368. We have been unable to identify any potential adverse effects, either through our own analysis or via consultation. As such, we consider this proposal justified and suggest that no further mitigation is required.

Fatal cases – dependency payments

Policy proposals

Consultation proposal

369. We proposed to pay dependency payments in line with our revised loss of earnings proposals at paragraphs 301-303. If we were to make dependency payments in line with our loss of earnings option A (capped at £12,600) we proposed to continue to make a reduction (of up to one third) to account for any personal and living expenses the victim would have incurred⁵² and to adjust for any benefits paid as a result of the death. Personal insurance policies and pensions schemes paid solely by the deceased or a dependent of the deceased would not be counted. If we were to pay the flat-rate of around £4,200 (equivalent to statutory sick pay – option B1) we would not propose to make reductions to account for the victim’s personal and living expenses and we would disregard any benefits paid as a result of the death.

370. As now, the dependency award will continue to be divided by the number of qualifying applicants in each year of loss (so if two people qualify for dependency payments they would get half each). Children cease to be qualifying applicants when they reach the age of 18.

371. We proposed to make dependency payments as follows:

- in the case of a dependent child, until the applicant’s 18th birthday

372. In other cases, until whichever is the sooner of:

- state pension age of the deceased;
- the deceased’s life expectancy prior to the incident;
- the dependant’s life expectancy; or
- the 50th anniversary of the death of the deceased.

373. Dependency payments may sometimes be made for physical dependency alone (for example, where the deceased was a carer for an applicant but made no financial contribution to their up keep). We proposed to retain payments in these circumstances.

⁵² Deductions are currently determined by the claims officer, but are typically 33% of the deceased’s net income where there is a surviving spouse or civil partner and 25% where there are also surviving dependent children.

Post-consultation recommendation

374. To pay dependency payments in line with our revised loss of earnings reforms at paragraph 304.

Analysis

375. Due to limitations in the available evidence we are unable to rule out the potential impacts of these reforms on any of the protected characteristics of gender reassignment, marriage and civil partnership, pregnancy and maternity, religion or belief, and sexual orientation. We have identified the following potential effects on these protected characteristics:

Age

376. Compared to the age distribution of the general population, a larger number of children receive dependency payments, and therefore will be affected by any reductions to the average payment made. In 2009/10, of the 90 cases of dependency for which awards were made under the Scheme, around half included children among the dependants.
377. However, we are not able to say whether the impact of the reforms on the average amount received by a child would be larger than the impact on the average payment to an adult. This is because dependency payments for children are only made to cover the period up to their eighteenth birthday, or the end of their full-time education. For adult dependants, payments will continue until the likely retirement date of the deceased – which may on average, be a longer period. We also do not know how the annual value of dependency awards varies across dependants of different ages.

Disability

378. Where an applicant bereaved by homicide was physically, but not financially, dependent on the victim, a payment is made to cover the cost of the care formally given by the deceased. Retaining this provision gives due regard to those who are disabled and physically dependent on a carer who then dies.
379. Research from *Experiences and Expectations of Disabled People*⁵³ shows that family members provided the greatest single source of weekly help with more than 2 in 5 of those who received any help or support saying that their spouse or partner (46%) or child(ren) (43%) gave them help or support at least once a week.

⁵³ Experiences and Expectations of Disabled People - Office for Disability Issues (ODI), 2007

Race

380. We do not have any data on the ethnicity of applicants who claim for dependency, however we do know that the rate of homicides per million population is highest amongst black people and lowest amongst white people (Table 17 in Annex B). In 2010/11, the ethnic breakdown of recipients in resolved cases for fatal injury showed that the percentage of BME recipients was higher when compared to the BME population of Great Britain; but the small number of resolved claims where the recipient was from a BME group prevent robust analysis by ethnic group (Table 16 in Annex B).
381. As previously mentioned, we do not know if applications for fatal awards to the Scheme are representative of homicides in general, or if those bereaved by homicide (including bereaved dependents) are typically of the same ethnicity as the victims – but it seems likely that this will be the case. If so, any reduction to dependency payments is likely to have differential effects across different ethnic groups.

Sex

382. Table 16 in Annex B shows that compared to the general population, men are overrepresented amongst award recipients for fatal injury awards and women are underrepresented. This suggests that any reduction to dependency payments is likely to have differential effect on men.

Equality issues raised during consultation

383. No equality points were made regarding this proposal

Mitigation and justification

384. The aim being pursued is that compensation should be available for those most seriously affected by their injuries and account should be taken of the availability of public-funded services to meet the needs arising from the injury.
385. As with our rationale for reforming loss of earnings, a key aim of our reforms is to put the Scheme on a more sustainable footing so it can continue to offer timely compensation to victims in the long-term and provide a set of fair, realistic expectations. The Scheme is not intended to return the victim to the position they were in prior to the injury. Our reforms to loss of earnings awards will refocus awards on the most affected and will make payments easier to calculate.
386. The effects are mitigated by the fact that additional benefits will continue to be available where applicable (dependency payments do not affect means-tested benefits when they are held in a personal injury trust).

387. In addition, for children the provision of the parental services payment of £2,000 per annum is being retained. In relation to physical dependants, who may be disabled, we are retaining payments calculated as at present on the basis of the cost of their care.

Fatal cases – funeral expenses

Policy proposals

Consultation proposal

388. We proposed to continue to make payments for reasonable funeral costs and proposed that payments could be made to the person who pays the bill as well as to the estate. In line with our proposals in paragraphs 216 - 217 we would not seek to make deductions based on the deceased's previous convictions unless they were very serious. We would however still consider the character of the applicant when deciding whether to make an award.

Post-consultation decision

389. We will change funeral payments policy, enabling claims officers to pay £2,500 up front to the deceased's estate, and where the applicant can demonstrate that the costs are reasonable, additional funeral expenses up to a total maximum of £5,000.

Analysis

390. Due to limitations in the available evidence, we are unable to rule out the potential impacts of this decision on any of the protected characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, sex and sexual orientation. We have identified the following potential effects on these protected characteristics:

Race

391. This decision gives due regard to the applicant families of victims of different nationalities, who may require exceptional additional provision to transport the body back to its country of origin.

Religion and belief

392. The decision gives due regard to applicants of different religious groups. Information from Mintel Research Consultancy shows that in some parts of the country the cost of burial is higher than that of cremation, and that funeral costs can vary by region. For example in London the average cost of a burial is ⁵⁴£5,421 and £3,209 for a cremation whereas in Wales the average cost of a burial is £3,136 and £2,688 for a cremation. Cremations are generally less expensive compared with burials. There may be other reasons why funeral costs are higher for some faiths than

⁵⁴ Mintel Research Consultancy, Average Funeral Pricing, July 2011

others. For example, in the Muslim and Jewish faiths, burial is preferred over cremation.

Equality issues raised during consultation

393. No equality points were made regarding this proposal.

Mitigation and justification

394. Our reforms for funeral expenses should mitigate where a body needs to be repatriated or the funeral needs to take account of religious requirements, for example as stated above, in the Muslim and Jewish faiths, burial is preferred over cremation. To cover the costs of either a burial or a cremation claims officers will pay £2,500 up front to the deceased's estate. When the cost of the funeral is above this amount, and the applicant (s) can demonstrate that the total costs are reasonable, claims officers can make further funeral payments up to an additional £2,500, giving a possible payment of £5,000.

395. Our policy reform on funeral expenses may impact on applicants from minority ethnic backgrounds living in London due to the higher costs for funerals. Our research shows that the percentage of mid-2009 population in London that was not White British was 40.5% compared to 7.6% in the North East and 7.0% in Wales.⁵⁵ The funeral costs for some burials in London may exceed £5,000 and therefore this may result in a greater number of applicants living in London paying more towards the costs of burials compared to the same group in other parts of the country. However to mitigate this, if claims officers pay out to a maximum of £5,000 this would cover the majority if not all the costs of the funeral.

⁵⁵ Population Estimates by Ethnic Group 2002-2009

Process - applications

Policy proposals

Consultation proposal

396. Applicants to the Criminal Injuries Compensation Scheme have two years to apply following the incident. Where the applicant could not reasonably have made an application within the two year period (for example in cases of historic sexual abuse) the time limit can be extended. We proposed to continue with this provision which is set out in paragraphs 18 and 19 of the Scheme.
397. The current Scheme states that it will be for the applicant to make out their case; this will continue. We will make clearer the evidence the applicant will be required to submit in support of their application. This will include:
- a. evidence of the identity and residence status of the applicant, along with a declaration of any criminal record the applicant might have;
 - b. evidence that the applicant has been a victim of a crime of violence. The applicant should state that they have made a report to the police. CICA will then approach the police for a copy of the report;
 - c. initial medical or other expert evidence to show that an injury has been sustained (e.g. the provision of GP notes or an A&E discharge note). Our proposals in respect of any costs attached to this evidence are set out in paragraph 398. Where there is a cost attached to this which an applicant is unable to meet CICA will continue to meet the cost of the medical evidence;
 - d. if the applicant is claiming loss of earnings, evidence of the applicant's employment history and any loss of earnings as a result of the injury; and
 - e. details of any alternative sources of compensation for which the applicant might be eligible, and which are relevant to the calculation of an award under the CICS. If, for example, an injury was sustained in the course of the applicant's employment, this might include confirmation from the employer that there was no liability on their part, or that there were no injury-based workplace schemes available.
398. Following preliminary eligibility checks, CICA currently request and pay for a medical report. However, we believe the responsibility should, within reason, lie with the applicant to provide the necessary medical evidence to make their claim. NHS guidance states that a fee of £10 may be charged to get a copy of records held on computer and up to

£50 for records that are only held manually (or in part manually). We believe it is reasonable for applicants to bear costs in this range, up to an overall maximum of £50 (the current maximum for a copy of NHS records). However, where an applicant cannot obtain or afford to meet these costs or where more costly expert evidence, such as a full psychiatric report, is required, CICA will continue to pay for those reports. Where CICA continues to cover these initial costs we proposed that claims officers should have the power to deduct the costs incurred from any final award, again up to an overall maximum of £50.

399. Where a claims officer considers that a further medical report is needed, for example to confirm the extent of the injury or its cause, CICA will continue to commission and pay for these reports.⁵⁶
400. We also proposed that there should be other limited circumstances where claims officers would be able to deduct costs associated with medical examinations from an award:
- where an applicant has without reasonable excuse missed medical appointments for which CICA are responsible for paying; or
 - where CICA has incurred the cost of obtaining further evidence due to an applicant commissioning additional medical evidence which the claims officer did not consider necessary to determine the claim, and which could not reasonably have been expected to add materially to the existing medical evidence.

Post-consultation decision

401. Applicants will be required to supply information in support of their application as set out in paragraph 397 above.
402. Claims Officers will deduct costs associated with medical expenses when an applicant misses, without reasonable excuse, medical appointments that CICA is paying for. We will not implement our proposal to deduct costs in circumstances where CICA has incurred costs of obtaining further evidence due to an applicant commissioning additional medical evidence which the claims officer did not consider necessary to determine the claim, and which could not reasonably have been expected to add materially to the existing medical evidence.
403. Applicants will be required to bear costs for medical evidence up to an overall maximum of £50. However, where an applicant cannot afford to meet these costs or where the applicant cannot reasonably obtain it but the Authority can or where more costly expert evidence, such as a full psychiatric report, is required CICA will continue to pay for those reports. Where CICA continues to cover these initial costs claims officers will

⁵⁶ Paragraph 21 of the Scheme.

have the power to deduct the costs incurred from any final award, again up to an overall maximum of £50.

Analysis

404. Due to limitations in the available evidence, we are unable to rule out the potential impacts of these proposals on any of the protected characteristics of gender reassignment, marriage and civil partnership, pregnancy and maternity, religion or belief, and sexual orientation. We have identified potential effects in the following protected characteristics:

Age

405. We do not have data to suggest that overall the proposal not to change the current time limit of two years will affect differently across different age groups. We considered that this proposal has the potential to affect young adults who were victims of, for example, sexual abuse, as children and did not make an application the time.

Disability

406. We considered that the proposal to make clearer the evidence the applicant will be required to submit in support of their application may affect people with mental or physical disabilities, who may find it difficult to collect evidence due to incapacity.
407. We have considered that the requirement that the applicant incurs the cost of medical reports may affect those who have disabling injuries that need to be confirmed by an expert report in the first instance, e.g. the need to have a mental injury confirmed by psychiatric diagnosis may affect the finances of those who have a mental disability as the result of the crime.
408. We do not have data to suggest that retaining the existing two year time limit on applications will affect disabled people. We consider that this proposal has the potential to affect disabled people who were vulnerable and were victims of abuse, and did not make an application within the two year time period.

Race

409. We consider that this proposal may affect people from certain communities where English is not the primary language, who may find it difficult to collect evidence due to language barriers.
410. We have also considered what effect our proposal regarding initial medical evidence, where the onus is on applicants to collect and pay the fee, would have in terms of non British nationals who are not normally resident in the UK, e.g. EU/EEA and Council of Europe nationals. We were mindful that because they live abroad, the applicant may find it

practically difficult to gather the medical evidence as compared to British nationals and residents, who we expect to go to their GP or local hospital here in the UK.

Sex

411. We do not have data to suggest that retaining the two year time limit on applications will affect one sex more than the other. We consider that this proposal had the potential to affect women who were victims of, for example, rape and sexual violence (which differentially affects women), and did not make an application within the time period due to the fact that they felt unable to report the crime immediately.

Equality issues raised during consultation

412. Respondents stated we should be mindful of those who do not have the capacity to follow the evidence collection process. There were concerns that the consultation contained lots of detail about what evidence applicants are expected to provide in order to qualify for compensation and that many victims will need support from criminal justice system service providers to be able to provide evidence.
413. Respondents were also concerned about the proposal that applicants must pay up to an overall maximum of £50 for accessing records needed for their case. They felt this would run the risk of excluding people on lower incomes and those who are unable to work because of a disability from accessing compensation.

Mitigation and justification

414. We will make it clearer what evidence the applicant will be required to provide as a minimum, and applicants will only be required to provide such information as CICA may reasonably require. As such, any assessment would give due regard to a person's capacity to collect the information. There will be a requirement for the claims officer to make reasonable adjustments, such as those set out below.
415. In most instances of language barriers, CICA state that they help where they can, where there is not already some form of support in place, and will continue to do so by signposting to free local translation services. Where appropriate CICA also use The Big Word⁵⁷ and its telephone support service to assist. For applicants who lack mental capacity, where there would not already be some form of support in place, CICA would signpost to local statutory services in the first instance.
416. Regarding the collection of medical evidence the effects are mitigated whereby CICA will meet the costs of medical evidence where an applicant cannot obtain or afford to meet these costs or where more

⁵⁷ Under the UK Government's Framework Agreement thebigwordGroup have been appointed as the approved supplier of translation and interpreting services to Government departments - <http://www.thebigword.com/>

costly expert evidence, such as a full psychiatric report is required. The rule where claims officers would be able to deduct costs from an award due to missed medical appointments without reasonable excuse is mitigated by limiting it to these instances.

417. Regarding the two year time limit on applications, the effects are mitigated by the fact that there is a discretion to extend this time period in certain cases. CICA will produce guidance to try to ensure that such waivers are applied as consistently as possible. The guidance will look sensitively at the particular issues concerning the reporting of sexual abuse and rape, as well as issues faced by applicants with learning difficulties. A waiver can only be considered if it is still practicable for the application to be considered, for example, where there is evidence that a crime took place or a court case upon which the applicant can base their application.
418. Our reforms will have a positive effect on those applicants who were under the age of 18 on the date of the incident (or the first incident) giving rise to the criminal injury. Their application under the Scheme must be received by the Authority in the case of an incident reported to the police before the applicant's 18th birthday, within the period ending on their 20th birthday or in the case of an incident reported to the police on or after the applicant's 18th birthday, within two years after the date of the first report to the police in respect of the incident.

Process – decisions

Policy proposals

Consultation proposal

419. We proposed to shorten the current 90 day period that applicants have in which to notify CICA that they either accept or reject the award.⁵⁸ Typically applicants take around three weeks to respond so we consider that allowing 56 days is reasonable while contributing to speeding up the process overall. We also proposed to shorten the period of applying for review from 90 to 56 days.⁵⁹ We also proposed that this period should be subject to one extension of up to 56 days where there are exceptional reasons to grant an extension.

Post-consultation recommendation

420. Implement consultation policy proposals.

Analysis

421. Due to limitations in the available evidence, we are unable to rule out the potential impacts of these proposals on any of the protected characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

Equality issues raised during consultation

422. Some respondents held the view that reducing decisions to 56 days may penalise those who are disabled, given the reduction in legal support through legal aid.

Mitigation and justification

423. The effects of this rule are mitigated in part by giving powers to claims officers to extend this period by a further 56 days where there are exceptional reasons to grant an extension. Claims officers would take capacity of the applicant into account when considering an extension. The extension can be sought before or after the expiry of the initial time limit which also mitigates the impact on those applicants with disabilities.

⁵⁸ Para 50 of the Scheme.

⁵⁹ Para 59 of the Scheme.

Process – reconsideration and re-payment

Policy proposals

Consultation proposal

424. A decision may currently be reconsidered at any time before payment of the final award where there is new evidence or a change in circumstances (for example the applicant receives compensation from another source). Where an interim payment has been made this does not prevent a claims officer reconsidering the case.
425. We proposed to retain the current arrangements and proposed to extend the circumstances where repayment of all or part of the award may be requested to cover circumstances where the applicant has not cooperated so far as practicable in bringing any assailant to justice or the applicant deliberately misled a claims officer when making their claim.

Post-consultation decision

426. Implement consultation policy proposal.

Analysis

427. Due to limitations in the available evidence, we are unable to rule out the potential impacts of the proposal on any of the protected characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

Equality issues raised during consultation

428. No equality points were made regarding this proposal.

Mitigation and justification

429. We have been unable to identify any potential adverse effects, either through our own analysis or via consultation. As such, we consider this proposal justified and suggest that no further mitigation is required.

Process – medical re-opening

Policy proposals

Consultation proposal

430. The Scheme currently allows cases to be re-opened on medical grounds at the applicant's request if there has been a material change in their medical condition or where the victim has died as a consequence of their injury. There is always an element of uncertainty in any assessment of future loss, and the possibility that an injury might worsen at some point in the future but in order for the Scheme to be as administratively efficient as possible we proposed to remove this provision from the Scheme but to allow deferral of the case in a wider range of circumstances than at present (see paragraphs 436 -438).

Post-consultation decision

431. Retain provisions to request a reopening of a case on medical grounds and not proceed with some of the deferral provisions (see paragraphs 439-440)

Analysis

432. Due to limitations in the available evidence, we are unable to rule out the potential impacts of these proposals on any of the protected characteristics of age, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. We have identified potential effects on the following protected characteristics:

Disability

433. We consider that any change to the rule to allow re-opening of cases may affect those who subsequently suffer a disabling injury as a result of the crime which was not apparent at the time of their initial claim and resulting award, e.g. a recipient who develops epilepsy in the period after their award due to the effects of the crime.

Equality issues raised during consultation

434. Respondents raised concerns that if implemented this rule may affect those who develop epilepsy as a result of their injury, in the period after their award.

Mitigation and justification

435. Our decision is to retain current policy on medical re-opening, rather than proceed with our consultation proposal, therefore no further mitigation is required.

Process – deferral

Policy proposals

Consultation proposal

436. Where an applicant believes the long term impact of their injuries has not yet been established we proposed to enable them to request that a decision on the case be deferred for an initial period of two years with a further period of up to two years upon request.
437. Claims officers currently have powers to make such arrangements for determination of the claim as they consider appropriate. This could include waiting for the outcome of any related criminal proceedings, for example where the facts are not sufficiently clear from the evidence initially provided for the claims officer to determine whether a crime of violence for the purpose of the Scheme has taken place. We proposed to make this power to defer determination clearer in the Scheme. Cases should still be determined as quickly as possible and the power should only be used where it is necessary to wait for the criminal proceedings to determine the claim. It was not proposed that the outcome of the criminal proceedings will be determinative of the claim: claims officers will continue to reach their decisions on the balance of probabilities.
438. We also proposed to enable human trafficking victims and asylum seekers to request their applications are deferred until the question of their identification or status is settled, provided they submit their application within two years of the incident in accordance with the usual time limits for a claim.

Post-consultation recommendation

439. We will not proceed with proposals enabling applicants to request a deferral where they believe the long term impact of their injuries has not been established as we are retaining re-opening provisions.
440. We will maintain current the policy in relation to claims officers' powers to defer and we will introduce a new provision enabling a claims officer to defer a decision on an application:
- a) Where the applicant has been referred to a UK competent authority as a potential victim of trafficking in human beings and has not yet received a conclusive grounds decision and
 - b) where an application for asylum is made under Immigration Rules made under section 3(2) of the Immigration Act 1971 and a final decision has not yet been made.

Analysis

441. Due to limitations in the available evidence, we are unable to rule out the potential impacts of these proposals on any of the protected characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, religion or belief, sex and sexual orientation. We have identified the potential effects on the following protected characteristic:

Race

442. We consider that the policy to enable asylum seekers and those applicants who have been conclusively identified as victims of human trafficking to request their applications be deferred until the question of their refugee status or identification is settled, gives due regard to foreign victims in these circumstances.

Equality issues raised during consultation

443. No equality points were made regarding this proposal

Mitigation and justification

444. We are maintaining current policy but we are not proceeding with deferral as set out in paragraph 436. However, an applicant will be able to request a re-opening of their case on medical grounds if there has been a material change in their medical condition (see paragraphs 430-435 on medical re-opening).

445. The reforms on deferral would create a positive effect on those people who have been referred to a UK competent authority as a potential victim of trafficking in human beings or made an application for asylum. However there may be adverse affects on some of these people whose cases are subsequently unsuccessful. Awards will not be made in such circumstances. This would be in line with our reforms on connection to the UK (see paragraphs 76 -78 on connection to the UK).

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Process – appeal

Policy proposals

Consultation proposal

446. An applicant who is dissatisfied with a decision may ask CICA to carry out an internal review of their case by another claims officer. If they are still dissatisfied the applicant may appeal against that decision to the First-tier Tribunal (Criminal Injuries Compensation). If it becomes apparent that a claims officer's decision on review was wrong, there is no power enabling CICA to withdraw the decision and issue a fresh one, so the appeal must proceed.
447. We proposed that when it becomes apparent that a claims officer has made an error on review, a claims officer should be able to withdraw the review decision under appeal and issue a decision in the applicant's favour. The applicant could then decide whether to accept the decision and, with the consent of the First-tier Tribunal, withdraw his appeal. This is in order to avoid unnecessary costs and inconvenience for both the applicant and the Authority.

Post-consultation decision

448. Implement consultation policy proposal.

Analysis

449. Due to limitations in the available evidence, we are unable to rule out the potential impacts of these proposals on any of the protected characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

Equality issues raised during consultation

450. No equality points were made regarding this proposal.

Mitigation and justification

451. We have been unable to identify any potential adverse effects, either through our own analysis or via consultation. As such, we consider this proposal justified and suggest that no further mitigation is required.

Further rules/provisions not considered as part of this review

Fatal Cases – same sex partner

452. Although it has not been considered as part of this CICS review, for the purposes of this EIA we have considered the effects of the rule that applies an exception which prevents an application to be submitted to the current Scheme by a same sex partner as a result of a fatality caused by injuries received before 1 April 2001. In relation to fatal injuries occurring after that period, same-sex partners are treated on the same basis as all other applicants. This rule does affect LGB applicants. However, consistent with our rule relating to victims living with their assailants prior to 1 October 1979 as set out in paragraphs 152-168, we do not propose to change historic rules which relate to the position under previous Schemes.

Post-consultation recommendation

453. We intend to continue with the current policy and not change the historic rules relating to fatal application by a same sex partner as a result of a fatality caused by injuries received before 1 April 2001.

Analysis

454. This rule does affect LGB applicants.

Equality issues raised during consultation

455. No equality points were made regarding this policy.

Mitigation and justification

456. The rule that prevented a fatal application being submitted by a same sex partner was changed in the 2001 Scheme. At that time the decision was taken to change the rules prospectively rather than retrospectively and therefore an exception which prevents a fatal application being submitted by a same sex partner as a result of a fatality caused by injuries received before 1 April 2001 has been a feature of every Scheme since 2001. This was a legitimate choice made at the time, and was in line with the general approach that changes are ordinarily made going forward, rather than in respect of historic cases.

Discount Rate

457. Discount rates are used to reduce a stream of payments over time to reflect the fact that if a claimant receives a lump sum, they can invest it and make a return on it. The lower the discount rate, the higher the amount the claimant receives in a lump sum and the greater the overall Scheme cost.
458. In 1996, when the first CICS tariff Scheme came into force, multiplier tables were included in the Scheme based broadly on the discount rate applied in the courts in personal injury cases at that time (4.5% in real terms – which means that it is assumed the claimant could receive a return of 4.5% on top of inflation.) The multiplier tables have not been revised since 1996 (though the Scheme was amended most recently in 2008). The rate in the Scheme is applied to loss of earnings, special expenses, dependency and loss of parental services payments. The rate does not affect tariff or other fixed rate payments.
459. Though we did not consult on the discount tables, we did acknowledge in the consultation document that the existing multipliers applied in the tables are out of date. We received one consultation response on this issue expressing the view that the current underlying discount rate was too high. The current tables are based on an underlying discount rate of 4.5%. We have introduced revised tables based on an underlying discount rate of 2.5%.
460. We have also changed life expectancy tables to better reflect current life expectancy as these tables had not been updated since 1996.

Analysis

461. We have data on the protected characteristics of CICS recipients for resolved cases where a loss of earnings or special expenses awards was made. We analysed this to determine where overrepresentation exists amongst those recipients of such awards that share protected characteristics. This is set out under our loss of earnings reforms at paragraphs 301-330, and our special expenses reforms at paragraphs 331-332. In addition, award recipients receiving dependency awards as part of a fatal injury award may be affected by these reforms (see paragraphs 374).
462. Due to limitations in the available evidence, we are unable to rule out the potential impacts of this reform on any of the protected characteristics of, gender reassignment, marriage and civil partnership, pregnancy and maternity, religion or belief and sexual orientation. We have identified that this reform could potentially affect people with protected characteristics of age, disability and sex.

Age

463. As set out above, the majority of award recipients where a loss of earnings award or a special expenses award was made were of working age, few award recipients were aged under 15 or aged 65 and over. This reflects the overall findings that people of working age are overrepresented amongst award recipients overall when compared with the general population (Table 6 in Annex B). Reforms to the discount rate will impact differentially on those of working age.
464. While, compared to the age distribution of the general population, a larger number of children receive dependency payments and awards for loss of parental services. Therefore children will be positively affected by the changes to the discount rate.

Disability

465. The data set out above, suggests that those who receive loss of earnings payments and special expenses awards are those who are most seriously injured and the most seriously affected by the crime. This suggests that the lower discount rate will have a positive impact on disabled people.
466. Applicant bereaved by homicide who were physically dependent on the victim are given awards to cover the cost of the care formally given by the deceased; therefore lowering the discount rate could benefit disabled claimants.

Sex

467. As set out above, men are overrepresented amongst award recipients for loss of earnings awards and special expenses awards, when compared with women. This is likely to be because the majority of these claims relate to assaults, a type of crime which men are more likely to be a victim of than women (Table 13 in Annex B). This suggests that the lower discount rate will have a positive impact on men.

Mitigation and Justification

468. Reducing the discount rate will have a positive impact for the most seriously injured, who may also be disabled by their injury, and for other vulnerable groups who may share one or more of the protected characteristics

Recovering CICS compensation from offenders

Policy proposals

Consultation proposal

469. There are unimplemented powers in the Criminal Injuries Compensation Act 1995 which would allow the Secretary of State for Justice or, in Scotland, the Scottish Ministers, to make Regulations to provide for the recovery from offenders by the state of the criminal injuries compensation paid to their victims. The legislation, if commenced, would enable a CICS claims officer to issue a recovery notice and, if the amount is not paid, to initiate debt recovery action through the civil courts
470. Implementing these provisions would depend on whether it was practically possible to design an effective process. Two key challenges are to ensure that any process is cost-effective and that recovery does not have an adverse effect on the victim in the case. Victims' groups have previously raised concerns in relation to the impact on victims because it would be necessary to give the offender details of the compensation paid to their victim, and how the compensation decision was arrived at, as part of the recovery process.

Post-consultation decision

471. We will undertake further consideration as to how we might implement powers to recover money from offenders, where criminal injuries compensation has been paid to their victims, in a cost efficient manner.

Analysis

472. Due to limitations in the available evidence we are unable to rule out the potential impacts of these proposals on any of the protected characteristics of disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, religion or belief, and sexual orientation. We have identified potential effects on the following protected characteristics:

Age

473. The majority of offenders found guilty of violent or sexual offences are aged 21 or over (for example, in England and Wales 75% were aged 21 and over compared with 25% aged under 21) (Tables 30 and 31 in Annex B). However, children and young adults (those aged 10 – 20 for England and Wales and 8 – 20 in Scotland) are overrepresented amongst those found guilty of violent or sexual offences, compared with the proportion of people in this age group in the population overall. This

suggests that any proposal to commence these provisions may have a greater impact on offenders in this age group.

Race

474. The data presented in Table 31 in Annex B suggests that while the majority of people found guilty of violent or sexual offences are white (77%), White people are slightly underrepresented amongst those found guilty of violent or sexual offences when compared with the proportion of white people in the population overall. We do not have equivalent data for Scotland. This suggests that any proposal may have a greater impact on BME offenders. However these percentages exclude unknown cases where race has not been recorded (7%).

Sex

475. The data presented Tables 31 and 32 in Annex B suggest that men are overrepresented amongst those found guilty of violent or sexual offences. This suggests that any proposal to commence these provisions may have a greater impact on male offenders.

Equality issues raised during consultation

476. One respondent raised the issue of recovering CICS compensation in cases of domestic and sexual violence, as this can lead to reprisals and further violence against the victim. In cases involving multiple perpetrators, as is often the case with honour based violence and domestic violence within BME communities, the system of recovery could be complex and heighten risks to the victim. The respondent raised the same concerns in relation to cases of harmful practices which would include female genital mutilation.

Mitigation and justification

477. In developing future policy for recovery of CICS compensation from offenders, we will need to fully consider the equality effects on those with protected characteristics.

478. The preliminary analysis is that any proposal to proceed with recovery action would be justified in that the state would be recouping the money that it has paid out as a result of the offender's crime. However, we would need to undertake more comprehensive analysis once the proposal is further developed.

Monitoring

479. Applications for compensation submitted on paper, by telephone and online contain an equal opportunities monitoring section where CICA invite applicants to provide information about their gender, age, religion, sexual orientation, and ethnicity and whether or not they consider themselves disabled. CICA will continue to monitor these responses so that they might identify whether any group of applicants consider themselves disadvantaged by the new Scheme.
480. The effect of the new Scheme on external stakeholders will be reviewed through the Policy and Equality Forum meetings; from any customer complaints; and in the results of the Customer Survey. The meetings of the Policy and Equality Forum are held quarterly and include representatives from Victim Support and the Association of Personal Injury Lawyers. CICA's customer survey is issued to applicants who have received a decision on their claim for compensation. This survey would be monitored to ensure that applicants consider they have had equality of opportunity in the application process and any concerns would be for CICA to consider.

Annex A - profile of recipients of CICS payments and profile of victims of violent and sexual crimes

Profile of recipients of CICS payments

481. We have equality data collected from CICA's EOM form on the age, sex, race, religion and sexual orientation distribution of recipients of CICS resolved claims in 2010/11, as well as on recipients' self-declared disability and gender reassignment status (Table 6 in Annex B).

Age distribution of award recipients

482. Table 6 in Annex B shows the distribution of CICS resolved claims by age for 2010/11, and compares this with the age distribution of the general population of Great Britain.

483. Compared to the general population, adults aged 15 – 44 are overrepresented amongst award recipients, while children (under 15s) and older adult age groups (those aged 55 and over) are underrepresented.

Disability of award recipients

484. Table 6 in Annex B shows the distribution of CICS resolved claims by self-reported disability for 2010/11, and compares this with the self-reported disability of the general population of Great Britain.

485. The percentage of award recipients who are disabled is lower as compared to the general population (6%, compared with 19% in the population of Great Britain). However these percentages exclude unknown cases where disability has not been recorded due to a high non-response rate (71% did not provide information about their disability status). We therefore cannot say whether, relative to the population as a whole, disabled people are overrepresented amongst resolved CICS cases.

486. But, we are mindful that some, but not all, of the injuries for which awards are made under the CICS may either exacerbate an existing disability or are in themselves disabling. Therefore, where we consider our proposals, we look at payments according to the severity of the injury and whether it is likely to be disabling or will exacerbate an existing disability.

Gender reassignment status of award recipients

487. Table 6 in Annex B shows the distribution of CICS resolved claims by gender reassignment status for 2010/11. However, we do not have any

comparable data on the gender reassignment status of the population of Great Britain as a whole.

488. Additionally, due to the high non-response rate (80% did not provide this information) we cannot draw any robust conclusions about the gender reassignment status of those who receive compensation.

Marriage/civil partnership of award recipients

489. No information is held on the marriage/civil partnership status of award recipients. We therefore do not know if changes to the overall scope of the CICS might put at a particular disadvantage people with this protected characteristic.

Pregnancy/maternity status of award recipients

490. No information is held on the pregnancy/ maternity status of award recipients. We therefore do not know if changes to the overall scope of the CICS might put at a particular disadvantage people with this protected characteristic.

Race distribution of award recipients

491. Table 6 in Annex B shows the distribution of CICS resolved claims by race for 2010/11, and compares this with the race distribution of the general population of Great Britain.
492. In 2010/11, the ethnic breakdown of recipients in resolved cases was similar to that in the population. There were slightly higher percentages of black recipients (4%, compared with 3% in the population of Great Britain). However these percentages exclude unknown cases where race has not been recorded due to a high non-response rate (47% did not provide information about their race status). We therefore cannot say whether, relative to the population as a whole, members of a particular ethnic group are overrepresented amongst resolved CICS cases.

Religion/belief of award recipients

493. Table 6 in Annex B shows the distribution of CICS resolved claims by religion/faith for 2010/11, and compares this with the religion/faith of the general population of Great Britain.
494. The percentage of resolved cases where the recipient identified as having 'no religion' is higher as compared to the population in Great Britain. There were few differences amongst those who recorded that they had a specific religion/ faith, with the exception of Christians who were underrepresented compared with the population of Great Britain. However these percentages exclude unknown cases where religion/faith has not been recorded and there was a high non-response rate (57% did not provide information on their faith). We therefore cannot say whether,

relative to the population as a whole, members of a particular faith/non-faith groups are overrepresented amongst resolved CICS cases.

Sex distribution of award recipients

495. Table 6 in Annex B shows the distribution of CICS resolved claims by gender for 2010/11, and compares this with the gender distribution of the general population of Great Britain.
496. Compared to the general population, men are overrepresented amongst award recipients.

Sexual orientation of award recipients

497. Table 6 in Annex B shows the distribution of CICS resolved claims by sexual orientation for 2010/11, and compares this with the sexual orientation of the general population of Great Britain.
498. The percentage of resolved cases where the recipient registered their sexual orientation as either bisexual or gay/lesbian was similar as compared to the population in Great Britain. However these percentages exclude unknown cases where sexual orientation has not been recorded, and there was a high non-response rate (74% did not provide this information). We therefore cannot say whether, relative to the population as a whole, bisexual or gay/lesbian groups are overrepresented amongst resolved CICS cases.

Profile of victims of violent and sexual crime

499. In this section we look at the available data on victims of violent and sexual crime. The reasons for this are twofold. The first is to provide context for the information on recipients of CICS awards, and potentially highlight areas where the profile of recipients diverges from that of victims of violent and sexual crime. For example, as noted above, compared with the general population, young adults are overrepresented amongst recipients of CICS awards. Data shows this is consistent with the age profile of victims of violent crime.
500. The second reason is that for some protected characteristics we have little or incomplete data on recipients of CICS awards. In these cases, data on victims of violent and sexual crime more generally may provide indicative information on the protected characteristics of those eligible to apply for the Scheme and who would therefore be likely to be affected by any reforms.
501. The CSEW provides equality data for some, but not all, protected characteristics in relation to victims of violent crime, this covers England and Wales. Data for Scotland comes from the SCJS; this data is not directly comparable to that from the CSEW.

Age

502. Data from the CSEW (see Table 13 in Annex B) shows the risk of being a victim of violence to be highest among 16 to 24 year olds, falling with age. This applies for all CSEW violence, including wounding and assaults with injury which are most likely to be eligible for awards under the CICS. The 2010/11 SCJS shows a similar pattern in Scotland (see Table 18 in Annex B).
503. The CSEW measure of sexual assault shows that among women, the risk of being a victim of sexual assault in the last year was highest among those aged 16 to 19 (8%), while there were no statistically significant differences between age groups among men (Table 19 in Annex B).
504. Experimental statistics from CSEW on crime against children aged 10 to 15 for England and Wales are set out in Table 20 in Annex B; 7% had been a victim of a violent crime, with similar percentages of children experiencing victimisation across the age groups. These statistics are not directly comparable to the adult statistics.
505. This risk of being a victim of violent crime presented in Tables 13, 18, 19 and 20 in Annex B suggest that the overrepresentation of young adults in CICS recipients is influenced by higher levels of victimisation among this group.

Disability

506. The CSEW asks respondents if they have a long standing illness or disability. Data from the CSEW (Table 13 in Annex B) suggests that the risk of being a victim of violent crime is similar for people with a limiting long term illness or disability as for the general population.
507. However, it is worth noting that those with limiting long term illnesses or disabilities have an older age profile than the population at large. When age is controlled for, those with a limiting long term illness or disability are more likely to be a victim of violent crime.⁶⁰
508. The CSEW measure of sexual assault shows there to be no statistically significant difference in the risk of sexual victimisation by disability status (Table 19 in Annex B).

Gender reassignment

509. The CSEW does not collect data on gender re-assignment and we are not aware of any comprehensive data on the risks of being a victim of crime according to gender reassignment as compared to other groups. It is therefore not possible to rule out any differential effect according to this characteristic. We welcomed suggestions of potential evidence

⁶⁰ Crime in England and Wales 2009/10, chapter 3.

sources in relation to this in the consultation; however we did not receive any information in addition to that we had previously considered.

Marriage/civil partnership

510. Data from the CSEW shows that the risk of being a victim of violent crime varies by marital status (Table 13 in Annex B). Married and widowed people are at lower risk of being a victim of violent crime than other adults, while single people are at highest risk.
511. Data from the CSEW shows that single women (5%) and separated women (4%) had a statistically significantly higher risk of being a victim of sexual assault than women who were married (1%) or cohabiting (1%). Among men there was less variation by marital status (Table 19 in Annex B).
512. Single and separated people may therefore be more likely to be affected by reforms to the CICS. However, we do not have data on the marital status of CICS recipients, so do not know if the profile of recipients matches the profile of victims.
513. There is no evidence available on whether the risk of being a victim of crime differs for those in civil partnerships compared to other groups.

Pregnancy/maternity

514. We have no data on the risk of being a victim of crime according to pregnancy or maternity status. We therefore do not know if this group is either under represented or over represented amongst victims of violent and sexual crime.

Race

515. Data from the CSEW (Table 13 in Annex B) show that the risk of being a victim of violent crime is similar amongst white people and non-white people. This is also true if other socio-demographic characteristics are controlled for. The highest rate of violent victimisation amongst BME groups was for people of mixed race, though this does not hold when looking at wounding or assault with minor injury.
516. Data from the CSEW shows there was no difference in the risk of sexual assault by ethnicity (Table 19 in Annex B).

Religion and belief

517. Tables 21 and 22 in Annex B shows data from the CSEW on the risk of being a victim of crime by religion from the 2009/10 and 2010/11 CSEW. The data shows little difference in the risk of being a victim of all CSEW violence across religious groups; although people who said they had no religion were more likely to be a victim of violent crime (5%) than people who were Christian, Buddhist, Hindu or Muslim than (3%, 2%, 2% and

3% respectively). A similar pattern was found for risk of victimisation of domestic abuse (Table 3 in Annex B).

Sex

518. Data from the CSEW (Table 13 in Annex B) shows that men are more likely than women to be victims of violent crime and that around two-thirds of violent incidents are experienced by men, and a third by women (Table 23 in Annex B). The 2010/11 SCJS shows a similar pattern in Scotland (see Table 18 in Annex B).
519. Although men are more likely to experience violence overall in the CSEW, for sexual assaults women are at a higher risk than men (3% compared with 1%) (Table 24 in Annex B). This was also found in Scotland (Table 25 in Annex B).

Sexual orientation

520. Tables 8 and 9 in Annex B show data from the CSEW on the risk of victimisation by the sexual orientation of victims of crime. Gay or lesbian people are more likely to be a victim of a violent crime (9%) than heterosexual people (4%). Bisexual people were more likely to be a victim of domestic abuse (16%) than heterosexual people (6%).

Annex B - Evidence tables

Table 1 – Incidents of violent crime broken by whether reported to the police and personal characteristics

Percentage of incidents	England and Wales, 2010/11 CSEW		
	Reported violent incidents	Not reported violent incidents	<i>Unweighted base</i> ⁶¹
Age			
16-24	36	64	447
25-44	43	57	625
45-64	42	58	345
65-74	51	49	34
75+	-	-	17
Sex			
Men	36	64	851
Women	46	54	617
Ethnic group			
White	41	59	1,311
Mixed	-	-	29
Asian or Asian British	37	63	73
Black or Black British	-	-	25
Chinese or other	-	-	21
Long-standing illness or disability			
Long-standing illness or disability	41	59	417
No long-standing illness or disability	40	60	1,042

Source: Further analysis of CSEW

⁶¹ Data not presented where the unweighted bases are below 30, as the small number of cases prevents robust analysis.

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Table 2 – Percentage of adults who were a victim of non-sexual intimate abuse, by personal characteristics

Percentages	England and Wales, 2009/10 CSEW							
	Any domestic abuse		Partner abuse (non-sexual)		Family abuse (non-sexual)		Unweighted base ⁶²	
	Men	Women	Men	Women	Men	Women	Men	Women
ALL ADULTS	4	7	3	5	1	2	9,892	11,728
Age group								
16-19	6	13	4	7	3	4	661	670
20-24	5	11	3	6	2	4	756	898
25-34	5	7	4	5	1	2	2,048	2,634
35-44	3	7	2	5	1	2	2,746	3,477
45-54	3	5	2	3	1	2	2,579	2,809
55-59	3	5	2	3	1	1	1,102	1,240
Ethnic group								
White	4	7	3	5	1	2	9,074	10,835
Non-White	3	7	2	4	1	2	815	887
Marital status								
Married	2	4	2	2	1	1	4,610	5,226
Cohabiting	5	7	4	4	2	2	1,392	1,526
Single	6	11	3	6	2	3	2,956	3,201
Separated	8	22	6	17	2	5	274	476
Divorced	8	14	6	9	1	5	599	1,132
Widowed	3	8	3	4	0	2	60	165
Long-standing illness or disability								
Long-standing illness or disability	7	12	4	7	3	4	1,519	2,030
Limits activities	7	14	4	8	3	5	843	1,217
Does not limit activities	7	10	3	6	2	3	675	810
No long-standing illness or disability	4	7	2	4	1	2	8,369	9,691

Source: Home Office Statistical Bulletin 01/11: Homicides, Firearms offences and Intimate Violence 2009/10: Supplementary Volume 2 to Crime in England and Wales 2009/10

⁶² Bases given are for any domestic abuse; bases for other measures will be similar.

Table 3 – Proportion of adults who were victims of domestic abuse by religion

Percentages	England and Wales, 2009/10 and 2010/11 CSEW ⁶³	
	Domestic abuse ⁶⁴	<i>Unweighted base</i>
Religion		
Christian	6	22,763
Buddhist	2	158
Hindu	3	334
Muslim	5	762
Sikh	10	120
Other	8	286
No religion	7	8,039
Total for those aged 16-59⁶⁵	6	32,462

Source: Further analysis of CSEW

⁶³ Based on a combined 2009/10 and 2010/11 dataset to allow for robust analysis.

⁶⁴ Domestic abuse covers partner or family non-physical abuse, threats, force, sexual assault or stalking.

⁶⁵ These figures are higher than the proportions for the overall CSEW as they exclude respondents aged 60 and over.

Table 4 – number of CICS resolved cases in 2010/11 by equality groups by tariff band groupings for awards that are to be cut or reduced

All CICS resolved claims for awards to be cut or reduce by band breakdown, 2010/11, Great Britain				
	Percentage of award recipients in each tariff band grouping ⁶⁶			Percentage of all claims where a response was given
	1 to 5	6 to 12	All tariff bands proposed to be cut or reduced ⁶⁷	
Age				
Under 15	3	2	2	5
15-24	30	32	31	32
25-34	25	25	25	24
35-44	21	20	21	20
45-54	14	13	13	13
55-64	6	5	5	5
65-74	1	1	1	1
75+	0	1	1	1
<i>No of cases</i>	<i>17,916</i>	<i>14,478</i>	<i>32,394</i>	<i>39,704</i>
Disability status				
Disabled	6	7	6	6
Not disabled	94	93	94	94
<i>No of cases</i>	<i>5,994</i>	<i>4,017</i>	<i>10,011</i>	<i>11,615</i>
Gender assignment status				
Transgender	0	1	0	0
Not transgender	100	99	100	100
<i>No of cases</i>	<i>4,055</i>	<i>2,735</i>	<i>6,790</i>	<i>7,808</i>
Race				
White	86	87	87	87
All BME	13	12	13	13
<i>Mixed</i>	2	2	2	2
<i>Asian</i>	7	5	6	6
<i>Black</i>	3	4	4	4
<i>Chinese</i>	0	0	0	0
<i>Other ethnic</i>	1	1	1	1
<i>No of cases</i>	<i>9,851</i>	<i>7,809</i>	<i>17,660</i>	<i>20,981</i>
Religion				
Christian	51	52	51	51
Muslim	6	4	5	5
Hindu	1	1	1	1
Sikh	1	0	1	1
Jewish	0	0	0	0
Buddhist	0	0	0	0
Any other religion	3	3	3	3
No religion	37	39	38	39
<i>No of cases</i>	<i>8,632</i>	<i>5,968</i>	<i>14,600</i>	<i>17,107</i>

⁶⁶ All awards in bands 13 and above are being protected

⁶⁷ Does not include cases where the recipients did not provide information on their characteristics. High levels of missing data were registered for sexual orientation, religion, gender reassignment and disability. Therefore these figures should be treated with caution.

Table 4 continued

All CICS resolved claims for awards to be cut or reduce by band breakdown, 2010/11, Great Britain				
	Percentage of award recipients in each tariff band grouping ⁶⁸			Percentage of all claims where a response was given
	1 to 5	6 to 12	All tariff bands proposed to be cut or reduced ⁶⁹	
Sex				
Male	71	80	75	68
Female	29	20	25	31
<i>No of cases</i>	<i>17,891</i>	<i>14,461</i>	<i>32,352</i>	<i>39,653</i>
Sexual orientation				
Bisexual	1	1	1	1
Gay/lesbian	2	2	2	2
Heterosexual	97	97	97	97
<i>No of cases</i>	<i>5,346</i>	<i>3,653</i>	<i>8,999</i>	<i>10,431</i>

Source: CICA Equal Opportunities Monitoring form for resolved cases 2010/11

⁶⁸ All awards in bands 13 and above are being protected

⁶⁹ Does not include cases where the recipient did not provide information on their characteristics. High levels of missing data were registered for sexual orientation, religion, gender reassignment and disability. Therefore these figures should be treated with caution.

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Table 5 – number of CICS resolved cases in 2010/11 by equality groups by tariff band groupings for awards that are to be protected

All CICS resolved claims for awards to be protected by band breakdown, 2010/11, Great Britain					
	Percentage of award recipients in each tariff band grouping				
	1 to 5	6 to 12	13 to 25	All tariff bands proposed to be protected ⁷⁰	Percentage of all claims where a response was given
Age					
Under 15	27	16	11	15	3
15–24	40	31	37	35	30
25-34	17	18	21	19	25
35-44	10	18	18	16	21
45-54	5	9	10	9	14
55-64	2	5	2	3	6
65-74	1	3	1	1	1
75+	0	1	0	1	0
<i>No of cases</i>	<i>997</i>	<i>2,377</i>	<i>3,936</i>	<i>7,310</i>	<i>17,916</i>
Disability status					
Disabled	4	5	11	8	6
Not disabled	96	95	89	92	94
<i>No of cases</i>	<i>294</i>	<i>419</i>	<i>891</i>	<i>1,604</i>	<i>5,994</i>
Gender assignment status					
Transgender ⁷¹	0	0	-	0	0
Not transgender	100	100	100	100	100
<i>No of cases</i>	<i>189</i>	<i>254</i>	<i>575</i>	<i>1,018</i>	<i>7,808</i>
Race					
White	93	93	91	92	87
All BME	7	7	9	8	13
<i>Mixed</i>	1	2	2	2	2
<i>Asian</i>	2	1	2	2	6
<i>Black</i>	3	3	4	3	4
<i>Chinese</i> ⁷²	0	0	-	0	0
<i>Other ethnic</i>	0	1	1	1	1
<i>No of cases</i>	<i>504</i>	<i>803</i>	<i>2,014</i>	<i>3,321</i>	<i>20,981</i>
Religion⁷³					
Christian	51	43	48	47	51
Muslim	1	0	2	1	5
Hindu	1	0	-	0	1
Sikh	0	0	-	0	1
Jewish	0	0	-	0	0
Buddhist	0	0	-	0	0
Any other religion	5	3	3	3	3
No religion	42	53	47	48	39
<i>No of cases</i>	<i>427</i>	<i>747</i>	<i>1,333</i>	<i>2,507</i>	<i>17,107</i>

⁷⁰ Does not include cases where the recipient did not provide information on their characteristics. High levels of missing data were registered for sexual orientation, religion, gender reassignment and disability. Therefore these figures should be treated with caution.

⁷¹ Percentage of resolved claims not reported as the number of resolved claims where the recipient identified themselves as transgender in Bands 13-25 is less than 10.

⁷² Percentage of resolved claims not reported as the number of resolved claims where the recipient identified themselves as Chinese in Bands 13-25 is less than 10.

⁷³ Percentage of resolved claims not reported as the number of resolved claims where the recipient identified themselves as Hindu, Sikh, Jewish or Buddhist in Bands 13-25 is less than 10.

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Table 5 continued

All CICS resolved claims for awards to be protected by band breakdown, 2010/11, Great Britain					
	Percentage of award recipients in each tariff band grouping				
	1 to 5	6 to 12	13 to 25	All tariff bands proposed to be protected ⁷⁴	Percentage of all claims where a response was given
Sex					
Male	17	38	38	35	68
Female	83	62	62	65	31
<i>No of cases</i>	<i>997</i>	<i>2,374</i>	<i>3,930</i>	<i>7,301</i>	<i>39,653</i>
Sexual orientation					
Bisexual	2	2	1	2	1
Gay/lesbian	2	2	4	3	2
Heterosexual	96	96	94	95	97
<i>No of cases</i>	<i>253</i>	<i>371</i>	<i>808</i>	<i>1,432</i>	<i>10,431</i>

Source: CICA Equal Opportunities Monitoring form for resolved cases 2010/11

⁷⁴ Does not include cases where the recipient did not provide information on their characteristics. High levels of missing data were registered for sexual orientation, religion, gender reassignment and disability. Therefore these figures should be treated with caution.

Table 6 – CICS resolved claims for 2010/11, by equality groups compared with the general population of Great Britain

	Percentage in GB population	All CICS resolved claims, 2010/11, Great Britain		
		Percentage where a response was given	Percentage of all resolved claims	Number of cases
ALL CASES	n/a	n/a	n/a	39,727
Age⁷⁵				
Under 15	17	5	5	1,893
15-24	13	32	32	12,596
25-34	13	24	24	9,535
35-44	14	20	20	7,937
45-54	14	13	13	4,996
55-64	12	5	5	1,949
65-74	9	1	1	560
75+	8	1	1	238
Unknown	n/a	n/a	0	23
Disability status⁷⁶				
Disabled	19	6	2	754
Not disabled	82	94	27	10,861
Unknown	n/a	n/a	71	28,112
Gender assignment status				
Transgender	n/a	0	0	31
Not transgender	n/a	100	20	7,777
Unknown	n/a	n/a	80	31,919
Race⁷⁷				
White	88	87	46	18,343
All BME	12	13	7	2,638
Mixed	2	2	1	428
Asian	6	6	3	1,165
Black	3	4	2	746
Chinese	1	0	0	44
Other ethnic	1	1	1	255
Unknown	n/a	n/a	47	18,746
Religion⁷⁸				
Christian	69	51	22	8,696
Muslim	4	5	2	817
Hindu	1	1	0	121
Sikh	1	1	0	91
Jewish	0	0	0	28
Buddhist	0	0	0	33
Any other religion	1	3	1	582
No religion	23	39	17	6,793
Unknown	n/a	n/a	57	22,620

⁷⁵ Mid-2010 Population Estimates: Great Britain; estimated resident population by single year of age and sex

⁷⁶ Number of disabled people in Great Britain: 2009/10 prevalence estimates.

⁷⁷ Estimated England and Wales resident population by ethnic group and sex, mid-2009 (experimental statistics)

⁷⁸ Integrated Household Survey 2010/11, Office for National Statistics

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Table 6 continued

	Percentage in GB population	All CICS resolved claims, 2010/11, Great Britain		
		Percentage where a response was given	Percentage of all resolved claims	<i>Number of cases</i>
Sex⁷⁹				
Male	49	68	67	26,814
Female	51	32	32	12,839
Unknown	n/a	n/a	0	74
Sexual orientation⁸⁰				
Bisexual	1	1	0	90
Gay/lesbian	1	2	1	232
Heterosexual	94	97	25	10,109
Unknown/refusal	4	n/a	74	29,296

Source: CICA Equal Opportunities Monitoring form for resolved cases 2010/11

⁷⁹ Mid-2010 Population Estimates: Great Britain; estimated resident population by single year of age and sex

⁸⁰ Integrated Household Survey 2010/11, Office for National Statistics

Table 7 – partner violence in Scotland; percentage of adults in Scotland who have had a partner since the age of 16 who had experienced partner abuse since the age of 16 by gender⁸¹

Percentages	Scotland, 2010/11 SCJS			
	Experienced any psychological abuse	Experienced any physical abuse	Experiences any psychological / physical abuse ⁸²	Experiences both psychological & physical abuse ⁸³
Male	10	10	13	6
Female	17	14	19	12
ALL ADULTS	13	12	16	9

Base: Adults who have had a partner since the age of 16 (10,397)

Source: 2010/11 Scottish Crime and Justice Survey: Partner Abuse

Table 8 – Proportion of adults who were victims by type of crime and sexual identity⁸⁴

Percentages	England and Wales, 2009/10 and 2010/11 CSEW ⁸⁵			
	All CSEW Crime	Personal crime	All violence	<i>Unweighted base</i>
Sexual identity				
Heterosexual or straight	26	7	4	47,677
Gay or lesbian	35	15	9	733
Bisexual	30	12	5	389
Other	26	8	4	1,694
Total for those aged 16-59⁸⁶	26	7	4	50,493

Source: Further analysis of CSEW

⁸¹ Partner abuse as measured by the SCJS in 2010/11 is any psychological or physical abuse undertaken against a man or a woman carried out by a male or female partner or ex-partner (including any boyfriend, girlfriend, husband, wife or civil partner). Psychological partner abuse includes emotional, financial and other forms of psychological abuse. Physical partner abuse includes sexual and other forms of physical force or violence.

⁸² Experienced any psychological / physical abuse means that a respondent had experienced at least one of the forms of psychological or at least one of the forms of physical partner abuse presented to respondents.

⁸³ Experienced both psychological and physical abuse means that a respondent has experienced at least one of the forms of psychological and at least one of the forms of physical partner abuse presented to respondents.

⁸⁴ The question on the sexual identity of the respondent is asked in the self-completion module of the questionnaire. This module is only asked of those respondents aged 16-59. The 'Other' category includes those who responded 'Other', those who responded 'Don't know' and those that did not wish to answer the question.

⁸⁵ Based on a combined 2009/10 and 2010/11 dataset to allow for robust analysis.

⁸⁶ These are higher than the proportions for the overall CSEW as they exclude respondents aged 60 and over.

Table 9 – Proportion of adults who were victims of domestic abuse by sexual identity⁸⁷

Percentages	England and Wales, 2009/10 and 2010/11 CSEW ⁸⁸	
	Domestic abuse ⁸⁹	<i>Unweighted base</i>
Sexual identity		
Heterosexual or straight	6	30,998
Gay or lesbian	9	431
Bisexual	17	242
Other	9	832
Total for those aged 16-59⁹⁰	6	32,503

Source: Further analysis of CSEW

⁸⁷ The question on the sexual identity of the respondent is asked in the self-completion module of the questionnaire. This module is only asked of those respondents aged 16-59. The 'Other' category includes those who responded 'Other', those who responded 'Don't know' and those that did not wish to answer the question.

⁸⁸ Based on a combined 2009/10 and 2010/11 dataset to allow for robust analysis.

⁸⁹ Domestic abuse covers partner or family non-physical abuse, threats, force, sexual assault or stalking.

⁹⁰ These are higher than the proportions for the overall CSEW as they exclude respondents aged 60 and over.

Table 10 – CICS resolved claims for 2010/11 by equality group, for sexual violence, physical abuse and loss of foetus awards, compared with the general population of Great Britain

	Percentage in GB population	All CICS resolved claims for sexual violence, physical abuse and loss of foetus awards, 2010/11, Great Britain		
		Percentage where a response was given	Percentage of all resolved claims	Number of cases
ALL CASES	n/a	n/a	n/a	4,726
Age⁹¹				
Under 15	17	20	20	967
15–24	13	44	44	2080
25-34	13	18	18	832
35-44	14	12	12	560
45-54	14	5	5	214
55-64	12	1	1	44
65-74	9	0	0	15
75+ ⁹²	8	-	-	7
Unknown	n/a	n/a	-	7
Disability status⁹³				
Disabled	19	7	2	100
Not disabled	82	93	28	1,321
Unknown	n/a	n/a	70	3,305
Gender assignment status				
Transgender ⁹⁴	n/a	-	-	1
Not transgender	n/a	100	19	912
Unknown	n/a	n/a	81	3,813
Race⁹⁵				
White	88	93	49	2,314
All BME	12	7	6	172
<i>Mixed</i>	2	2	1	47
<i>Asian</i>	6	1	1	37
<i>Black</i>	3	3	3	73
<i>Chinese</i> ⁹⁶	1	-	-	1
<i>Other ethnic</i>	1	1	0	14
Unknown	n/a	n/a	47	2,240

⁹¹ Mid-2010 Population Estimates: Great Britain; estimated resident population by single year of age and sex

⁹² Percentage of resolved claims not reported as the number of resolved claims where the recipient identified themselves as 75 or older is less than 10.

⁹³ Number of disabled people in Great Britain: 2009/10 prevalence estimates and ONS 2009 mid-year population estimates.

⁹⁴ Percentage of resolved claims not reported as the number of resolved claims where the recipient identified themselves as transgender is less than 10.

⁹⁵ Estimated England and Wales resident population by ethnic group and sex, mid-2009 (experimental statistics).

⁹⁶ Percentage of resolved claims not reported as the number of resolved claims where the recipient identified themselves as Chinese is less than 10.

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Table 10 continued

	Percentage in GB population	All CICS resolved claims for sexual violence, physical abuse and loss of foetus awards, 2010/11, Great Britain		
		Percentage where a response was given	Percentage of all resolved claims	<i>Number of cases</i>
Religion^{97, 98}				
Christian	69	48	21	976
Muslim	4	1	0	18
Hindu	1	-	-	6
Sikh	1	-	-	2
Jewish	0	-	-	1
Buddhist	0	-	-	5
Any other religion	1	4	2	75
No religion	23	47	20	966
Unknown	n/a	n/a	57	2,677
Sex⁹⁹				
Male	49	17	17	17
Female	51	83	83	83
Unknown ¹⁰⁰	n/a	n/a	-	0
Sexual orientation¹⁰¹				
Bisexual	1	2	0	23
Gay/lesbian	1	4	1	45
Heterosexual	94	95	25	1,180
Unknown/refusal	4	n/a	74	3,478

Source: CICA Equal Opportunities Monitoring form for resolved cases 2010/11

⁹⁷ Integrated Household Survey 2010/11, Office for National Statistics.

⁹⁸ Percentage of resolved claims not reported as the number of resolved claims where the recipient identified themselves as Hindu, Sikh, Jewish or Buddhist is less than 10.

⁹⁹ Mid-2010 Population Estimates: Great Britain; estimated resident population by single year of age and sex

¹⁰⁰ Percentage of resolved claims not reported as the number of resolved claims where the recipient identified themselves as unknown is less than 10.

¹⁰¹ Integrated Household Survey 2010/11, Office for National Statistics Percentage of resolved claims not reported for Bisexual or Gay/Lesbian as the number of resolved claims where the recipient identified themselves as Bisexual or Gay/Lesbian is less than 10.

Table 11 – Proportion of CICS loss of earnings award recipients, by personal characteristics¹⁰²

	CICS resolved claims receiving a loss of earnings award, 2010/11, Great Britain		
	Percentage of all claims	Percentage where a response was given	Number of cases
Gender			
Female	33	33	428
Male	67	67	860
Unknown	0	n/a	0
Age			
Under 15	4	4	48
15–24	15	15	190
25–34	23	23	300
35–44	28	28	366
45–54	19	19	251
55–64	10	10	127
65–74	-	-	6
75+	-	-	0
Unknown	0	n/a	0
Ethnicity			
White	44	88	560
All BME	6	12	73
<i>Mixed</i>	1	2	13
<i>Asian</i>	2	5	29
<i>Black</i>	2	4	25
<i>Chinese</i>	-	-	1
<i>Other ethnic</i>	-	-	5
Unknown	51	n/a	651
Religion			
Religion	3	72	34
<i>Christian</i>	2	60	28
<i>Muslim</i>	-	-	2
<i>Buddhist</i>	-	-	1
<i>Rastafarian</i>	-	-	1
<i>Any other religion</i>	-	-	2
No Religion	1	28	13
Unknown	96	n/a	1241
Disability status			
Disabled	-	-	8
Not disabled	2	73	22
Unknown	98	n/a	1258

¹⁰² Indicates that the number of resolved claims where the recipient identified themselves as having that characteristic was less than 10. High levels of non-response were registered for ethnicity, religion, disability status, sexual orientation and gender re-assignment status; therefore the figures should be treated with caution. No responses were given for the religions Jewish, Sikh and Hindu; therefore they have been excluded from the table.

Table 11 continued

CICS resolved claims receiving a loss of earnings award, 2010/11, Great Britain			
	Percentage of all claims	Percentage where a response was given	Number of cases
Sexual Orientation			
Gay/Lesbian	-	-	1
Heterosexual	2	96	27
Bisexual	-	-	0
Unknown	98	n/a	1260
Gender re-assignment status			
Transgender	-	-	0
Not transgender	1	100	19
Unknown	99	n/a	1269

Source: CICA Equal Opportunities Monitoring form for resolved cases 2010/11

Table 12 - characteristics of sample of CICS recipients awarded loss of earnings

Great Britain	Number of loss of earnings recipients
Disabled as a result of the incident	
Yes	20
No	13
Highest tariff band awarded	
1-5	3
6-10	5
11-15	10
16-20	11
21-25	4
Age	
0-11 years	3
12-18	0
19 and over	58
<i>Number of cases</i>	33

Source: Internal Ministry of Justice CICS Case File Review

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Table 13 – Proportion of adults who were victims of violent crime once or more in the last year by personal characteristics

Percentages	England and Wales, 2010/11 CSEW					
	All violence ¹⁰³	Wounding	Assault with minor injury	Assault without injury	Robbery	Unweighted base
ALL ADULTS	3	1	1	1	0	46,754
Age						
16-24	9	3	2	3	2	3,885
25-34	4	1	1	2	1	6,464
35-44	3	1	1	1	0	7,976
45-54	2	1	1	1	0	7,805
55-64	1	0	0	1	0	8,139
65-74	0	0	0	0	0	6,577
75+	0	0	0	0	0	5,908
Disability status						
Long-standing illness or disability	3	1	1	1	1	12,715
<i>Limits activities</i>	3	1	0	1	1	9,052
<i>Does not limit activities</i>	3	1	1	1	1	3,657
No long-standing illness or disability	3	1	1	1	1	31,761
Gender						
Male	4	1	1	2	1	21,076
Female	2	1	1	1	0	25,678
Ethnicity						
White	3	1	1	1	0	42,991
Non-White	4	1	0	2	1	3,687
<i>Mixed</i>	7	1	1	3	2	350
<i>Asian or Asian British</i>	4	1	0	2	1	1,676
<i>Black or Black British</i>	3	1	0	1	1	1,006
<i>Chinese or other</i>	3	0	0	2	1	655
Marital status						
Married	2	0	0	1	0	21,755
Cohabiting	4	1	1	2	0	4,176
Single	7	2	2	2	1	9,828
Separated	4	1	1	1	0	1,560
Divorced	3	1	1	1	0	4,244
Widowed	1	0	0	0	0	5,173

Source: Home Office Statistical Bulletin 10/11: Crime in England and Wales 2010/11: Findings from the British Crime Survey and Police Recorded Crime

¹⁰³ 'Violent crime' includes wounding, assault with minor injury, assault without injury and robbery.

Table 14 – Proportion of CICS loss of special expenses award recipients, by personal characteristics¹⁰⁴

Percentages	CICS resolved claims for 2010/2011, Great Britain		
	Percentage of all claims	Percentage where a response was given	Number of cases
Gender			
Female	32	32	136
Male	68	68	295
Unknown	0	n/a	0
Age			
Under 15	8	8	35
15–24	16	16	67
25-34	22	22	95
35-44	26	26	114
45-54	19	19	82
55-64	7	7	30
65-74	-	-	4
75+	-	-	4
Unknown	0	n/a	0
Ethnicity			
White	42	87	182
All BME	7	13	28
Mixed	2	5	10
Asian	3	5	11
Black	-	-	4
Chinese	-	-	1
Other ethnic	-	-	2
Unknown	51	n/a	220

Source: CICA Equal Opportunities Monitoring form for resolved cases 2010/11

¹⁰⁴ Indicates that the number of resolved claims where the recipient identified themselves as having that characteristic was less than 10. High levels of non-response were registered for ethnicity, therefore the figures should be treated with caution. Data for disability status, religion, sexual orientation and gender re-assignment status are not presented due to small numbers of resolved claims where this information was provided.

Table 15 – characteristics of sample of CICS recipients awarded special expenses

Great Britain	Number of special expenses recipients	
	Assault cases	Bereavement cases
Disabled as a result of the incident		
Yes	16	1
No	1	18
Highest tariff band awarded		
1-5	0	0
6-10	0	18
11-15	4	1
16-20	9	0
21-25	4	0
Age		
0-11 years	3	13
12-18	0	2
19 and over	14	4
<i>Number of cases</i>	<i>17</i>	<i>19</i>

Source: Internal Ministry of Justice CICS Case File Review

Table 16 – CICS resolved claims for 2010/11 for fatal injury, by equality group compared with the general population of Great Britain

	Percentage in GB population	All CICS resolved claims for fatal injuries, 2010/11, Great Britain		
		Percentage where a response was given	Percentage of all resolved claims	Number of cases
ALL CASES	n/a	n/a	n/a	1,116
Age¹⁰⁵				
Under 15	17	3	3	38
15–24	13	15	15	169
25-34	13	21	21	233
35-44	14	25	25	279
45-54	14	17	17	189
55-64	12	9	9	103
65-74	9	6	6	70
75+	8	3	3	31
Unknown	n/a	n/a	-	4
Disability status¹⁰⁶				
Disabled ¹⁰⁷	19	-	-	0
Not disabled	82	100	3	39
Unknown	n/a	n/a	97	1,077
Gender assignment status				
Transgender ¹⁰⁸	n/a	-	-	0
Not transgender	n/a	100	1	14
Unknown	n/a	n/a	99	1,102
Race¹⁰⁹				
White	88	82	10	117
All BME	12	18	12	25
Mixed	2	-	-	4
Asian	6	-	-	6
Black	3	7	7	10
Chinese	1	-	-	0
Other ethnic	1	-	-	5
Unknown	n/a	n/a	87	974

¹⁰⁵ Mid-2010 Population Estimates: Great Britain; estimated resident population by single year of age and sex

¹⁰⁶ Number of disabled people in Great Britain: 2009/10 prevalence estimates.

¹⁰⁷ Percentage of resolved claims not reported as the number of resolved claims where the recipient identified themselves as disabled is less than 10.

¹⁰⁸ Percentage of resolved claims not reported as the number of resolved claims where the recipient identified themselves as transgender is less than 10.

¹⁰⁹ Estimated England and Wales resident population by ethnic group and sex, mid-2009 (experimental statistics). Percentage of resolved claims not reported for Mixed, Chinese or Other as the number of resolved claims where the recipient identified themselves as Mixed, Chinese or Other is less than 10.

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Table 16 continued

	Percentage in GB population	All CICS resolved claims for fatal injuries, 2010/11, Great Britain		
		Percentage where a response was given	Percentage of all resolved claims	Number of cases
Religion¹¹⁰				
Christian	69	33	6	70
Muslim	4	-	-	2
Hindu	1	-	-	0
Sikh	1	-	-	0
Jewish	0	-	-	0
Buddhist	0	-	-	0
Any other religion	1	-	-	4
No religion	23	64	12	136
Unknown	n/a	n/a	81	904
Sex¹¹¹				
Male	49	64	63	706
Female	51	36	36	399
Unknown	n/a	n/a	1	11
Sexual orientation¹¹²				
Bisexual	1	-	-	0
Gay/lesbian	1	-	-	0
Heterosexual	94	100	4	44
Unknown/refusal	4	n/a	96	1,072

Source: CICA Equal Opportunities Monitoring form for resolved cases 2010/11

Table 17 – offences currently recorded as homicide by ethnic appearance of victim, combined data for 2008/09 to 2010/11

Rates per million population	Police recorded crime, England and Wales				
	White	Black	Asian	Other	All ethnic groups ¹¹³
All victims	10	47	16	11	11

Source: Home Office Statistical Bulletin 01/12: Homicides, Firearms offences and Intimate Violence 2010/11: Supplementary Volume 2 to Crime in England and Wales 2010/11

¹¹⁰ Integrated Household Survey 2010/11, Office for National Statistics. Percentage of resolved claims not reported for Hindu, Sikh, Jewish or Buddhist as the number of resolved claims where the recipient identified themselves as Hindu, Sikh, Jewish or Buddhist is less than 10.

¹¹¹ Mid-2010 Population Estimates: Great Britain; estimated resident population by single year of age and sex

¹¹² Integrated Household Survey 2010/11, Office for National Statistics Percentage of resolved claims not reported for Bisexual or Gay/Lesbian as the number of resolved claims where the recipient identified themselves as Bisexual or Gay/Lesbian is less than 10.

¹¹³ Excludes 27 cases where the victim ethnicity was 'Not known' or 'Not recorded'

Table 18 – Proportion of adults who were victims of violent crime by age and gender, in Scotland

Percentages	Scotland, 2010/11 SCJS
	Violent crime
Gender	
Male	4
Female	2
Age	
16-24	7
25-44	4
45-59	2
60 or over	1
Age within gender	
Male 16-24	11
Male 25-44	5
Male 45-59	2
Male 60 or over	1
Female 16-24	4
Female 25-44	3
Female 45-59	1
Female 60 or over	0
ALL ADULTS	3
Unweighted base: Adults (13,010)	

Source: 2010/11 Scottish Crime and Justice Survey: Main Findings

Table 19 – Proportion of adults who were victims of intimate violence once or more in the last year by personal characteristics

Percentages	England and Wales, 2009/10 CSEW					
	Sexual assault ¹¹⁴		Domestic abuse ¹¹⁵		Unweighted base ¹¹⁶	
	Men	Women	Men	Women	Men	Women
Age						
16-19	1	8	6	13	661	670
20-24	1	4	5	11	756	898
25-34	0	2	5	7	2,048	2,634
35-44	0	1	3	7	2,746	3,477
45-54	0	1	3	5	2,579	2,809
55-59	0	1	3	5	1,102	1,240
Disability status						
Long-standing illness or disability	1	3	7	12	1,519	2,030
Limits activities	1	3	7	14	843	1,217
Does not limit activities	1	3	7	10	675	810
No long-standing illness or disability	0	2	4	7	8,369	9,691
Ethnicity						
White	0	2	4	7	9,074	10,835
Non-White	1	2	3	7	815	887
Marital status						
Married	0	1	2	4	4,610	5,226
Cohabiting	0	1	5	7	1,392	1,526
Single	1	5	6	11	2,956	3,201
Separated	0	4	8	22	274	476
Divorced	1	2	8	14	599	1,132
Widowed	0	1	3	8	60	165

Source: Home Office Statistical Bulletin 01/11: Homicides, Firearms offences and Intimate Violence 2009/10: Supplementary Volume 2 to Crime in England and Wales 2009/10

¹¹⁴ Including attempts. Only covers victims aged 16-59.

¹¹⁵ Any domestic abuse (partner or family non-physical abuse, threats, force, sexual assault or stalking). Only covers victims aged 16-59.

¹¹⁶ Unweighted base relates to 'Domestic abuse', the unweighted base for sexual assault will be similar.

Table 20 – Proportion of children aged 10 to 15 who experienced victimisation in the last year, by age breakdown

Percentages	England and Wales, children aged 10–15, 2010/11 CSEW		
	Age 10 to 12	Age 13 to 15	ALL
All violence ¹¹⁷	7	6	7
Violence with injury	6	5	5
Violence without injury	2	2	2
<i>Unweighted base</i>	1,823	2,026	3,849

Source: Hate crime, cyber security and the experience of crime among children: Findings from the 2010/11 British Crime Survey Supplementary Volume 3 to Crime in England and Wales 2010/11

Table 21 – Proportion of adults who were victims of all CSEW crime and all personal crime by religion

Percentages	England and Wales, 2009/10 and 2010/11 CSEW ¹¹⁸		
	All personal crime	All CSEW crime	<i>Unweighted base</i>
Religion			
Christian	4	20	69,854
Buddhist	5	26	408
Hindu	4	21	897
Muslim	6	23	2,167
Other	7	27	1,142
No religion	7	27	16,596

Source: Hate crime, cyber security and the experience of crime among children: Findings from the 2010/11 British Crime Survey Supplementary Volume 3 to Crime in England and Wales 2010/11

Table 22 – Proportion of adults who were victims of violent crime by religion

Percentages	England and Wales, 2009/10 and 2010/11 CSEW ¹¹⁹	
	All violence	<i>Unweighted base</i>
Religion		
Christian	3	69,920
Buddhist	2	409
Hindu	2	898
Muslim	3	2,169
Sikh	3	340
Other	5	802
No religion	5	16,602

Source: Further analysis of CSEW

¹¹⁷ 'All violence' includes the offence types of wounding, robbery, assault with minor injury and assault with injury.

¹¹⁸ Based on a combined 2009/10 and 2010/11 dataset to allow for robust analysis.

¹¹⁹ Based on a combined 2009/10 and 2010/11 dataset to allow for robust analysis.

Table 23 – Violent incidents in the last year against men and women by violence category

Numbers and percentages	England and Wales, 2010/11 CSEW								
	Number of incidents (thousands)			Percentage ¹²⁰ of incidents by offence/type			Percentage of incidents by sex		
	Men	Women	ALL	Men	Women	ALL	Men	Women	ALL
All violence ¹²¹	1,341	861	2,203	100	100	100	61	39	100
Wounding	294	226	520	22	26	24	57	43	100
Assault with minor injury	331	260	591	25	30	27	56	44	100
Assault without injury	556	288	844	41	33	38	66	34	100
Robbery	160	88	248	12	10	11	64	36	100

Source: Home Office: Crime in England and Wales 2010/11 Nature of violent crime

Table 24 – Proportion of adults who were victims of intimate violence once or more in the last year by gender

Percentages	England and Wales, 2010/11 CSEW		
	Sexual assault ¹²²	Domestic abuse ¹²³	Unweighted base ¹²⁴
Male	1	5	4,967
Female	3	7	5,927

Source: Home Office Statistical Bulletin 10/11: Crime in England and Wales 2010/11: Findings from the British Crime Survey and Police Recorded Crime

Table 25 – Percentage of adults in Scotland who had experienced sexual assault since the age of 16 overall and by gender

Percentages	Scotland, 2010/11 SCJS		
	ALL ADULTS	Women	Men
Victim of at least one form of:			
Less serious sexual assault ¹²⁵	8	13	3
Serious sexual assault ¹²⁶	3	5	1
Unweighted base: Adults overall and in each group (adults 13,418; women 7,505; men 5,913)			

Source: 2010/11 Scottish Crime and Justice Survey: Sexual Victimization and Stalking

Table 26 Persons sentenced at all courts for indictable offences by age group and result, 2011
England and Wales

	Under 18	18-20	21-24	25-29	30-39	40-49	50-59	60+	Total
Community sentence	26%	13%	14%	14%	20%	11%	3%	1%	100%
Immediate custody	4%	12%	17%	20%	27%	14%	4%	2%	100%
Suspended sentence	0%	12%	18%	19%	27%	16%	6%	2%	100%
Custody or community sentence	13%	12%	16%	17%	24%	13%	4%	1%	100%
Conditional Discharge	8%	12%	15%	16%	26%	16%	5%	2%	100%
Fine	2%	14%	20%	20%	24%	14%	5%	2%	100%
Absolute discharge	48%	8%	8%	10%	13%	8%	3%	2%	100%
Otherwise dealt with	10%	13%	14%	15%	25%	16%	5%	2%	100%
Total	11%	13%	16%	17%	24%	14%	4%	1%	100%
General population - E&W	11%	5%	6%	8%	15%	17%	14%	26%	100%

Source: Further analysis of Criminal Justice Statistics 2011
Population - Mid 2010 Population Estimates, Office for National Statistics

¹²⁰ Percentages may not sum to 100 due to rounding and also, within the bottom half of the table, the inclusion of the snatch theft category within 'mugging'.

¹²¹ 'All violence' includes wounding, assault with minor injury, assault without injury and robbery.

¹²² Including attempts. Only covers victims aged 16-59.

¹²³ Any domestic abuse (partner or family non-physical abuse, threats, force, sexual assault or stalking). Only covers victims aged 16-59.

¹²⁴ Unweighted base relates to 'Domestic abuse', the unweighted base for sexual assault will be similar.

¹²⁵ Less serious sexual assault measured by the SCJS included: indecent exposure; sexual threats; touching sexually when it was not wanted.

¹²⁶ Serious sexual assault measured by the SCJS included: forcing or attempting to force someone to have sexual intercourse when they did not want to; forcing or attempting to force someone to take part in other sexual activity when they did not want to.

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Table 27 Percentage of offenders sentenced in Scotland to different disposals by age group, 2010-11

	Under 16	16 to 20	21 to 30	Over 30	All ages
Custody	0%	14%	43%	42%	100%
Community sentence	0%	25%	37%	38%	100%
Financial penalty	0%	12%	35%	53%	100%
Other sentence	0%	19%	33%	48%	100%
Total	0%	15%	36%	49%	100%
Population of over 8s as a whole	9%	7%	15%	69%	100%

Source:
Scottish Government, Criminal Proceedings in Scotland, 2010-11

Table 28 Persons sentenced at all courts for indictable offences by ethnic group and result, 2011
England and Wales

	White	Black	Asian	Other	Unknown	Total
Community sentence	76%	9%	4%	1%	9%	100%
Immediate custody	72%	10%	6%	3%	9%	100%
Suspended sentence	75%	8%	5%	2%	10%	100%
Custody or community sentence	74%	9%	5%	2%	9%	100%
Conditional Discharge	80%	7%	3%	1%	9%	100%
Fine	72%	10%	5%	1%	11%	100%
Absolute discharge	77%	9%	3%	1%	10%	100%
Otherwise dealt with	72%	12%	5%	2%	10%	100%
Total	75%	9%	5%	2%	10%	100%
			Asian or Asian British	Black or Black British	Chinese or Other ethnic group	Total
General population - E&W	89%	1%	6%	3%	2%	100%

Source: Further analysis of Criminal Justice Statistics 2011

General population estimates are from the 2009 Population Estimates by Ethnic Group, Office for National Statistics. As experimental estimates, work on the quality of these statistics is ongoing; these figures are indicative only.

Table 29 Persons sentenced at all courts by sex and result, 2011
England and Wales

	Males	Females	All persons ⁽¹⁾
Community sentence	83%	16%	100%
Immediate custody	92%	8%	100%
Suspended sentence	84%	15%	100%
Custody or community sentence	86%	14%	100%
Conditional Discharge	75%	24%	100%
Fine	68%	27%	100%
Absolute discharge	77%	21%	100%
Otherwise dealt with	85%	14%	100%
Total	73%	23%	100%
General population - E&W	49%	51%	100%

Source: Further analysis of Criminal Justice Statistics 2011
Population - Mid 2010 Population Estimates, Office for National Statistics

Table 30 Percentage of offenders sentenced in Scotland to different disposals by sex, 2010-11

	Males	Females	All persons
Custody	91%	9%	100%
Community sentence	83%	17%	100%
Financial penalty	85%	15%	100%
Other sentence	74%	26%	100%
Total	84%	16%	100%
Population of over 8s as a whole	48%	52%	100%

Source:
Scottish Government, Criminal Proceedings in Scotland, 2010-11

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Table 31 – Percentage of persons found guilty of violence against the person or sexual offences, 2011
England and Wales

	Percentage in E&W population	Percentage of total found guilty of violence against the person or sexual offences	Number of offenders
All	100%	100%	47,930
Age			
Under 18	11%	12%	5,598
18-20	5%	13%	6,447
21-24	6%	17%	8,092
25-29	8%	15%	7,345
30-39	15%	20%	9,575
40-49	17%	14%	6,883
50-59	14%	5%	2,590
60+	26%	3%	1,400
Sex			
Male	49%	90%	42,962
Female	51%	10%	4,848
Ethnicity ⁽¹⁾			
White	89%	77%	36,966
Mixed	1%	n/a	n/a
Black	3%	9%	4,205
Asian	6%	5%	2,430
Other	2%	2%	874
Unknown	n/a	7%	3,455

Source: Further analysis of Criminal Justice Statistics 2011
Population - Mid 2010 Population Estimates by age and sex, Office for National Statistics
2009 Population Estimates by Ethnic Group, Office for National Statistics. As experimental estimates, work on the quality of these statistics is ongoing; these

Notes

(1) the ethnicity breakdown for the general population is based on the 5+1 2001 Census ethnicity classification. The ethnicity breakdown for persons found guilty is based on the on the officer observed appearance 4+1 system.

Table 32 Percentage of offenders found guilty of non-sexual crimes of violence and crimes of indecency in Scotland, 2010-11

	Percentage in Scottish population	Percentage of total found guilty of non-sexual crimes of violence and crimes of indecency	Number of offenders
All	n/a	n/a	3,283
Age			
Under 21	16%	26%	841
21+	84%	74%	2,442
Sex			
Male	48%	84%	2,771
Female	52%	16%	512

Source:
Scottish Government, Criminal Proceedings in Scotland, 2010-11

Annex C - Information sources

The research and analysis in this EIA draws on a range of data sources, which address each of the protected characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation.

1. Recent research and guidance from a range of national and local sources – to help identify relevant equality issues, we drew on national and local research and guidance. In this EIA, we have cited the following:
 - Crime in England and Wales: Findings from the Crime Survey for England and Wales (CSEW). The CSEW measures the amount of crime in England and Wales. The CSEW also helps identify those most at risk of different types of crime and includes data on responders' gender, ethnicity, age, disability and marital status.
 - Scottish Crime and Justice Survey 2010/11: a social survey which asks people about their experiences and perceptions of crime in Scotland.
 - Vulnerable and Intimidated Witnesses: A Police Service Guide, MoJ, 2011 - this guidance is designed to assist police officers through a number of processes that will afford a vulnerable or intimidated witness equal access to the criminal justice system.
 - Witness and Victim Experience Survey (WAVES), MoJ, 2009/10: examines victims' and witnesses' experiences of the Criminal Justice System on a national level.
 - Statistics on Women and the Criminal Justice System: publishes details relating to women's experience of the criminal justice system as victims, suspects, defendants, offenders and employees.
 - How Fair is Britain? The first Triennial Review – Equality and Human Rights Commission – Oct 2010: This report pulls together a range of crime data from England, Wales and Scotland to analyse the impact of crime on a range of equality groups.
 - Mintel Research Consultancy, Average Funeral Pricing, Aug 2009: Mintel Research conducts an annual survey into funeral expenses and other end-of-life costs. This study, commissioned by Axa Sun Life Direct, assesses the average cost of a standard burial and cremation in each of the 10 government-defined regions.
 - Labour Market Statistics, ONS 2010, Annual Survey of Hours and Earnings, ONS 2009: provides statistics on the levels, distribution and make-up of earnings and hours paid for employees within industries, occupations and regions.
 - Equality and Human Rights Commission analysis of ONS Annual Population Survey (October 2006-September 2009). Results averaged over three years' data.
 - Sentencing Statistics, England and Wales: provide the latest trends in sentencing in England and Wales, based on provisional sentencing data.
 - Solutions and Strategies: Drug Problems and Street Sex Markets: London: UK Government, Home Office (2004): Provides an overview of the issues relating to prostitution and problematic drug misuse.
 - Homicides, Firearms Offences and Intimate Violence: supplementary volumes to Crime in England and Wales: Findings from the Crime Survey for England and Wales.

- Asset Skills Sector Skills Assessment – UK 2010: the purposes of these reports are to present the results of a fully comprehensive research programme, providing an authoritative, rigorous, strategic and forward thinking analysis of the Asset Skills industries current and future skills needs in the UK.
 - Offender Management Caseload Statistics 2009: Annual offender management caseload statistics, covering probation and prisons in England and Wales.
 - Experiences and Expectations of Disabled People - Office for Disability Issues (ODI), 2007: the first comprehensive study of disability issues in six years, looked at key policy areas including employment, education, transport, health and discrimination across Great Britain in 2007.
 - Engendered Penalties: Transgender and Transsexual People's Experiences of Inequality and Discrimination, Whittle, Turner and Al-Alami, 2007.
 - Access to Justice: a review of existing evidence of minority groups based on ethnicity, identity and sexuality (2009) Ministry of Justice Research Series 07/09 - an exploratory investigative review of evidence available by early 2007 on access to justice for vulnerable groups: black and minority groups; gypsies and travellers; refugees and asylum seekers; and individuals in a minority group on the basis of sexuality.
 - Criminal Proceedings in Scotland, 2009-10: presents statistics on court proceedings and sentencing, as well as statistics on bail orders and undertakings.
 - Serves you right: Lesbian and gay people's expectations of discrimination (2008): outlines the results of a survey into the life experiences of Britain's 3.6 million gay people.
2. Information from protected groups and other agencies, such as equality organisations and voluntary or community organisations - to help us understand the needs or experiences of different groups, we have read and reviewed a wide range of publications and research available across all equality groups, as follows:
- Violence against prostitute women working from street and off-street locations: A three city comparison. Economic and Social Research Council 2002: a publication based on research gathered from structured questionnaires with sex workers in Glasgow, Edinburgh and Leeds focusing on self-reported numbers of times that women had experienced physical, sexual and other violence from their clients.
 - Women's Access to Justice: a research report, Rights of Women, 2011 - this report sets out the views of just under one thousand respondents to Rights of Women's surveys on legal aid.
 - Engendering Justice – from Policy to Practice, the Fawcett Society, 2009 – a report exploring practices and attitudes towards women across the criminal justice system.
 - Setting the Record: The Trafficking of Migrant Women in the England and Wales of Street Prostitution Sector (August 2010): provides an estimate of trafficking built up from an examination of the off-street prostitution sector in seven regions.
 - Tackling Gangs: A Practical Guide for Local Authorities, CDRPS and Other Local Partners (2008) Home Office: sets out a range of key approaches to tackling violent street gangs used in the four Tackling Gangs Action Programme (TGAP) areas and other cities.

- Life Opportunities Survey Interim Report, Office for National Statistics, 2010 - the Life Opportunities Survey (LOS) is a new large-scale survey of disability in Great Britain and the first major social survey to explore disability in terms of social barriers to participation, rather than only measuring disability in terms of impairments or health conditions.
 - Getting Away With Murder. Disabled people's experiences of hate crime in the UK, Disability Now, the UK's Disabled People's Council and Scope in 2008.
 - Work and Pensions Longitudinal Study, DWP, updated Dec 2010 - source of data on how people move through the labour market.
 - Household Below Average Income, DWP – 2006/07 to 2008/09 - the key dataset for the analysis of income poverty.
 - Control of immigration statistics: United Kingdom 2009 (Home Office): latest statistics on border control and visas, asylum (applications, initial decisions, appeals, supported asylum seekers), enforcement & compliance, and managed migration.
 - Statistics on Race and the Criminal Justice System: 2008/09. London: MOJ: this publication reports statistical information on the representation of black and minority ethnic groups as suspects, offenders and victims within the criminal justice system.
 - Realising Rights: increasing ethnic minority women's access to justice, the Fawcett Society, 2010 – examines the experiences of ethnic minority women as workers, offenders and victims within the criminal justice system.
 - Prison Reform Trust Bromley Briefing, November 2009: Produced twice-yearly by the Prison Reform Trust using official figures drawn from a wide range of sources, this is a comprehensive collection of facts and figures giving an up-to-date picture of the current prison population.
 - Reducing Re-offending by Ex-prisoners. Office of the Deputy Prime Minister (ODPM). Social Exclusion Unit 2002: a report about reducing rates of re-offending by ex-prisoners. Investigates the key factors which influence re-offending.
 - Comparing Love and Domestic Violence in Heterosexual Relationships. Swindon: Economic and Social Research Council: a comparative study of domestic violence in heterosexual and same sex relationships.
 - Homophobic Hate Crime: The Gay British Crime Survey 2008, Stonewall: explores the extent and nature of homophobic hate crimes and incidents in Britain.
 - Trans Report: Count Me In Too additional analysis report. Brighton: Spectrum: a research project, which has been researching lesbian, gay, bisexual and trans lives and needs in Brighton & Hove since 2005.
 - Transgender Experiences in Scotland: Research Summary. Equality Network. Scottish Transgender Alliance 2008: Key research findings of the Scottish Transgender Alliance survey of transgender people living in Scotland.
3. Comparisons with similar documents in other departments or authorities – to help identify equality issues in similar policies, we drew on the following:

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- Equality findings from the range of equality impact assessments (EIAs) published in November 2010 to support proposals for reform of Legal Aid in England and Wales.¹²⁷
 - Equality findings from the EIA developed to accompany the Green Paper - Breaking the Cycle: Effective Punishment, Rehabilitation and Sentencing of Offenders.¹²⁸
4. Analysis of enquiries or complaints from the public - to help us understand the needs or experiences of different groups we reviewed:
 - Correspondence to ministers and CICA which raised equality points in relation to specific claims for compensation.
 5. Recommendations from reports, inspections or audits - to help identify any concerns about equality matters from regulators and reviewers we drew on the following:
 - The National Audit Office's Value for Money Report, Compensating victims of violent crime, published in December 2007.
 - The Stern Review: A report by Baroness Vivien Stern CBE (2010): an independent review into how rape complaints are handled by public authorities in England and Wales.
 - Data as set out in CICA's Disability Equality Report published in December 2009, which provides limited analysis on applicants' gender, ethnicity and disability. The report does not include data on gender re-assignment, religion or belief or sexual orientation.
 6. Results of engagement activities or surveys - to understand the needs and experiences of different groups we reviewed equality findings from two previous consultation exercises which were run in 2004 and 2006 in relation to reform to CICS.
 7. Operational data – to understand the equality make up of recipients to CICS, we reviewed:
 - Equality data on recipients is collected via CICA's Equal Opportunities Monitoring (EOM) form which is issued to all applicants on the point of application.

¹²⁷ <http://www.justice.gov.uk/consultations/633.htm>

¹²⁸ <http://www.justice.gov.uk/consultations/consultation-040311.htm>