



Ministry of
JUSTICE

Reform of the Criminal Injuries Compensation Scheme

Equality Impact Assessment

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Scope of the Equality Impact Assessment (EIA)

1. This Equality Impact Assessment (EIA) accompanies Part 2 of the consultation paper *Getting it right for Victims and Witnesses*, published by the Ministry of Justice (MoJ). This EIA is concerned with the proposed changes to the Criminal Injuries Compensation Scheme (CICS) which apply to England, Wales and Scotland, as well as the policy areas we propose to retain. There are separate EIAs covering Part 1 of the consultation paper and victims of terrorism overseas.
2. This is an initial screening of the potential impacts of the policy proposals and policies we propose to retain (referred to as 'retained policies' throughout this EIA) in relation to equality, based on current available evidence. Work on the policies will be informed by on-going consultation with key stakeholders and interested parties. This will allow us to improve our understanding of potential equality impacts and will inform the future direction of policy development.
3. The EIA assesses the potential effects of the proposed reforms on the elimination of unlawful discrimination, harassment, victimisation and other forms of prohibited conduct, the advancement of equality of opportunity and the fostering of good relations between persons who share the protected characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. It is designed to ensure that the Government has due regard to these needs, in accordance with its statutory duties under section 149 of the Equality Act 2010 ("the public sector equality duty").
4. We welcome feedback on all of the issues raised in this document. Any representations received in response to this initial screening EIA will be used to inform the full EIA that will accompany the Government's response to the consultation. Comments received via the consultation will be considered in the development of the policy.
5. This EIA should be read alongside the full consultation document and the Impact Assessments (IAs) which accompany it.

Legal duties

6. Public authorities in Great Britain have a statutory equality duty under section 149 of the Equality Act 2010. The duty requires the Secretary of State to have due regard to the need to:
 - (a) *eliminate discrimination, harassment, victimisation and other conduct which is prohibited by or under this Act;*
 - (b) *advance equality of opportunity between persons who share a relevant characteristic and persons who do not share it; and*
 - (c) *foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*
7. The "protected characteristics" to which the "duty to have due regard" now applies, following the entry into force of the Equality Act 2010 are:

(i) age; (ii) disability; (iii) gender reassignment (iv) marriage and civil partnership (applies to the first limb (a) only); (v) pregnancy and maternity; (vi) race (vii) religion or belief (viii) sex; and (ix) sexual orientation. These types of discrimination are all defined in Part 2 of the Equality Act 2010.

8. This EIA assesses the proposed reforms to the CICS and retained policies which we do not propose to change, against each of the limbs of the public sector equality duty and by reference to the protected characteristics. We have endeavoured to cover all policy areas of the Scheme in respect of our proposals and retained policies. However, if there are further policy areas in the Scheme which consultees feel we have not considered as part of this review and which could have equality impacts, then we request that these are highlighted as part of their response to this consultation.

Elimination of unlawful discrimination, harassment and victimisation

Direct discrimination

9. 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.

Indirect discrimination

10. Indirect discrimination is defined in section 19 of the Equality Act 2010, which reads in material part 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 people with whom B does not share the characteristic,

(b) it puts, or would put, people with whom B shares the characteristic at a particular disadvantage when compared with people 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.

Other Forms of Prohibited Conduct

11. The public sector equality duty also requires public authorities to have due regard to the need to eliminate other forms of prohibited conduct under the Equality Act 2010. These include specific work-related forms of the discrimination or breaches of equality rules, but we consider that the most relevant in relation to these proposals for reform relate to disability.

Discrimination arising from disability and reasonable adjustments

12. Section 15 of the Equality Act 2010 states:

(1) 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. The adjustments are to take such steps as is reasonable to avoid the disadvantage, including by finding a reasonable alternative method of providing the service; removing a physical feature or providing an auxiliary aid.

14. The detailed analysis of the potential impacts of our proposals is set out in the rest of this document. Our initial conclusion, subject to the outcome of consultation, is that the proposals do give rise to potential adverse effects in relation to a number of the protected characteristics, in particular age, sex, race and disability. We also set out the reasons for each of our proposals and why we think any discriminatory effects can be justified.

15. However, it should also be noted that the proposals attempt to protect, so far as possible, payments in a number of areas. Safeguarding these payments 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.

Harassment and victimisation

16. Harassment and victimisation are defined in sections 26 and 27 of the 2010 Act respectively as certain forms of unwanted conduct related to relevant protected characteristics and subjecting a person to a detriment in certain circumstances.

17. We have considered whether the proposals 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 proposals will have any effect on instances of harassment and victimisation.

18. We have also considered whether the proposed changes give rise to the possibility of pregnancy and maternity discrimination or breach of an equality clause and concluded that they do not.

Advancing equality of opportunity

19. Section 149 (3) of the Equality Act 2010 provides further guidance on fulfilling the second and third limbs of the public sector equality duty.

20. Having due regard to the need to advance equality of opportunity involves in particular having due regard to the need to:

(a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;

(b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;

(c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is differentially low.

21. Further, the steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities as set out in Section 149(4) of the Equality Act 2010.

Fostering good relations

22. Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:
- tackle prejudice; and
 - promote understanding.
23. We have given careful consideration to the need to advance equality of opportunity for those with protected characteristics and to foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
24. We have also considered the need to promote 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.
25. We believe that the proposed changes and the continuation of the Scheme comply with the duties set out in the Equality Act 2010. The factors we have taken into account in deciding how to reform the Scheme are intended to protect compensation for direct, blameless victims of crime, who need it most and are most seriously affected by their injuries.
26. Where we have identified potential adverse impacts regarding persons who share protected characteristics, we consider them to be justified for the reasons set out in paragraphs 31-34 and throughout this EIA in the discussion of each proposal. Reference should also be made to the full consultation for the reasons for our proposals

Aims/outcomes

27. This EIA is a screening EIA and the purpose of the screening document is to provide the data and analysis used to flag potential equality impacts. We value feedback on the potential impacts identified. This document is for initial screening only and feedback will be used to inform the full EIA that will accompany the response to consultation in due course. The likely impacts described in the EIA (and the accompanying IA) should be seen as provisional only.
28. We are mindful of the importance of considering the effect of reductions in public expenditure on different groups, with particular reference to people who apply for criminal injuries compensation. We have considered the effect on applicants for compensation of all the proposals in line with legal requirements under the duty under section 149 of the Equality Act 2010.

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).¹

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 is long over due and takes 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 proposals for reform are focussed on protecting awards to those most seriously injured by violent and sexual crime. They open the way to make savings from the Scheme and rebalance the overall resources available to victims to best effect by increasing the financial reparation made by offenders in order to provide additional funding for victims services.

¹ www.justice.gov.uk/guidance/compensation-schemes/cica/am-i-eligible/index.htm

33. In formulating our proposals 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 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 proposals 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 proposals 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.²

34. A high level summary of our proposals can be found in Part 2 in the full consultation document.

Methodology

35. This screening EIA draws upon a number of evidence sources. We have used the best quality evidence available, which is 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 A of this document.

36. Our methodology, in accordance with our equality duties, has been to consider the effects of each of our proposed policies and the policies we propose to retain, against each protected characteristic (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation). We explore the potential for proposals 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/reduced or (b) justified, and how any potential positive equality impacts might be maximised.

² The core legal framework is the Criminal Injuries Compensation Act 1995; Directive 2004/80/EC relating to compensation to crime victims; the European Convention on the Compensation of Victims of Violent Crimes (COE No 116 (1983)); and Article 6 of the European Convention on Human Rights so far as it relates to applications under the Scheme.

Evidence gaps

38. Where available, we have presented data across the whole range of protected characteristics. In order to help improve the comprehensiveness of the available data and to develop methodologies that might allow analysis at levels other than the aggregate, we particularly encourage consultation responses from individuals who share protected characteristics and their representative groups. We welcome responses from all interested parties, including those equality focused organisations listed in Annex C.
39. In particular we welcome responses from disabled people and propose to engage and work with groups representing disabled people during the consultation period.

Data sources

Recipients of CICS payments

40. We have equality data collected from CICA's Equal Opportunities Monitoring (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 1 in Annex B).
41. However the categories of sexual orientation, religion, gender reassignment and disability registered high non-response rates. Volumes of missing data are reported and, where appropriate, the data is analysed both including and excluding the missing cases to assess the possibility of differential impacts. Where missing cases 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. This type of analysis allows comparisons to be drawn with population data and victims of violent crime data.

Age distribution of award recipients

42. Table 1 in Annex B shows the distribution of CICS resolved claims by age for 2010/11, and compares to the age distribution of the general population of Great Britain.
43. Compared to the general population, adults aged 15 – 44 are overrepresented amongst CICS award recipients, while children (under 15s) and older adult age groups (those aged 55 and over) are underrepresented.

Self-reported disability of award recipients

44. Table 1 in Annex B shows the distribution of CICS resolved claims by self-reported disability for 2010/11, and compares to the self-reported disability of the general population of Great Britain.
45. The percentage of award recipients who are disabled is lower as compared to the general population (6%, compared with 18% 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.

46. 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

47. Table 1 in Annex B shows the distribution of CICS resolved claims by gender reassignment status for 2010/11. However, we do not have any available data on the gender reassignment status of the population as a whole for Great Britain.
48. 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 and pregnancy/maternity status of award recipients

49. No information is held on the marriage/civil partnership status or 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

50. Table 1 in Annex B shows the distribution of CICS resolved claims by race for 2010/11, and compares to the race distribution of the general population of Great Britain.
51. 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

52. Table 1 in Annex B shows the distribution of CICS resolved claims by religion/faith for 2010/11, and compares to the religion/faith of the general population of Great Britain.
53. 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 (56% 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

54. Table 1 in Annex B shows the distribution of CICS resolved claims by gender for 2010/11, and compares to the gender distribution of the general population of Great Britain.
55. Compared to the general population, men are overrepresented amongst CICS award recipients.

Sexual orientation of award recipients

56. Table 1 in Annex B shows the distribution of CICS resolved claims by sexual orientation for 2010/11, and compares to the sexual orientation of the general population of Great Britain.
57. 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.

Data on victims of violent and sexual crime

58. In this section we look at the available data on victims of violent and sexual crime.
59. 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 to 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.
60. 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.
61. The British Crime Survey (BCS)³ provides equality data for some, but not all, protected characteristics in relation to victims of violent crime, this covers England

³ The BCS is a face-to-face victimisation survey 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. 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/>

and Wales. Data for Scotland comes from the Scottish Crime and Justice Survey⁴ (SCJS); this data is not directly comparable to that from the BCS.

Age

62. Published BCS data (see Table 2 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 BCS 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 3 in Annex B).
63. The BCS 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 4 in Annex B).⁵
64. The Home Office has also published statistics on crime against children aged 10 – 15 for England and Wales (Table 5 in Annex B); 7% had been a victim of a violent crime using the Home Office's preferred measure. These statistics are not directly comparable to the adult statistics.
65. This risk of being a victim of violent crime presented in Tables 2 and 3 in Annex B suggest that the overrepresentation of young adults in CICS recipients is influenced by higher levels of victimisation among this group.

Disability

66. The BCS asks respondents if they have a long standing illness or disability. Published BCS data (Table 2 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.
67. 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.⁶
68. The BCS measure of sexual assault shows there to be no statistically significant difference in the risk of sexual victimisation by disability status (Table 4 in Annex B).

Gender reassignment

69. The BCS does not collect data on gender re-assignment and we are not aware of available 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 welcome suggestions of potential evidence sources in relation to this.

⁴ The SCJS is a social survey which asks people about their experiences and perceptions of crime in Scotland. The structure of the survey is similar to the British Crime Survey, but contains different modules and questionnaire sections. See <http://www.scotland.gov.uk/Publications/2011/10/28142346/0>

⁵ BCS data on risk of sexual assault will be published in January 2012

⁶ Crime in England and Wales 2009/10, chapter 3

Marriage/civil partnership

70. Published BCS data shows that the risk of being a victim of violent crime varies by marital status (Table 2 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.
71. The BCS 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 4 in Annex B).
72. Single people may therefore be more likely to be affected by proposed 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
73. 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

74. 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

75. Published BCS data (Table 2 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.⁷ 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.
76. The BCS shows there was no difference in the risk of sexual assault by ethnicity (Table 4 in Annex B).

Religion and belief

77. The most recent published BCS data on the risk of being a victim of violent crime by religion is from the 2006/07 survey (Table 9 in Annex B). The data shows little difference in the risk of being a victim of all BCS violence across religious groups; although people who said they had no religion were more likely to be a victim of violent crime than Christians. The same pattern was also found in 2005/06. The published data does not separate out wounding from other, more minor, violence.
78. We will be exploring the potential to undertake further analysis of more recent data to look at the distribution of BCS violence incidents across religious/belief groups to further our understanding of the differences in victimisation levels by religion.

⁷ Crime in England and Wales 2009/10, table 3.07

Sex

79. Published data from the BCS (Table 2 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 6 in Annex B). The 2010/11 SCJS shows a similar pattern in Scotland (see Table 3 in Annex B).
80. It is important to note that although men are more likely to experience violence as the type recorded in the BCS, for sexual assaults women are at a higher risk than men (3% compared with 1%) (Table 7 in Annex B). This was also found in Scotland (Table 8 in Annex B).

Sexual orientation

81. Information on the sexual orientation of victims of crime has been collected since 2007/08. However, risks of violent victimisation by sexual orientation have not yet been published due to small sample sizes in individual BCS years. We will be exploring the potential to undertake analysis of the BCS data to look at the distribution of violent incidents by sexual orientation.

Other information sources

82. In the rest of this document, where relevant, we also refer to other quantitative and qualitative data sources in discussing each of our proposals. We have noted these need to be treated with more caution due to, for instance, small sample sizes or lack of clarity about methodology. Nevertheless, they are useful in highlighting potential effects to be considered as the policy evolves.

Analysis of potential impacts

83. The section below examines each policy proposal and the key existing CICS policies which it is proposed to retain, and analyses the potential effects of that proposal in relation to each of the nine protected characteristics.
84. However, until more work is undertaken and completed, based on responses to the consultation and further analysis, it will not be possible to predict the full range of likely equalities impacts of our proposals.

Eligibility – proposals and retained policies

Proposal 1 – the scope of the scheme

85. 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 proposals, and it reflects the current Scheme.
86. Our policy in relation to the scope of the revised Scheme is set out in full in Part 2 of the full consultation document. For the purposes of this EIA, we reference the kinds of circumstances which we intend to specifically exclude from the Scheme. We also make explicit where this is current policy. These are:

- Offences connected with trespass on the railway, including suicide or attempted suicide,⁸ which we propose to remove from the Scheme.
- Offences committed by a driver in relation to road traffic, except where a vehicle is used as a weapon deliberately to cause injury.⁹ Dangerous or reckless driving causing injury in other circumstances will not give rise to a payment under the Scheme. This is in accordance with 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 impacted 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 someone below runs into another person, injuring them, in an attempt to get out of the way of the suicide). 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.¹⁰ The current practice in respect of sexual offences is explained in paragraph 97. We intend to continue this practice in relation to consensual activity and extend the principle to where the victim has consented in fact to a violent offence.

87. Due to limitations in the available evidence, we have not identified, so 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 the following potential effects on these protected characteristics:

Age

88. 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 proposals 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 particular age group.

⁸ Paragraphs 8(c) and 9(d) of the Scheme.

⁹ Paragraph 11 of the Scheme.

¹⁰ Paragraph 9(c) of the Scheme.

89. The current rule that states that we 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 15.¹¹
90. 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.
91. Continuing to exclude injuries sustained by children in utero injured by the consumption of alcohol by their mother will also affect children who are injured in these circumstances.

Disability

92. Proposals to retain eligibility for applicants who were involved in an incident where they had a 'reasonable fear' that they would be physically injured gives 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.
93. However, 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 will affect those applicants who suffer a disabling mental injury as a result.

Race

94. We have some data to suggest that railway employees are more likely to come from 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 proposal will have a greater effect on BME groups.¹²

Sex

95. 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 female¹³. This suggests that our proposal regarding railway workers is likely to have a greater effect on men.

¹¹ www.hesonline.nhs.uk/Ease/servlet/ContentServer?siteID=1937&categoryID=864

¹² 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 2% in Scotland (Asset Skills Sector Skills Assessment – UK 2010, Figure 7. Data derived from the Annual Population Survey 2008)

¹³ <http://readingroom.skillsfundingagency.bis.gov.uk/sfa/nextstep/lmib/Next%20Step%20LMI%20Bitesize%20-%20Goskills%20-%20rail%20-%20Jun%202010.pdf>

Reason for change and mitigating actions

96. This proposal 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.
97. 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 assumes 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 CJS. 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. However, the more unbalanced a sexual relationship involving a young person becomes, the more likely it is that he or she will suffer harm such that they should be compensated (whether they in fact consented or not). 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.
98. Regarding witnesses, the effects may be mitigated by the fact that CICS is not the only form of assistance provided to witnesses. Counselling and support is available from other government funded organisations such as Victim Support as well as a range of national and local organisations.
99. Furthermore, applicants who were involved in an incident where they had a 'reasonable fear' that they would be physically injured as a result of a crime of violence will remain eligible under the Scheme if they suffer a mental injury which remains in the tariff.
100. We would welcome any further views on the potential overall effect of these proposals on other sub-groups of victims where this proposal might have an equality-related effect.

Proposal 2 – connection to the UK

101. We believe that applicants to the Scheme should have a defined connection to the UK. We propose 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 consider that a minimum requirement of six months' residence demonstrates sufficient connection with UK society, such that it remains right that they should be eligible to claim under the Scheme.

102. 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.
103. As the existing international and EU legal framework already requires us to pay awards to the nationals of many countries, we also propose that no 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.
104. We propose that serving members of the armed forces and their families, 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.
105. For reasons of administrative simplicity, we will 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.
106. In fatal cases, bereaved relatives who apply to the Scheme will need to meet the residency requirements in the same way as other applicants. However, we do not intend 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.
107. We are also considering 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.
108. Due to limitations in the available evidence, we have not identified, so are unable to rule out the potential impact of this proposal 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 following effect on the following protected characteristics:

Race

109. This proposal will adversely affect those foreign nationals who have not been lawfully 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 trafficking and EU,

EEA and certain Council of Europe nationals). Such foreign nationals will in future have to satisfy additional tests in order to be eligible for CICS compensation.

110. We do not know for certain how many victims of 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 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 proposal. Consequently we considered what effect this policy would have on the remainder of trafficking victims, who are not EU/EEA or Council of Europe nationals.
111. However, our proposal also states that those foreign nationals who have been formally identified as a victim of trafficking (identification through the NRM is the most straightforward way of determining this) and who have suffered a criminal injury will be eligible for compensation. This gives due regard to those foreign trafficking victims who are not EU/EEA or Council of Europe nationals.
112. 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.
113. We have also considered what effect this proposal 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.
114. Finally, our policy regarding serving members of the armed forces and their families, gives due regard to serving foreign nationals in these circumstances.

Sex

115. Data from the NRM shows that around 72% (of approx. 1,481) of potential victims of trafficking who were identified between April 2009 and March 2011 were female.
116. This suggests that our proposal to retain eligibility for those formally identified as a victim of trafficking for the purposes of the NRM gives due regard to foreign female victims of trafficking who are not EU/EEA or Council of Europe nationals.
117. We have not identified any further categories of victims where there may be a gender related effect with regard to this policy, although welcome any evidence or feedback consultees may be able provide in support of any identified effect.

Sexual orientation

118. We have considered the effect this proposal 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 and so during the

consultation period we would welcome any further information or evidence that consultees may be able to provide on this subject.

Reason for change and mitigating actions

119. The aim of this proposal is to limit payments under the Scheme to those who have connection to the UK which is more than merely temporary or transient. We consider that drawing the line at six months for residency is proportionate having regard to the aim of excluding those with a short-term connection to the UK and to the exceptions discussed below.
120. 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 trafficking which requires that such victims have access to compensation schemes. This mitigates the effects of the proposal on those who have been formally identified as having been trafficked into the UK and have suffered a criminal injury. This means that in this case, claims officers would have to delay deciding a claim on the basis of connection to the UK until the issue of whether they have been trafficked has been settled.
121. For foreign nationals forced into domestic servitude, these individuals are considered victims of trafficking, subject to their identification as such through the NRM. Additionally, if they are here legally and they can demonstrate at least six months residency, then they are eligible to claim.
122. Asylum seekers who have made a claim at the date of the incident and who are subsequently granted refugee status or discretionary leave to remain will be allowed to request that the decision on their application for compensation be deferred until the question of their refugee status is settled, provided they submit their CICS application within two years of the incident in accordance with the usual time limits for a claim. Asylum seekers who are not ultimately given leave to remain in the UK will have their claim rejected. Furthermore, NHS care and asylum support are available to people up until, if applicable, they are granted Refugee status, Humanitarian Protection or Discretionary Leave or Indefinite Leave to Remain. At that point, the full range of benefits would be available to them.
123. Regarding other non-British victims, any effects may be mitigated in part by the fact that those travelling to the UK for a short stay (less than six months) 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, (e.g. from Victim Support, Rape Crisis etc). Provision for any longer-term needs such as health and income should be met through services available in the country of residence or alternative arrangements such as personal or travel insurance to mitigate the effects of any offence or incidents.
124. We would welcome any further views on the potential effect of this proposal on other groups of victims where this proposal might have an equality-related effect.

Proposal 3 – reporting and cooperation

125. We propose 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.

126. 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 propose that no award will be made.

127. Due to limitations in the available evidence, we have not identified, so are unable to rule out the potential impact of these proposals on persons sharing any of the protected characteristics of marriage and civil partnership and pregnancy and maternity. We have identified the following effect on the following protected characteristics:

Age

128. The BCS collects information on the age of victims and whether they reported to the police; we are exploring the potential to undertake analysis of this data to allow comparisons of reporting rates for violent crime by age. At present we are not able to say whether the current reporting provision or its proposed tightening is likely to have a differential effect on certain age groups.

129. We have considered the requirement that the offence must be reported to the police as soon reasonably practicable after the incident and the effect this policy may have in respect of those victims who did not make the decision to report themselves, such as child victims of sexual abuse.

130. Regarding our proposal 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.

131. 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 BCS in 1994 and 1998 collected data on victim intimidation (for adults).¹⁴ 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.
132. Nevertheless, it is worth noting that in practice the CJS 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 police¹⁵ notes that victims and witnesses who are elderly and frail may be intimidated.
133. 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 proposal needs to make reasonable adjustments to take account of that, which are set out in paragraphs 155-162.

Disability

134. The BCS collects information on whether victims have a limiting long term illness or disability and whether they reported to the police; we are exploring the potential to undertake analysis of this data to allow comparisons of reporting rates for violent crime between disabled and non-disabled people. At present we are not able to use this evidence to assess whether the current reporting provision or its proposed tightening are likely to have a differential effect on disabled people. As such, during the consultation period we would welcome any further information or evidence that consultees may be able to provide on this subject.
135. We have also 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."¹⁶
136. We are therefore alert to the possibility that stricter reporting and cooperation requirements might potentially have an adverse effect on disabled people in that their disability puts them at a disadvantage in comparison to non-disabled people.

¹⁴ Victim and Witness Intimidation: Findings from the British Crime Survey, Tarling, Dowds and Budd, 2000

¹⁵ Vulnerable and Intimidated Witnesses: A Police Service Guide, MoJ, 2011

¹⁶ Staff guidance – Criminal Injuries Compensation Authority

However, we believe that any adverse effect can be prevented for the reasons set out in paragraphs 155-162.

Gender reassignment

137. We do not have any data on reporting rates by gender reassignment status.
138. We have considered whether this proposal to tighten reporting provisions may affect those applicants whose gender reassignment status may present a barrier in them reporting the crime to the police. Police guidance on vulnerable and intimidated witnesses advises that victims and witnesses in cases involving transphobic 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.¹⁷ As such, we would welcome any further information or evidence consultees may be able to provide on this subject.

Race

139. The BCS collects information on the ethnicity of victims and whether they reported to the police; we are exploring the potential to undertake analysis of this data to allow comparisons of reporting rates for violent crime by ethnic group. At present we are not able to use this evidence to assess whether the current reporting provision or its proposed tightening are likely to have a differential effect on certain ethnic groups.
140. 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*¹⁸ suggests that some women from particular ethnic minority backgrounds fear reporting domestic violence because of the ramifications for and within their communities. Research¹⁹ suggests that members of the Gypsy and Traveller community may be particularly reluctant to report to the police. We would welcome any further information or evidence on this subject from consultees.
141. We have also considered the effect our proposal on reporting to the police may have on foreign victims of 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. Once again, we would welcome any further information or evidence on this subject from consultees.
142. 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 guidance²⁰ advises that victims in cases involving racially

¹⁷ 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.

¹⁸How Fair is Britain? The first Triennial Review – Equality and Human Rights Commission – Oct 2010

¹⁹ 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

²⁰ Vulnerable and Intimidated Witnesses: A Police Service Guide, MoJ, 2011

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. As such, during the consultation period we would welcome any further information or evidence that consultees may be able to provide on this subject.

Religion and belief

143. We do not have data on reporting rates according to religion, and therefore cannot say whether the current provision and its proposed tightening are likely to have a differential effect on members of particular religions.
144. 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 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

145. The BCS collects information on the gender of victims and whether they reported to the police; we are exploring the potential to undertake analysis of this data to allow comparisons of reporting rates for violent crime by gender. At present we are not able to use this evidence to assess whether the current provision or its proposed tightening are likely to have a larger impact on one gender than the other.
146. We have also 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 BCS in 1994 and 1998 collected data on victim intimidation (for adults)²¹. 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.
147. Nevertheless, it is worth noting that 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 BCS 2010/11 shows that only 23% of victims (male and female adults aged 16-59) of partner abuse told the police about their assault. 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 court²², for 41% the reason was because the victim decided not to continue.²³

²¹ Victim and Witness Intimidation: Findings from the British Crime Survey, Tarling, Dowds and Budd, 2000

²² In addition to the 23% of cases that came to court, 3% had not yet come to court.

²³ 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

148. We have also considered that the proposal and the rule that the offence must be reported to the police (and not any other body) has the potential particularly to affect victims of rape or sexual violence. The Stern Review²⁴ 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”.
149. The 2009/10 BCS shows that more women than men are victims of serious sexual assault (less than 1% of men, compared to 5% of women, have been victims of serious sexual assault at some time since they were 16).²⁵ This suggests that there may be a differential effect on women by the tightened reporting provision, at least compared to the population at large.
150. Data from the BCS 2009/10 also shows that only 11% of victims of serious sexual assault told the police about their assault.²⁶ The number of male victims in the BCS sample was too small for a separate estimate of the proportion of men who report their sexual assault to be calculated. We therefore do not know whether the proposal might have different effects for male and female victims of serious sexual assault.

Sexual orientation

151. We do not have evidence on reporting rates by sexual orientation. We therefore cannot say if the reporting provision, and its proposed tightening, is likely to have a different effect on people of different sexual orientations.
152. We have considered that this proposal 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.
153. Stonewall have published a study into the attitudes of British LGB people towards the CJS – *Serves You Right*²⁷ – based on 1,658 people surveyed by YouGov; the data was then analysed by Stonewall. We have little information about the representativeness of the sample and the methods used to analyse it, so this data should be treated as indicative only. We also do not know if, and if so to what extent, attitudes to the police across all adults are associated with reporting rates for victims of violent crime.²⁸
154. The survey 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 quarter thought they

²⁴ 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

²⁵ Homicides, Firearms offences and Intimate Violence 2009/10: Supplementary Volume 2 to Crime in England and Wales 2009/10, table 3.01

²⁶ Homicides, Firearms offences and Intimate Violence 2009/10: Supplementary Volume 2 to Crime in England and Wales 2009/10, Chapter 3

²⁷ Serves you right: Lesbian and gay people's expectations of discrimination (2008)

²⁸ 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 either the comparable rate for heterosexual people, or contextual information on the likelihood of being a victim or witnessing an offence by sexual orientation.

would be treated worse than any other victim if they reported a homophobic incident.

Reason for change and mitigating actions

155. These proposals 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 very difficult to determine whether compensation should be paid.
156. Regarding the issue of intimidation, intimidation in itself is not currently a reason to displace the rules relating to reporting to the police or cooperating in bringing the assailant to justice. Given the reasons for the cooperation requirement set out above, we do not intend to change this position and pay an award where a victim has failed to cooperate due to intimidation.
157. In the case of reporting to the police, alongside arrangements in place to support vulnerable and intimidated witnesses (including the police guidance cited above), the effects are mitigated by the fact that claims officers can dispense with the usual requirement with regard to timing as to when it was reasonably practicable for the incident to have been reported to the police. This can be considered on particular grounds, including the age or mental or physical capacity of the applicant, which gives due regard to children and disabled people; or the particular circumstances relating to the case, such as trauma resulting from a sexual offence which has led to a delay in reporting, giving due regard to women, who are more likely to be victims of sexual offences.
158. Regarding cooperation with the CJS, 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, which would include the applicant's age and mental or physical capacity.
159. In the situation where a child maintains that a crime occurred, but the parent/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.
160. Our proposal concerning cooperation also takes account of the increase in funding, since the statutory Scheme began, for greater support for victims at the point of need immediately following a crime, than a compensation award. Furthermore, victims and other witnesses will be given practical support in carrying out their responsibilities of engaging with the CJS (see Part 1 of the full consultation document).

161. 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.
162. We would welcome any further views on the potential overall effect of this proposal on other groups of victims where this proposal might have an equality-related effect.

Proposal 4 – where the applicant is under 18

163. Currently a claims officer may withhold an award if he or she believes it may be in the best interests of the child.²⁹ We propose 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.
164. Due to limitations in the available evidence, we have not identified, so are unable to rule out the potential impact of this proposal 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 effect on the following protected characteristics:

Age

165. Changing the rule that an award is withheld on the basis of the claims officer's prediction 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.

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

166. Where crime occurred before 1 October 1979, an earlier Scheme applied which 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.
167. In 1979, following a review, the rules changed. For offences committed 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.
168. We intend to retain these rules designed to prevent an assailant benefiting from an award, both in relation to incidents before and after 1 October 1979.³⁰ In respect of incidents on or after 1 October 1979, an award will not be paid in the case of adults,

²⁹ Paragraph 16(b) of the Scheme.

³⁰ Paragraphs 7(b) (no award in relation to injuries sustained prior to 1 October 1979), 16 and 17 of the Scheme

unless the assailant and victim have stopped living together and the claims officer is satisfied that are unlikely to do so again. However, we propose to remove paragraph 17 (a) from the Scheme which states that an award will not be paid unless a prosecution has been brought (or there are good reasons why not).

169. Due to limitations in the available evidence, we have not identified, so are unable to rule out the potential impact of these proposals on any of the protected characteristics of age, gender reassignment, marriage and civil partnership, pregnancy and maternity and sexual orientation. We have identified the following effect on the following protected characteristics:

Disability

170. We have considered whether the proposal to retain 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.

Race

171. We have considered whether the proposal to retain 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', culture disapproves of divorce, fear of homelessness and being ostracised from their community. However, BCS data shows, for the most part, little variation in the experience of domestic abuse by ethnicity (Table 19 in Annex B).

Religion and belief

172. As above, we have considered whether the proposal to retain 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. However, we do not have any data to indicate either way whether the experience of domestic abuse is more prevalent by religion or belief.

Sex

173. We have considered whether the proposal to retain 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.
174. 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.
175. In relation to current victims, who were living with the assailant in the same household at the time of the incident, we have considered the effect on victims of domestic abuse (who are mainly female) who may find it difficult to leave the relationship and the household. Data set out in the BCS 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.³¹

Reason for policy and mitigating actions

176. In relation to incidents on or after 1 October 1979, we propose to 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.
177. However, we do not propose to change 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.
178. In the light of the potential impacts of retaining the rule, we have considered whether, the Secretary of State, if he has power to do so, 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 Scheme reforms 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 consultation proposals to reduce elements of compensation in the Scheme in the future, and restrict its scope, we do not propose to increase the Scheme's potential 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 create difficulties for claims officers in establishing the link between the offence and the injuries.
179. We would welcome any further views on the potential equality-related effects of this proposal.

Conduct and character – proposals and retained policies

Proposal 1 – conduct

180. We propose 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.³²
181. We also propose that use of alcohol or drugs will 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

³¹ 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

³² Paragraphs 13(1)(d) and (14)(2) of the Scheme.

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 review³³ into how rape complaints are handled by public authorities.

182. Due to limitations in the available evidence, we have not identified, so 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 and sexual orientation. We have identified the following effect on the following protected characteristics:

Sex

183. The proposal regarding the use of alcohol or drugs and the circumstances where an award may be reduced or withheld, will mean that there will be more clarity 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.

Proposal 2 – character and previous convictions

184. We propose to tighten existing provisions relating to an applicant's unspent criminal convictions. The options we have considered are:

- **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 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.

185. We favour Option A. Under this option, we also propose to include a discretion to depart from this rule in exceptional circumstances, which is set out in paragraph 207.

186. Due to limitations in the available evidence, we have not identified, so are unable to rule out the potential impacts of this proposal on any of the protected characteristics of gender reassignment, marriage and civil partnership, pregnancy and maternity and religion or belief. We have identified the following effect on the following protected characteristics:

³³ 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

Age

187. Data is not available on the characteristics of those with unspent convictions. We have some limited data on the ages of those sentenced to various disposals. The relevance of age at time of sentence to the effect of the proposal varies across disposals. Rehabilitation periods are subject to a reduction by half for persons under 18, so 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 effect will fall across older age groups as well.
188. The data presented Tables 10 and 11 in Annex B suggests that young adults (those in the 18 – 20 age group for England and Wales and in both the 16 – 20 and 21 – 30 age groups for Scotland) are overrepresented amongst those sentenced to all disposals compared to the population at large. We would therefore expect them probably to be overrepresented amongst those with unspent convictions compared to the population at large.
189. These statistics relate to the entire offender population. The CICS only affects offenders who are subsequently victims of violent crime. The data therefore suggest, but do not prove, that the proportion of young adult victims of violent crime with unspent convictions might be higher than the proportion of older victims, or children. 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 adverse effect on young adults. 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

190. 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.
191. 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'³⁴ compared to around a fifth of the general population of adults aged 16 and over. This suggests a differential effect, but we are not in a position to be say with confidence whether this proposal might have a greater effect on disabled people than others. If it were to, this would be due to the demographics of offenders who are victims of crime.

³⁴ Data from, 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 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."

Race

192. Some data is available on the ethnicity of those sentenced.³⁵
193. Tables 12 and 13 in Annex B show the proportion of people received into prison under an immediate custodial sentence in 2009 in England and Wales, and starting community and suspended sentence orders in 2010 in England and Wales, from different ethnic groups. These are the sentences that take the longest to become spent. These figures suggest that non-white ethnic groups are more heavily represented amongst those with unspent convictions compared to the population at large.
194. Data on prison receptions or community sentences in Scotland are not published by ethnicity. The Statistical Bulletin Crime and Justice Series: Prison Statistics Scotland: 2010-11³⁶ shows that in 2010, 96% of the 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.
195. 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 BME groups. 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 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.
196. 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. However, we would welcome views on the potential for any such specific effects.
197. We 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 proposal on connection to the UK, any reduction will be of less importance than whether the applicant is eligible to apply.

Sex

198. Data on the characteristics of the population with unspent convictions is not available. However, any conviction for which a sentence other than a caution, reprimand or final warning is given results is not spent immediately. The length of

³⁵ Statistics on race and the criminal justice system 2008/09, MoJ

³⁶ Statistical Bulletin Crime and Justice Series: Prison Statistics Scotland: 2010-11
www.scotland.gov.uk/Publications/2011/08/19154230/8

time for a conviction to become spent increases with the severity of the sentence. Any prison sentence of more than 30 months is never spent.

199. The population at large is comprised of 51% women and 49% men. Tables 14 to 17 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.
200. 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.
201. 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.
202. 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

203. We 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.
204. Furthermore, we considered how this might affect applicants that have a conviction from another country where homosexual acts are illegal.

Reason for change and mitigating actions

205. 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 (option A), or no person with an unspent conviction for a violent or sexual crime (option B), should receive an award.

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

206. We acknowledge that our proposals in relation to the Scheme rules on unspent convictions, although a development of the existing position, could impact in particular on those who have on their record relatively minor unspent convictions. However, we consider that tougher rules are warranted. The Scheme is a taxpayer-funded expression of public sympathy and it is reasonable that there should be strict criteria around who is deemed “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. Minor convictions will, under the Rehabilitation of Offenders Act 1974, become spent (and therefore no longer count for the purpose of the Scheme) so long as the offender does not reoffend.
207. The exercise of discretion under Option A 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. The exercise of the discretion will be a matter for claims officers but we envisage that the discretion might be used, 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. A differential impact on certain particular characteristics will not of itself be a reason to exercise the discretion in the applicant’s favour.
208. Additionally, the coalition government’s *Protection of Freedoms Bill*³⁸, if passed by Parliament, will enable men convicted in England and Wales for offences of consensual gay sex with partners aged over 16 to have their offences expunged from the record. 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.
209. Furthermore, discretion could 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.

Proposal 3 – character provisions in fatal cases

210. We propose 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 propose that, in general, the character of the deceased should not be relevant. Given the proposals 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 either Option A or B above in fatal cases.
211. We do however 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 themselves or had committed serious sexual offences against children).

³⁸ <http://services.parliament.uk/bills/2010-11/protectionoffreedoms.html>

212. We have data on the protected characteristics of CICS recipients for resolved cases for fatal injury in 2010/11, which we have analysed to determine where overrepresentation exists amongst those that share protected characteristics. This is set out under our fatal injury proposal at paragraphs 305-315. As a consequence, this proposal could constitute a positive effect on these particular groups of people with protected characteristics.

Tariff – proposals and retained policies

Proposal 1 – reductions to the tariff and protecting serious injuries

213. We propose 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.
214. We propose 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. An injury in Band 6 which currently results in an award of £2,500 would, following reform, receive an award of £1000, while an injury in band 12 which currently results in an award of £8,200 would receive an award of £6,200.
215. We propose to protect tariff payments for all injuries currently in bands 13 and above. The purpose of drawing the line at this point is 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.
216. Excluding those applicants who will be in receipt of protected awards as set out in paragraphs 258-261, this proposal will mean that some applicants in bands 1-5 will no longer receive compensation and some applicants above band 6 will face a reduction to their overall compensation, 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.
217. 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.
218. 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 18 and 19 in Annex B). Data on the marriage and civil partnership status, and the pregnancy and maternity status in CICS resolved claims is not available.
219. 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 18 in Annex B shows the data for the number of resolved cases for those awards we propose to remove or reduce, and

Table 19 in Annex B shows the same information for those awards we propose to protect.

Age

220. The data shows that 2% of recipients of those awards we propose to remove or reduce are aged under 15, compared with 15% of recipients of awards we propose to protect, and 5% of recipients of all awards (see Table 18 and Table 19 in Annex B). This suggests that the policy to protect some awards may have a positive effect on this age group.
221. The data for those aged 15 and over shows that there is little variation between the percentage of recipients of those awards we propose to remove or reduce, as compared to those we propose to protect. For example, 31% of recipients of those awards we propose to remove or reduce were aged 15-24, compared with 35% of recipients of awards we propose to protect, and 32% of all recipients. This suggests that those aged 15 and over are not more likely to have their award removed or reduced than they are to have it protected.

Disability

222. We recognise that reductions in payments will affect those 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 bands 1–5 and any reduction to band 6-12.
223. The data in Tables 18 and 19 suggest that there is little variation in the percentage of recipients who identify as disabled for those awards we propose to remove or reduce (6% of recipients of awards being removed or reduced were disabled), compared with recipients of those awards we propose to protect (8%), and recipients of all awards (6%), suggesting no differential effect on this equality group overall. However, these percentages exclude unknown cases where disability has not been 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.
224. 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 would be put at a particular disadvantage by our proposals to reduce the tariff amounts overall.
225. Data from the 2009/10 BCS (Table 20 in Annex B) suggests that a higher proportion of disabled people suffer domestic violence than non-disabled people. We have considered that the proposal to remove bands 1-5, which includes a provision for payment for minor multiple injuries (which individually would not qualify for the Scheme), has 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 18 in Annex B (awards we propose to remove) 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).

226. Furthermore, it is important to note that the BCS 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, 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

227. A small number of recipients (31) identified themselves as transgender and there were high levels of non-response to the gender reassignment status question in the CICA EOM form, thus registering a 0% in Tables 18 and 19 in Annex B. Therefore it is not possible to produce reliable analysis of the data on protected awards, and those awards we propose to remove or reduce for people with this protected characteristic. We therefore do not know if our proposals to reduce the tariff might put at a disadvantage people with this protected characteristic.

228. As we do not have any available data on the gender reassignment status of the population as a whole for either GB or Scotland, we cannot confirm whether our proposals to reduce the tariff amounts overall will put at a particular disadvantage people with this protected characteristic.

Marriage and civil partnership

229. As no information is held on the marriage/civil partnership status of award recipients, we therefore do not know if our proposals to reduce the tariff might put at a disadvantage people with this protected characteristic.
230. 2009/10 BCS data (Table 20 in Annex B) shows that women who were separated, and men who were separated or divorced had higher chances of being a victim of domestic abuse compared with all other marital status groups. 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.
231. As already discussed, we have considered that the proposal to remove bands 1-5, has the potential to affect victims of domestic violence. However, data is not collected on whether an incident giving rise to a claim was domestic violence, so we cannot be certain of the impact of these proposals.

Pregnancy and maternity

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

Race

233. Comparing the data for the awards we propose to remove or reduce with the data for those which we propose to protect (Tables 18 and 19 in Annex B), shows that a slightly higher proportion of BME recipients would have their awards reduced or

removed (13%) compared to those awards that we propose to protect (8%). This suggests that this proposal may have a differential effect on BME applicants when comparing 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.

234. 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 proposals to reduce tariff amounts overall.
235. Regarding multiple minor injuries which might arise from domestic violence, the 2009/10 BCS shows little variation in the experience of domestic abuse by ethnicity (Table 20 in Annex B). Furthermore, the data for bands 1-5 in Table 18 in Annex B (awards we propose to remove) 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

236. Recipients that identify as having no religion were overrepresented amongst resolved cases for those awards we propose to protect (48% of recipients of awards being protected had no religion) compared with those we propose to remove or reduce (38%), and all recipients (39%) (Tables 18 and 19 in Annex B). This suggests that this proposal to protect some awards may have a differential effect on those applicants who identify as having no religion.
237. A slightly higher proportion of Muslim recipients received awards in the tariff bands we propose to reduce or remove (5%), compared with tariff bands that will be protected (1%). This suggests that this proposal 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 propose to remove or reduce, as compared to those we propose to protect.
238. 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.
239. 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 proposals to reduce tariff amounts overall.

Sex

240. Tables 18 and 19 in Annex B show that the percentage of recipients who are men for those awards we propose to remove or reduce (75%), is higher than the percentage of recipients who are men for those awards being protected (38%), and the percentage of all recipients who are men (67%). This suggests that the proposal to remove or reduce some awards may have a differential effect on men.

241. Conversely, for protected awards a higher percentage of recipients are women (65%) as compared with awards proposed to be removed or reduced (25%), and all recipients (32%), suggesting a positive effect of this policy to protect some awards on women.
242. However, due to the high number of claims from men, relative to their representation in the population as a whole (see Table 1 in Annex B), any reduction or protection to the tariff amounts overall will have a greater effect on men as compared to women.
243. Regarding domestic violence and minor multiple injuries, we know that domestic violence affects people of both genders, however, the risk of being a victim of domestic violence is higher for women than for men. Table 20 shows results from the BCS on the percentage of adults in England and Wales who had been victims of domestic abuse in the past year. It is important to note, though, that 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.
244. A similar pattern is found with respect to partner violence in Scotland, although the data is not directly comparable to that from the BCS. Table 21 shows the proportion of adults who have had at least one partner since the age of 16 who have suffered the specified forms of abuse at least once since the age of 16.
245. 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. We will explore options for research further our understanding of the applications for compensation for injuries resulting from domestic violence to inform our final proposals.
246. Looking at the data for bands 1-5 for those awards we propose to remove or reduce it shows that, in line with CICS recipients overall, a larger proportion of recipients in these bands are men (75% were men, 25% were women). This suggests that the majority of all claims in tariff bands 1-5 are not submitted by female victims of domestic violence, however, we do not know what proportions of these awards (to men or to women) were for domestic violence as this information is not collected. As above, we will explore options for research further our understanding of the applications for compensation for injuries resulting from domestic violence to inform our final proposals.

Sexual orientation

247. A similar percentage of recipients of those awards which we propose to remove or reduce in the revised Scheme identified as LGB (3%), compared with all recipients (3%) (Table 18 in Annex B). Comparing the data for the awards we propose to remove or reduce with the data for those which we propose to protect (Table 19 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%).
248. This suggests that this proposal would have no 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.

249. 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 proposals to reduce tariff amounts overall.
250. Regarding domestic violence and multiple minor injuries, evidence from the 2008/09 BCS (Table 22 in Annex B) shows that adults who self-identify as gay/lesbian or bisexual are more likely to be victims of domestic violence than those who self-identify as heterosexual/straight. It is important to note, though, that 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.
251. Furthermore, the data for bands 1-5 for those awards we propose to remove or reduce (Table 18 in Annex B) does not show a differential effect on LGB people when compared to their proportions in the GB population; 3% of recipients in bands 1-5 for those awards we propose to remove or reduce were LGB, compared with 2% of people in the population overall.

Reason for change and mitigating actions

252. This proposal 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.
253. It is our view that injuries 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.
254. We will invest more money in support services, available at the point of need. Furthermore, as discussed in Part 1 in the full consultation document, we aim to raise up to £50m from offenders to pay for new services. We propose to reduce the domestic compensation budget by approximately the same amount to reduce the burden on taxpayers while retaining overall spending on victims.
255. Additionally, subject to our proposal to amend the rule relating to claiming for both physical and mental injury as set out in paragraph 268, those people who would not be able to claim for a physical injury under bands 1 -5 may be able to claim for a mental injury if the psychological impact of their injury were sufficiently serious to warrant a tariff award for mental injury.
256. 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.

257. It is also further mitigated by our proposal to protect injuries for patterns of physical abuse in bands 1-5. Domestic violence victims who claim under this heading will continue to receive an award. In addition, as set out in paragraph 259, we are proposing to make 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.

Proposal 2 – protecting certain categories of awards

258. We propose to retain at their current level awards, in whatever band, for injuries in respect of sexual offences and 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, where we are already planning to protect all of the awards in their entirety.³⁹
259. We propose to make explicit in the heading of the tariff award for physical abuse of adults that domestic violence victims who suffer a series of assaults can apply for compensation under these award categories.
260. We have taken into consideration 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 316-321). We also propose this principle should extend to protecting the level of award for loss of foetus, whether as a result of sexual or violent crime
261. Due to limitations in the available evidence, we have not identified, so are unable to rule out the potential impact of these proposals 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 effect on the following protected characteristics:

Age

262. CICS data (Table 23 in Annex B) shows 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. The data shows that those aged between 0-34 are overrepresented amongst recipients when compared to the respective GB populations for those individual age groups. This suggests that the proposal to retain payments for injuries arising from sexual offences and patterns of physical abuse of children may constitute a positive effect on this age group.
263. Our proposal to 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

³⁹ 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.

the current tariff level assists in giving due regard to adult victims in these circumstances.

Disability

264. The data in Table 23 in Annex B shows that the percentage of recipients that self-declare as having a disability (2%) is less than in the GB population (18%) for disabled people, showing that disabled people are not overrepresented amongst recipients of this particular group of protected awards. 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

265. The proposal to protect the award for loss of a foetus takes account of the particular position of those who are pregnant at the time of the incident in which they are a victim.

Sex

266. The BCS 2009/10 shows that more women than men are victims of serious sexual assault and of domestic violence⁴⁰. Furthermore, the data in Table 23 in Annex A 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 GB female population (51%). This suggests that any proposal to retain 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.
267. CICS data from 2010/11 shows that there were five resolved claims for loss of foetus of which 100% of claims came from women. This would suggest that the proposal to protect this payment would constitute a positive effect for female victims.

Proposal 3 – multiple injuries

268. 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.
269. Due to limitations in the available evidence, we have not identified, so are unable to rule out the potential impacts of this proposal 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 following effect on the following protected characteristic:

⁴⁰Homicides, Firearms offences and Intimate Violence 2009/10: Supplementary Volume 2 to Crime in England and Wales 2009/10, table 3.01

Disability

270. In the case of multiple injuries, this proposal 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.

Proposal 4 – injuries not listed in the tariff

271. 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).

272. Due to limitations in the available evidence, we have not identified, so are unable to rule out the potential impacts of this proposal 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.

Loss of earnings – proposals and retained policies

Proposal 1 – loss of earnings

273. Our loss of earnings proposals are 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.

274. We have developed 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.⁴¹ 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.⁴² 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. 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).⁴³
- 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.

275. In relation to both to 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 propose 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.

276. To help our analysis, a CICS case file review was undertaken by Ministry of Justice – Analytical Services. For this case file review a random sample of case files was drawn from CICS cases that included an application for loss of earnings and/or special expenses and that were at the ‘offer’ stage⁴⁴ on the 15 July 2011. In total, 99 case files were reviewed. 19 of these were at the interim award stage at the time of the research, these cases were excluded from the rest of the analysis as the files

⁴¹ Based on the latest figures for all employees published by the Office for National Statistics. <http://www.ons.gov.uk/ons/rel/ashe/annual-survey-of-hours-and-earnings/ashe-results-2011/ashe-statistical-bulletin-2011.html>

⁴² £6.08 x 38 hours x 52 weeks = £12,014.

⁴³ Weekly Statutory Sick Pay £81.60 x 52 weeks.

⁴⁴ Cases at the offer stage are those where CICA had made a decision and had written to the applicant to inform them of the level of the award. CICA were waiting for applicants to accept/ reject the offer.

were incomplete, leaving 80 case files at the offer stage in total. In 33 cases the recipient received a loss of earnings award.

277. Information from the case files on the nature of the claim and award was systematically reviewed and entered on to a database. This included the demographics of the recipients, tariff bands, and the nature of the injuries sustained.
278. Whilst a random sample of files was drawn it was not possible to ensure that this sample was representative of all CICS claims for loss of earnings and special expenses. Moreover, given the small proportion of CICS case files that were reviewed it is not possible to generalise the findings to the wider population of CICS claims. However, this case file review does provide an initial indication of the characteristics of recipients of loss of earnings and/or special expenses. To further our understanding of the characteristics of recipients of loss of earnings and/or special expenses we will explore options for analysis of data from CICS resolved claims where awards for loss of earnings or 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.
279. Information on the equality strands was sought during this case file review, but limited details were present in the case files. It was not possible to gather reliable data on the following protected characteristics: 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.
280. Due to limitations in the available evidence, we have not identified, so are unable to rule out the potential impacts of these proposals on any of the protected characteristics of gender reassignment, race, religion or belief or sexual orientation. We have identified the following effect on the following protected characteristics:

Age

281. We 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.

Disability

282. We acknowledge that 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 24 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 disabled⁴⁵ 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).

283. This 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.
284. Furthermore, any option where payments would continue to be reduced to reflect other benefits to which an applicant may be entitled, will also affect those who claim disability-related benefits linked to their unemployment status.

Marriage and civil partnership

285. The case file review showed that the majority of the loss of earnings recipients were single (14 cases), 9 were married, 5 were co-habiting and 4 were divorced/separated⁴⁶. This suggests there may be a lesser effect on those who are married or in a civil partnership.

Pregnancy and maternity

286. In discussing our proposals on eligibility for loss of earnings, we considered the implication of this proposal on parents with no recent work history due to pregnancy or childcare responsibilities. Consequently we framed our policy 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 had in mind, in particular, those with child-care responsibilities or carers.

Sex

287. 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.⁴⁷ 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 proposals 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.
288. The case file review identified that 27 of the 33 recipients awarded loss of earnings were male. This is likely to be due to the fact that the majority of these claims were awarded in assault cases, a type of crime which men are more likely to be a victim of than women (Table 2 in Annex B).

⁴⁵ 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.

⁴⁶ 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.

⁴⁷ Labour Market Statistics, ONS 2010, Annual Survey of Hours and Earnings, ONS 2009

Reason for change and mitigating actions

289. 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 are proposing to pay loss of earnings only to those who can no longer work or who have very limited capacity to do so.
290. 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 compensate actual loss and so our proposals for reform to loss of earnings open the way to make savings from the Scheme and rebalance the overall resources.
291. Option A would still make payments with reference to the earnings lost and we would continue to protect the incomes of the lower earners (just under half of our sample had net annual earnings of less than £12,600). It is however possible that some applicants with a long term disability would get very little or no award for loss of earnings because the total amount of benefits they would receive would exceed £12,600 a year. Option B is administratively simpler. 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.⁴⁸ It might also lead on to victims getting their loss of earnings payments more quickly.
292. Our proposal 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.
293. The applicant would need only 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.

Special expenses – proposals and retained policies

Proposal 1 – special expenses

294. Special expenses are paid to those most seriously injured and, as such, we propose 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.⁴⁹

⁴⁸A 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.

⁴⁹ Paragraphs 35–36 of the Scheme.

295. To help our analysis, we referred again to the CICS case file review undertaken by Ministry of Justice – Analytical Services (see paragraphs 276-279 for a summary of the methodology). There were 36 cases (out of a total of 80 cases at the offer stage) 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.
296. As found for loss of earnings it was not possible to gather reliable data 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.
297. Due to limitations in the available evidence, we have not identified, and so unable to rule out the potential impacts of this proposal on any of the protected on any of the protected characteristics of age, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief or sexual orientation. We have identified the following effect on the following protected characteristics:

Disability

298. 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 sustained⁵⁰ (Table 25 in Annex B). In the fatal cases 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.
299. This suggests that our proposals to limit some special expenses may have a differential effect on disabled victims. For example, the removal for payments 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, our proposal regarding restrictions to special expenses is limited as we are proposing to retain the majority of categories of special expenses.

Sex

300. 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.
301. This suggests that our proposals to limit some special expenses may affect men as compared to women who are victims of violent crime.

⁵⁰ 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.

Reason for change and mitigating actions

302. 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.
303. Furthermore, in developing our policy we have examined each category of special expenses and have decided to retain the vast majority precisely on the basis that they are most likely to be awarded to those most seriously injured and potentially disabled.
304. We would welcome any further views on the potential overall effect of this proposal on people on other sub-groups of victims where this proposal might have an equality-related effect.

Fatal cases – proposals and retained policies

Proposal 1 - fatal injury tariff payment (“bereavement awards”)

305. We propose to protect the current level of award and continue to make payments to the same qualifying applicants.
306. We have data on the protected characteristics of CICS recipients for resolved cases for fatal injury in 2010/11, which we have analysed to determine where overrepresentation exists with those that share protected characteristics. They are as follows:

Age

307. Table 26 in Annex B shows that compared to the general population, adults aged 25 – 54 are overrepresented amongst CICS award recipients for fatal injury awards, while those aged under 15 are underrepresented. 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

308. Table 27 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.

309. Table 26 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/belief of award recipients

310. Table 26 in Annex B shows that the percentage of resolved cases 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 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 distribution of award recipients

311. Table 26 in Annex B shows that compared to the general population, men are overrepresented amongst CICS award recipients for fatal injury awards and women are underrepresented.

Consideration of evidence base

312. The statistics in relation to resolved claims in fatal cases provide us with an evidence base with regard to the protected characteristics of recipients of fatal injury awards. There is a relatively small number of cases so it is difficult to draw firm conclusions, but the evidence we have suggests that the proportion of male recipients, recipients in certain age groups, and BME recipients was higher than their representation in the general population.

313. We have also considered whether this data in respect of resolved claims evidences any underrepresentation amongst persons sharing particular protected characteristics and the potential reasons for that. In particular, we have considered whether the data might show that the existing categories of qualifying claimant in the Scheme could adversely impact on persons sharing particular protected characteristics.

314. Although the data shows an underrepresentation in respect of women, it does not show the reasons for that or the effect of the existing categories of qualifying claimant upon women. Nor can the data show either the protected characteristics of those who are refused a fatal award, or the reasons why an award is refused.

315. Although there is no evidence that the present rules give rise to any potential adverse equality impacts, and it is not proposed to change the level of the bereavement award, we will continue to work with CICA to consider what evidence there may be in respect of those who are refused fatal injury awards, and the potential reasons why women are underrepresented amongst fatal award recipients. We would also welcome any further views on the potential overall effect of this proposal on people or other sub-groups of victims where this proposal might have an equality-related effect.

Proposal 2 – loss of parenting

316. We propose 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.
317. We also propose 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.
318. Due to limitations in the available evidence, we have not identified, so are unable to rule out the potential impacts of this proposal 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 effect on the following protected characteristics:

Age

319. Our proposal to continue paying 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

320. We do not have any data on the ethnicity of applicants who claim for parental services. However, Table 27 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 26 in Annex B).
321. So, 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 proposal may constitute a positive effect on BME children bereaved by homicide.

Proposal 3 – dependency payments

322. We propose to continue to pay dependency payments in line with our revised loss of earnings proposals at paragraphs 273-293. If we were to make dependency payments in line with our loss of earnings option A (capped at £12,600) we propose to continue to make a reduction (of up to one third) to account for any personal and living expenses the victim would have incurred⁵¹ 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 do 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.

323. 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.

324. We propose to make dependency payments as follows:

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

325. 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.

326. 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 propose to retain payments in these circumstances.

327. Due to limitations in the available evidence, we have not identified, so 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 the following effect on the following protected characteristics:

Age

328. Compared to the age distribution of the general population, a larger number of children receive dependency payments – and therefore will be affected by any proposed 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.

329. However, we are not able to say whether the impact of the proposals on the average amount received by a child will be larger than the impact on the average

⁵¹ 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.

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 varied across dependants of different ages.

Disability

330. 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. Proposals to retain this provision gives due regard to those who are disabled and physically dependent on a carer who then dies.
331. Research from *Experiences and Expectations of Disabled People*⁵² showed 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

Race

332. We do not have any data on the ethnicity of applicants who claim for dependency. But we do know that the rate of homicides per million population is highest amongst black people and lowest amongst white people (Table 27 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 26 in Annex B).
333. 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 proposed reduction to dependency payments is likely to have differential effects across different ethnic groups.

Sex

334. Table 26 in Annex B shows that compared to the general population, men are overrepresented amongst CICS award recipients for fatal injury awards and women are underrepresented. This suggests that any proposed reduction to dependency payments is likely to have differential effect on men.

Reason for change and mitigating actions

335. 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.
336. As with our reason for reforming loss of earnings, a further key aim of reform is to put the Scheme in a more sustainable position so it can continue to offer timely

⁵² Experiences and Expectations of Disabled People - Office for Disability Issues (ODI), 2007

compensation to victims in the long-term and provide a set of fair, realistic expectations. The Scheme is not intended to compensate actual loss and so our proposals for reform to dependency open the way to make savings from the Scheme and rebalance the overall resources.

337. 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).
338. In addition, for children the provision of the parental services payment of £2,000 per annum is being retained.

Proposal 4 – funeral expenses

339. We intend to continue to make payments for reasonable funeral costs and propose that payments can be made to the person who pays the bill as well as to the estate. In line with our proposals in paragraph 210 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(s) when deciding whether to make an award.
340. Due to limitations in the available evidence, we have not identified, so are unable to rule out the potential impacts of this proposal 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 effect on the following protected characteristics:

Race

341. This proposal gives due regard to the applicant families of victims of different nationalities, who may require provision to transport the body back to its country of origin, so long as the applicant has a defined connection to the UK as per our policy set out in paragraphs 119-124.

Religion and belief

342. The decision to retain the current position in relation calculating awards for funeral gives due regard to applicants of different religious groups. Information from Mintel Research Consultancy⁵³ shows that in some parts of the country the cost of burial is higher than that of cremation, and there may be other reasons why funeral costs are higher for some faiths than others. For example, in the Muslim and Jewish faiths, burial is preferred over cremation.

Retained policy 1 - loss of earnings where a victim subsequently dies due to an unrelated injury

343. We propose to retain payments in respect of loss of earnings and special expenses for qualifying applicants where the deceased has died due to an unrelated injury.
344. Due to limitations in the available evidence we are unable to rule out potential impacts of this proposal on any of the protected characteristics of age, disability,

⁵³ Mintel Research Consultancy, Average Funeral Pricing, Aug 2009

gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

Discount tables

Proposal 1 – discount tables

345. At present discounts are applied on the basis of three tables⁵⁴ loosely based on the Actuarial Tables for Use in Personal Injury and Fatal Accident Cases (commonly referred to as the “Ogden tables”) produced by the Government Actuary’s Department. The three tables in the Scheme have not been changed since the first tariff Scheme came into force in 1996.
346. We propose to use multipliers to reflect the potential for investment and years of loss and will take account of any changes in mortality. We recognise that the existing multipliers are out of date and intend to review the CICS multiplier tables in conjunction with the Government Actuary’s Department. Consultees are invited to consider the impact of the proposals on loss of earnings, special expenses and dependency payments on the basis that multipliers will continue to be applied to lump sum awards.
347. Due to limitations in the available evidence, we have not identified, so are unable to rule out the potential impacts of this proposal 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 the following effect on the following protected characteristic:

Disability

348. Should the multiplier tables change and be based on a lower rate of investment return, then it could benefit those who receive future care costs and loss of earnings payments, such people are more likely to be disabled (although they may still receive reduced awards). This is an area for further analysis as the policy develops.

Process – proposals and retained policies

Proposal 1 – applications

349. 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.
350. 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;

⁵⁴ Note 3 of the Scheme

- 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 any costs attached to this evidence are set in paragraphs 351-353. 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.

351. 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 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 propose that claims officers should have the power to deduct the costs incurred from any final award, again up to an overall maximum of £50.

352. 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.⁵⁵

353. We also propose 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.

354. Due to limitations in the available evidence, we have not identified, so are unable to rule out the potential impacts of these proposals on any of the protected

⁵⁵ Paragraph 21 of the Scheme.

characteristics of gender reassignment, marriage and civil partnership, pregnancy and maternity, religion or belief, and sexual orientation. We have identified the following effect on the following protected characteristics:

Age

355. We do not have data to suggest that overall the proposal to no change the current time limit of two years will affect differently across different age groups. We have 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

356. We have considered that the proposal to put the onus on the applicant may affect people with mental or physical disabilities, who may find it difficult to collect evidence due to incapacity.
357. 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.
358. We do not have data to suggest that retaining the existing two year time limit on applications will affect disabled people. We have considered 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

359. We have considered 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.
360. We have also considered what effect our proposal regarding initial medical evidence, where onus 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 are 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

361. 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 have considered that this proposal has 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.

Reason for change and mitigating actions

362. The aim being pursued is that the application process should be clear and easy for the victim to understand. Based on the evidence, we consider it proportionate to ensure that applicants provide the necessary information at each stage as way of streamlining the process and making it easier.
363. To mitigate this rule, we propose making it clearer what evidence the applicant will be required to provide as a minimum, so far as it is practicable for the applicant to do so. As such, any assessment would give due regard to a person's capabilities, which will highlight any disadvantage the applicant may face because of their location (e.g. EU/EEA and Council of Europe victims who are not resident in the UK and will not have access to same medical evidence as resident victims), their disability or language barriers. There will be a requirement for the claims officer to make reasonable adjustments, such as those set out below.
364. 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 Word⁵⁶ 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.
365. In our revised proposal, where more costly expert medical evidence is required, such as where a full psychiatric report is collected, CICA will continue to pay for those reports. However, where this initial cost is paid, our proposal also states that claims officers should have the power to deduct the costs incurred from any final award, again up to an overall maximum of £50.
366. Regarding the two year time limit on applications, the effects are mitigated by the fact that there is a proposal to retain the 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 the potential for children, and adults with learning difficulties, to miss out on claims because someone did not apply on their behalf. 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.
367. We welcome views on the potential overall effect of this proposal across groups, and also on other sub-groups of victims where this proposal might have an equality-related effect.

Proposal 2 – decisions

368. We propose to shorten the current 90 day period that applicants have in which to notify CICA that they either accept or reject the award.⁵⁷ Typically applicants take around three weeks to respond so we consider that allowing 56 days is reasonable

⁵⁶ 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/>

⁵⁷ Para 50 of the Scheme.

while contributing to speeding up the process overall. We also propose to shorten the period of applying for review from 90 to 56 days.⁵⁸ We also propose that this period should be subject to one extension of up to 56 days where there are exceptional reasons to grant an extension.

369. Due to limitations in the available evidence, we have not identified, so 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.

Proposal 3 – reconsideration and repayment

370. 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.
371. We intend to retain the current arrangements and propose 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.
372. Due to limitations in the available evidence, we have not identified, so 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.

Proposal 4 – medical re-opening

373. 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 propose 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 378-381).
374. Due to limitations in the available evidence, we have not identified, so are unable to rule out the potential impacts of this proposal 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 the following effect on the following protected characteristics:

Disability

375. 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

⁵⁸ Para 59 of the Scheme.

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.

Reason for change and mitigating actions

376. The above effects could be mitigated by proposing to give the applicant the right to ask that a decision on their case is deferred in a wider range of circumstances than at present (see paragraphs 378-381).
377. We would welcome any further views on the potential overall effect of any change to this provision on other sub-groups of victims where it might have an equality-related effect.

Proposal 5 – deferrals

378. Where an applicant believes the long term impact of their injuries has not yet been established we propose 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.
379. 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 propose 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 is 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.
380. As explained in paragraph 122, we also propose to enable asylum seekers to request their applications are deferred until the question of their refugee status is settled, provided they submit their application within two years of the incident in accordance with the usual time limits for a claim.
381. Due to limitations in the available evidence, we have not identified, so 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 following effect on the following protected characteristics:

Race

382. The proposal to enable asylum seekers to request their applications are deferred until the question of their refugee status is settled, gives due regard to foreign victims in these circumstances.

Proposal 6 - appeal

383. 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 in error, there is no power enabling CICA to withdraw the decision and issue a fresh one, so the appeal must proceed.
384. We propose 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 can 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.
385. Due to limitations in the available evidence, we have not identified, so are unable to rule out the potential impacts of this 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.

Recovering CICS compensation from offenders

386. There are unimplemented powers in the Criminal Injuries Compensation Act 1995 which would allow the Secretary of State for Justice or, in Scotland, 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
387. 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.
388. Due to limitations in the available evidence, we have not identified, so are unable to rule out the potential impacts of this proposal 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 the following effect on the following protected characteristics:

Age

389. The majority of offenders found guilty of violent or sexual offences are aged 21 or over (for example, in England and Wales 73% were aged 21 and over compared with 27% aged under 21) (Tables 28 and 29 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 may have a greater impact on offenders in this age group.

Race

390. The data presented Table 28 in Annex B suggests that while the majority of people found guilty of violent or sexual offences are White (78%), 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%). We therefore cannot say whether, relative to the population as a whole, members of a particular ethnic group are overrepresented amongst those found guilty of violent or sexual offences.

Sex

391. The data presented Tables 28 and 29 in Annex B suggest that men are overrepresented amongst those found guilty of violent or sexual offences. This suggests that any proposal may have a greater impact on male offenders.

Reason for change and mitigating actions

392. The above data only shows the potential pool of offenders in relation to protected characteristics if a claim is made and if the offender had the means to pay it.

393. 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.

Further rules/provisions not considered as part of this review

394. 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 a fatal 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 176-179 we do not propose to change historic rules which relate to the position under previous Schemes.

How to respond

395. The primary method employed for this consultation is the publication of the paper and a full public consultation over a 12 week period.

396. Comments from respondents are invited in relation to the accuracy and extent of the effects identified in this draft EIA. We welcome and seek further views on the equality impacts from stakeholders on all the protected characteristics. All

responses received will be used to inform the full EIA and our policy development and will be published alongside any consultation response.

397. Responses to the consultation can be submitted directly through the Ministry of Justice website at <http://consult.justice.gov.uk/digital-communications/victims-witnesses>, via email to victimsconsultation@justice.gsi.gov.uk or by post to Victims and Witness Unit, Ministry of Justice, 8th Floor, 102 Petty France, London, SW1H 9AJ.

Annex A

Information sources and evidence

1. 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.
 - a. **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 British Crime Survey (BCS)*: The BCS measures the amount of crime in England and Wales. The BCS 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 CJS 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: 2008/09 and 2009/10 supplementary volumes in Crime in England and Wales: Findings from the British Crime Survey*
- *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; and
- *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.

b. **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; and
 - *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.
- c. **Comparisons with similar documents in other departments or authorities**
– to help identify equality issues in similar policies, we drew on the following:
- 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 Wales⁵⁹; and
 - equality findings from the EIA developed to accompany the Green Paper - *Breaking the Cycle: Effective Punishment, Rehabilitation and Sentencing of Offenders*⁶⁰.
- d. **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.
- e. **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; and
 - 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.
- f. **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.
- g. **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

⁵⁹ www.justice.gov.uk/consultations/633.htm

⁶⁰ www.justice.gov.uk/consultations/consultation-040311.htm

Annex B

Evidence tables

Table 1 – CICS resolved claims for 2010/11, equality group distribution compared with the general population of Great Britain

	Percentage in GB population	All CICS resolved claims in 2010/11		
		Percentage where a response was given	Percentage of all resolved claims	Number of cases
All cases	n/a	n/a	n/a	39,727
Age⁶¹				
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 status⁶²				
Disabled	18	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
Race⁶³				
White	88	87	46	18,343
All BME	12	13	7	2,638
<i>Mixed</i>	2	2	1	428
<i>Asian</i>	6	6	3	1,165
<i>Black</i>	3	4	2	746
<i>Chinese</i>	1	0	0	44
<i>Other ethnic</i>	1	1	1	255
Unknown	n/a	n/a	47	18,746

⁶¹ Mid-2010 Population Estimates: Great Britain; estimated resident population by single year of age and sex

⁶² Number of disabled people in Great Britain: 2009/10 prevalence estimates and ONS 2009 mid-year population estimates.

⁶³ Estimated England and Wales resident population by ethnic group and sex, mid-2009 (experimental statistics)

Table 1 continued

	Percentage in GB population	All CICS resolved claims in 2010/11		
		Percentage where a response was given	Percentage of all resolved claims	Number of cases
Religion⁶⁴				
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
Sex⁶⁵				
Male	49	68	67	26,814
Female	51	32	32	12,839
Unknown	n/a	n/a	0	74
Sexual orientation⁶⁶				
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

⁶⁴ Integrated Household Survey 2010/11, Office for National Statistics

⁶⁵ Mid-2010 Population Estimates: Great Britain; estimated resident population by single year of age and sex

⁶⁶ Integrated Household Survey 2010/11, Office for National Statistics

Table 2 - 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 BCS					
	All violence ⁶⁷	Wounding	Assault with minor injury	Assault without injury	Robbery	Unweighted base ⁶⁸
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

⁶⁷ 'Violent crime' includes wounding, assault with minor injury, assault without injury and robbery.

⁶⁸ The unweighted base represents the number of people or households interviewed in the specified group.

Table 3 - 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 4 - 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 BCS					
	Sexual assault ⁶⁹		Domestic abuse ⁷⁰		Unweighted base ⁷¹	
	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

⁶⁹ Including attempts. Only covers victims aged 16-59.

⁷⁰ Any domestic abuse (partner or family non-physical abuse, threats, force, sexual assault or stalking). Only covers victims aged 16-59.

⁷¹ Unweighted base relates to 'Domestic abuse', the unweighted base for sexual assault will be similar.

Table 5 - Proportion of children aged 10 to 15 who were victims of BCS personal crime once or more in the last year

Percentages	England and Wales, 2010/11 BCS	
	Preferred measure ⁷²	Broad measure ¹
All Violence	7	12
Wounding	1	1
Assault with minor injury	4	5
Assault without injury	2	4
Robbery	1	1
Aggressive behaviour (unspecified) ⁷³	n/a	4
Theft with threat (unspecified) ⁷⁴	n/a	0
Violence with injury	5	6
Violence without injury (includes unspecified) ⁷⁵	2	8
All crime experienced by children aged 10-15	12	17
<i>Unweighted base</i>	<i>3,849</i>	<i>3,849</i>

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 6 - Number of violent incidents in the last year against men and women by violence category

Numbers and percentages	England and Wales, 2010/11 BCS								
	Number of incidents (thousands)			Percentage ⁷⁶ of incidents by offence/type			Percentage of incidents by sex		
	Men	Women	All	Men	Women	All	Men	Women	All
All violence⁷⁷	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

⁷² The 'Preferred measure' takes into account factors identified as important in determining the severity of an incident (such as level of injury, value of item stolen or damaged, relationship with the perpetrator) while the 'Broad measure' counts all incidents which would be legally defined as crimes and therefore may include low-level incidents between children.

⁷³ These offences are designated as 'unspecified' since only limited information was collected about these low-level offences to reduce respondent burden.

⁷⁴ As above.

⁷⁵ As above and violence with injury includes wounding, assault with minor injury and robbery where injury was sustained. Violence without injury includes assault without injury and robbery with no injury plus, for the 'Broad measure', the unspecified offences of aggressive behaviour and theft with threat or force (these involve no injury otherwise further information would have been collected during the interview).

⁷⁶ 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'.

⁷⁷ 'All violence' includes wounding, assault with minor injury, assault without injury and robbery.

Table 7 - Proportion of adults who were victims of intimate violence once or more in the last year by gender

Percentages	England and Wales, 2010/11 BCS		
	Sexual assault ⁷⁸	Domestic abuse ⁷⁹	Unweighted base ⁸⁰
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 8 - percentage of adults in Scotland who had experienced sexual assault since the age of 16 overall and by gender

Percentages	Scotland, 2009/10 SCJS		
	All adults	Women	Men
Victim of at least one form of:			
Less serious sexual assault ⁸¹	9	14	3
Serious sexual assault ⁸²	3	4	1
Unweighted base: Adults overall and in each group (adults 13,418; women 7,505; men 5,913).			

Source: 2009/10 Scottish Crime and Justice Survey: Sexual Victimization and Stalking

Table 9 - Proportion of adults who were victims of violent crime once or more in the last year by religion

Percentages	England and Wales, 2006/07 BCS	
	Violent crime	Unweighted base ⁸³
Christian	3	37,482
Buddhist	3	244
Hindu	2	389
Muslim	4	879
Other	5	849
No religion	6	7,132

Source: Home Office Statistical Bulletin 19/07: Attitudes, Perceptions and Risks of Crime: Supplementary Volume 1 to Crime in England and Wales 2006/07

⁷⁸ Including attempts. Only covers victims aged 16-59.

⁷⁹ Any domestic abuse (partner or family non-physical abuse, threats, force, sexual assault or stalking). Only covers victims aged 16-59.

⁸⁰ Unweighted base relates to 'Domestic abuse', the unweighted base for sexual assault will be similar.

⁸¹ Less serious sexual assault measured by the SCJS included: indecent exposure; sexual threats; touching sexually when it was not wanted.

⁸² 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.

⁸³ Unweighted base relates to 'Personal crime', the unweighted base for sexual assault will be similar.

Table 10 - percentage of offenders sentenced in England and Wales to different disposals by age group, 2010⁸⁴

	Age 10 - 17	Aged 18-20	Aged 21 and over	All ages
Total sentenced	5	10	85	100
Immediate custody	4	13	83	100
Community sentence	25	13	62	100
Suspended sentence order	0	11	89	100
Fine	1	8	91	100
Conditional discharge	9	14	77	100
Absolute discharge	27	9	65	100
Otherwise dealt with	16	14	70	100
Population of over 10s as a whole	11	5	85	100

Source: Criminal Justice Statistics 2010

Table 11 - percentage of offenders sentenced in Scotland to different disposals by age group, 2009

% in each age group					
	Under 16	16 to 20	21 to 30	Over 30	All ages
Total	0	16	37	47	100
Custody	0	17	42	40	100
Community sentence	0	26	37	37	100
Financial penalty	0	13	36	51	100
Other sentence	0	20	33	46	100
Population of over 8s⁸⁵ as a whole	10	7	15	68	100

Source: Scottish Government, Criminal Proceedings in Scotland, 2009-10

Table 12 - % immediate custodial sentenced receptions into prison establishments in 2009

All nationalities	All	White	Mixed	Asian or Asian British	Black or Black British	Chinese or other ethnic group	Not Stated	Unrecorded	1991 Census ethnic codes
Number	93,621	73,984	2,880	5,968	9,220	1,307	215	0	47
Percentage	100	79	3	6	10	1	0	0	0

Source: Offender Management Caseload Statistics 2009 (Source: table 6.5)

⁸⁵ Age of criminal responsibility in Scotland in 2009.

Table 13 - percentage of persons starting Community Order and Suspended Sentence Order supervision by the Probation Service 2010

	White	Mixed	Asian or Asian British	Black or Black British	Chinese or Other ethnic group	Not Stated ⁽¹⁾	Missing ⁽¹⁾
Community order	84	3	5	6	1	1	2
Suspended sentence order	81	3	6	7	1	1	1

Source: Offender Management Caseload Statistics 2010, table A4.5

Table 14 - gender split of those given different sentences in 2010, England and Wales

Disposal (England and Wales)	Percentage female	Percentage male
Absolute discharge	21	79
Conditional discharge	23	77
Fine	27	73
Community sentence	17	83
Suspended sentence order	15	85
Immediate custody	8	92
Otherwise dealt with	14	86
Total sentenced	23	77

Source: Criminal Justice Statistics 2010

Table 15 - gender split of those given different sentences in 2009, Scotland

Disposal (Scotland)	Percentage female	Percentage male
Financial penalty	15	85
Community sentence	18	82
Custody	8	92
Other sentence	26	74
Total	16	84

Source: Scottish Government, Criminal Proceedings in Scotland, 2009-10, Table 11

Table 16 – Receptions into Prison Establishments by Length of Custodial Sentence 2010 (England and Wales)

Receptions into Prison Establishments by Length of Custodial Sentence (England and Wales)	Percentage female	Percentage male
Less than or equal to 6 months	10	90
Greater than 6 months to less than 12 months	9	91
12 months to less than 4 years	7	93
4 years or more (excluding Indeterminate)	5	95
Indeterminate sentences	3	97

Source: Ministry of Justice, Offender Management Caseload Statistics, 2009 (Source: table 6.1)

Table 17 - Persons receiving a custodial sentence (Scotland)

Persons receiving a custodial sentence (Scotland)	Percentage female	Percentage male
Up to 3 months	10	90
Over 3 months, up to 6 months	8	92
Over 6 months, up to 2 years	6	94
Over 2 years, less than 4 years	7	93
4 years and over (incl. life etc)	6	94

Source: Scottish Government, Criminal Proceedings in Scotland, 2009-10, Table 10(b)

Table 18 – number of CICS resolved cases in 2010/11 by tariff band groupings for awards that are proposed to be cut or reduced – equality group distribution

All CICS resolved claims in 2010/11 for awards proposed to be cut or reduce by band breakdown				
	Percentage of award recipients in each tariff band grouping ⁸⁶			
	1 to 5	6 to 12	All tariff bands proposed to be cut or reduced ⁸⁷	Percentage of all claims where a response was given
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>	<i>2</i>	<i>2</i>	<i>2</i>	<i>2</i>
<i>Asian</i>	<i>7</i>	<i>5</i>	<i>6</i>	<i>6</i>
<i>Black</i>	<i>3</i>	<i>4</i>	<i>4</i>	<i>4</i>
<i>Chinese</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>
<i>Other ethnic</i>	<i>1</i>	<i>1</i>	<i>1</i>	<i>1</i>
<i>No of cases</i>	<i>9,851</i>	<i>7,809</i>	<i>17,660</i>	<i>20,981</i>

⁸⁶ All awards in bands 13 and above are being protected

⁸⁷ 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 18 continued

All CICS resolved claims in 2010/11 for awards proposed to be cut or reduce by band breakdown				
	Percentage of award recipients in each tariff band grouping ⁸⁸			
	1 to 5	6 to 12	All tariff bands proposed to be cut or reduced ⁸⁹	Percentage of all claims where a response was given
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>
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

⁸⁸ All awards in bands 13 and above are being protected

⁸⁹ 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 19 – number of CICS resolved cases in 2010/11 by tariff band groupings for awards that are proposed to be protected – equality group distribution

All CICS resolved claims in 2010/11 for awards we propose to protect by band breakdown					
	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 ⁹⁰	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 ⁹¹	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>	<i>1</i>	<i>2</i>	<i>2</i>	<i>2</i>	<i>2</i>
<i>Asian</i>	<i>2</i>	<i>1</i>	<i>2</i>	<i>2</i>	<i>6</i>
<i>Black</i>	<i>3</i>	<i>3</i>	<i>4</i>	<i>3</i>	<i>4</i>
<i>Chinese</i> ⁹²	<i>0</i>	<i>0</i>	<i>-</i>	<i>0</i>	<i>0</i>
<i>Other ethnic</i>	<i>0</i>	<i>1</i>	<i>1</i>	<i>1</i>	<i>1</i>
<i>No of cases</i>	<i>504</i>	<i>803</i>	<i>2,014</i>	<i>3,321</i>	<i>20,981</i>

⁹⁰ 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.

⁹¹ 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.

⁹² 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.

Table 19 continued

All CICS resolved claims in 2010/11 for awards we propose to protect by band breakdown					
	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 ⁹³	Percentage of all claims where a response was given
Religion⁹⁴					
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>
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

⁹³ 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.

⁹⁴ 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.

Table 20 - Percentage of adults who were a victim of non-sexual intimate abuse, by personal characteristics

Percentages	England and Wales, 2009/10 BCS							
	Any domestic abuse		Partner abuse (non-sexual)		Family abuse (non-sexual)		Unweighted base ⁹⁵	
	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

⁹⁵ . Bases given are for any domestic abuse; bases for other measures will be similar.

Table 21 - 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 gender⁹⁶

Percentages	Scotland, 2009/10 SCJS			
	Experienced any psychological abuse	Experienced any physical abuse	Experienced any psychological / physical abuse ⁹⁷	Experienced both psychological & physical abuse ⁹⁸
Male	9	9	13	5
Female	17	14	19	12
All adults	13	12	16	9

Base: Adults who have had a partner since the age of 16 (12,729). Source: 2009/10 Scottish Crime and Justice Survey: Partner Abuse

Table 22 - Proportion of adults who were victims of intimate violence in the last year by sexual orientation

Percentages	England and Wales, 2007/08 and 2008/09 BCS					
	Domestic abuse ⁹⁹			<i>Unweighted base</i>		
	Men	Women	All	<i>Men</i>	<i>Women</i>	<i>All</i>
Heterosexual/straight	4	6	5	20,892	24,795	45,687
Gay or bisexual	9	17	13	512	473	985
Don't know/Don't wish to answer	8	7	7	705	886	1,591

Source: Home Office Statistical Bulletin 01/10: Homicides, Firearms offences and Intimate Violence 2008/09: Supplementary Volume 2 to Crime in England and Wales 2008/09

⁹⁶ Partner abuse as measured by the SCJS in 2009/10 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.

⁹⁷ 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.

⁹⁸ 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.

⁹⁹ Only covers victims aged 16-59. This data excludes stalking as questions on stalking were not included in the 2007/08 BCS.

Table 23 – CICS resolved claims for 2010/11 for sexual violence, physical abuse and loss of foetus awards - equality group distribution 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 in 2010/11		
		Percentage where a response was given	Percentage of all resolved claims	Number of cases
All cases	n/a	n/a	n/a	4,726
Age¹⁰⁰				
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+ ¹⁰¹	8	-	-	7
Unknown	n/a	n/a	-	7
Disability status¹⁰²				
Disabled	18	7	2	100
Not disabled	82	93	28	1,321
Unknown	n/a	n/a	70	3,305
Gender assignment status				
Transgender ¹⁰³	n/a	-	-	1
Not transgender	n/a	100	19	912
Unknown	n/a	n/a	81	3,813
Race¹⁰⁴				
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>Chinese¹⁰⁵</i>	1	-	-	1
<i>Other ethnic</i>	1	1	0	14
Unknown	n/a	n/a	47	2,240

¹⁰⁰ Mid-2010 Population Estimates: Great Britain; estimated resident population by single year of age and sex

¹⁰¹ 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.

¹⁰² Number of disabled people in Great Britain: 2009/10 prevalence estimates and ONS 2009 mid-year population estimates.

¹⁰³ Percentage of resolved claims not reported as the number of resolved claims where the recipient identified themselves as transgender is less than 10.

¹⁰⁴ Estimated England and Wales resident population by ethnic group and sex, mid-2009 (experimental statistics).

¹⁰⁵ Percentage of resolved claims not reported as the number of resolved claims where the recipient identified themselves as Chinese is less than 10.

Table 23 continued

	Percentage in GB population	All CICS resolved claims for sexual violence, physical abuse and loss of foetus awards in 2010/11		
		Percentage where a response was given	Percentage of all resolved claims	<i>Number of cases</i>
Religion ^{106 107}				
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
Sex ¹⁰⁸				
Male	49	17	17	17
Female	51	83	83	83
Unknown ¹⁰⁹	n/a	n/a	-	0
Sexual orientation ¹¹⁰				
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

¹⁰⁶ Integrated Household Survey 2010/11, Office for National Statistics.

¹⁰⁷ 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.

¹⁰⁸ Mid-2010 Population Estimates: Great Britain; estimated resident population by single year of age and sex

¹⁰⁹ Percentage of resolved claims not reported as the number of resolved claims where the recipient identified themselves as unknown is less than 10.

¹¹⁰ 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 24 - characteristics of sample of CICS recipients awarded loss of earnings

	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

Table 25 - characteristics of sample of CICS recipients awarded special expenses

	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>	17	19

Source: Internal Ministry of Justice CICS Case File Review

Table 26 – CICS resolved claims for 2010/11 for fatal injury, equality group distribution compared with the general population of Great Britain

	Percentage in GB population	All CICS resolved claims for fatal injuries in 2010/11		
		Percentage where a response was given	Percentage of all resolved claims	Number of cases
All cases	n/a	n/a	n/a	1,116
Age¹¹¹				
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 status¹¹²				
Disabled ¹¹³	18	-	-	0
Not disabled	82	100	3	39
Unknown	n/a	n/a	97	1,077
Gender assignment status				
Transgender ¹¹⁴	n/a	-	-	0
Not transgender	n/a	100	1	14
Unknown	n/a	n/a	99	1,102
Race¹¹⁵				
White	88	82	10	117
All BME	12	18	12	25
<i>Mixed</i>	2	-	-	4
<i>Asian</i>	6	-	-	6
<i>Black</i>	3	7	7	10
<i>Chinese</i>	1	-	-	0
<i>Other ethnic</i>	1	-	-	5
Unknown	n/a	n/a	87	974

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

¹¹² Number of disabled people in Great Britain: 2009/10 prevalence estimates and ONS 2009 mid-year population estimates.

¹¹³ Percentage of resolved claims not reported as the number of resolved claims where the recipient identified themselves as disabled is less than 10.

¹¹⁴ Percentage of resolved claims not reported as the number of resolved claims where the recipient identified themselves as transgender is less than 10.

¹¹⁵ 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.

Table 26 continued

	Percentage in GB population	All CICS resolved claims for fatal injuries in 2010/11		
		Percentage where a response was given	Percentage of all resolved claims	Number of cases
Religion ¹¹⁶				
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
Sex ¹¹⁷				
Male	49	64	63	706
Female	51	36	36	399
Unknown	n/a	n/a	1	11
Sexual orientation ¹¹⁸				
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 27 - offences currently recorded as homicide by ethnic appearance of victim, combined data for 2007/08 to 2009/10

Rates per million population	Police recorded crime, England and Wales,				
	White	Black	Asian	Other	All ethnic groups
All victims	11	54	18	29	12

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

¹¹⁶ 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.

¹¹⁷ Mid-2010 Population Estimates: Great Britain; estimated resident population by single year of age and sex

¹¹⁸ 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 28 – Percentage of persons found guilty of violence against the person or sexual offences at all courts in England and Wales, 12 months ending June 2011

	Percentage in GB population ¹¹⁹	Percentage of total found guilty of violence against the person or sexual offences ¹²⁰	Number of offenders
All	n/a	n/a	50,500
Age			
10 - 20 ¹²¹	15	27	13,600
21+	85	73	36,800
Sex			
Male	49	89	45,000
Female	51	11	5,300
Ethnicity¹²²			
White	88	78	39,100
Black	6	9	4,400
Asian	3	5	2,500
Other	3	2	900
Unknown	n/a	7	3,600

Table 29 - Percentage of offenders found guilty of non-sexual crimes of violence and crimes of indecency in Scotland, 2009/10

	Percentage in Scottish population ¹²³	Percentage of total found guilty of non-sexual crimes of violence and crimes of indecency ^{124 125}	Number of offenders
All	n/a	n/a	3,289
Age			
8-20 ¹²⁶	15	28	923
21+	85	72	2,366
Sex			
Male	48	85	2,798
Female	52	15	491

¹¹⁹ Mid-2010 Population Estimates: England and Wales – Table 3

¹²⁰ Criminal Justice Statistics, 12 months ending June 2011 – table Q4b & Q4d

¹²¹ Age of criminal responsibility in England and Wales is 10

¹²² Estimated England and Wales resident population by ethnic group and sex, mid-2009 (experimental statistics)

¹²³ Mid-2010 Population Estimates: Scotland – Table 6

¹²⁴ Criminal Proceedings in Scotland 2009/10 – Tables 6(a), 6(b) and 8(c)

¹²⁵ Includes offences for robbery and indecent exposure as part of the category

¹²⁶ In 2009/10 the age of criminal responsibility in Scotland was 8. It was raised to 12 in March 2011.

Annex C

List of equality groups

- 1990 Trust
- AbilityNet
- Action on Elder Abuse
- Advance
- Age UK – England
- Age UK – Wales
- Age UK- Scotland
- Anawim
- Anglican Church in Wales
- Asha Centre
- Baptist Union of Great Britain
- Barnados
- Black Mental Health UK
- Board of Deputies of British Jews
- Brighter Futures
- Brighton Women's Centre
- British Dyslexia Association
- British Humanist Association
- British Institute of Human Rights
- Broken Rainbow
- Cambridge Centre
- Carers UK
- Centre for Mental Health
- Children's Society
- Churches Together in Britain and Ireland
- Community Security Trust
- Cyrenians
- Depaul UK
- Derby Women's Work
- Diabetes UK
- Disability Alliance
- Dysraxia Foundation
- Employers Forum on Disability
- Equality & Human Rights Commission
- Families and Friends of Lesbian and Gays
- Fawcett Society
- Foundation for People with Learning Difficulties
- Foundation4Life
- Friends, Families and Travellers
- Galop
- Gender Identity Research & Education Society
- Griffin Society
- Herts Women's Centre
- Hull Women's Centre
- Institute for Race Relations
- Interfaith Network for the UK
- Irish Traveller Movement in Britain
- Jagonari

- Just West Yorkshire
- Leonard Cheshire Disability
- London Race Discrimination Unit
- Making every adult matter coalition
- Mencap
- Methodist Church of Great Britain
- MIND
- Mosques and Imams NAB
- Muslim Council of Britain
- Nacro
- National Autistic Society
- National Black Police Association
- Network of Sikh Organisations in the UK
- North Wales Women's Centre
- Northern Concord
- NSPCC
- Office for Disability issues
- Open Society Justice Initiative
- Operation Black Vote
- Reading Women's Centre
- Papworth Trust
- Press for Change
- Prince's Trust
- Princess Royal Trust for Carers
- Race Equality Foundation
- Race on the Agenda
- RADAR
- Refuge
- Respect
- Rethink
- Revolving Doors
- Roman Catholic Church in England and Wales
- Royal National Institute for the Blind
- Royal National Institute of Deaf People
- Runnymede Trust
- Safer Wales
- Salvation Army
- Sane
- Schools Out
- Scottish Human Rights Commission
- Society of Friends (Quakers)
- Southside Partnership
- St Giles Trust
- Stonewall
- Terrence Higgins Trust
- The Beaumont Society
- The Equality Trust (Scotland)
- The Equality Network (Scotland)
- The Fawcett Society
- The Gender Trust
- The Hindu Council UK
- Turning Point

- UK Disabled People's Council
- Voice UK
- Voice4Change England
- Women In Business Network
- Women in Prison London
- Women's Aid
- Working Chance
- Working Families
- World Congress of Faiths
- Young People's Learning Agency

*This list is not exhaustive