

FACT SHEET: Criminal Injury Compensation

Thank you for contacting us about criminal injury compensation. This leaflet will help to explain the claims process and inform you about how Winston Solicitors can help you win compensation following your ordeal.

About us

We are a firm of solicitors based in Leeds, West Yorkshire. We specialise in compensation claims and are regulated by the Solicitors Regulation Authority.

Our service

We deal with many different types of compensation claims from road accidents to professional negligence. We also specialise in criminal injury claims and have a dedicated team of experienced professionals who assist clients in this area guiding them through the process from beginning to end. We work hard to obtain the best possible award for our clients and offer a strictly "No win No fee" arrangement.

It is worth reiterating a key point made in our introductory letter. Many firms on the internet who promote similar services are not solicitors and do not provide the level of service or the professionalism that can be expected from Winston Solicitors.

Our fees

If your claim is successful, we will accept a maximum of 25% (inclusive of vat) of any award in settlement of our fees. There are no additional costs. If the claim is not successful we do not make any charge.

Here is an example of how the fee agreement operates:

Example A

Award made to client	=	£2000
Winston Solicitors fee	=	£500
Additional charges	=	None
Net payment to client	=	£1500

Example B

Claim not successful - case rejected
We will work hard to review any questionable decisions but if all attempts fail:
Winston Solicitors fee = No charge

About the Criminal Injuries Compensation Authority (CICA)

Here we summarise key points about the CICA process for your information.

1 The event

If you have been the victim of an assault or criminal related injury you will have suffered harm both physically and emotionally as a result of your ordeal. Such trauma can be very difficult to overcome and it is entirely appropriate that you should seek compensation. Fortunately in the UK we have a system in place to deal with claims from the innocent victims of crime.

2 The CICA

The Criminal Injury Compensation Authority (CICA for short) is responsible for administering the Criminal Injuries Compensation Scheme throughout England, Scotland and Wales. They pay compensation to eligible applicants who have been the victim of a violent crime. The amount awarded depends very much on the nature of the injuries suffered. However as part of our specialist service Winston Solicitors aim to push for the best possible settlement for our clients.

3 Who can claim?

If you have been injured because of a violent crime, you can apply. If you are the relative of a person who died because of their injuries, then you may be able to apply for compensation.

Important: Your claim must be made within 2 years of the injury being sustained (unless one of the exemptions referred to in section "D" overleaf applies)

It is very important that there is a medical record of the injury and that the matter was reported to the police.

4 Starting your claim

In order to make your claim, *simply complete the CICA Questionnaire attached* to our letter of introduction and send this back to Winston Solicitors in the pre paid envelope provided. We will carefully check your questionnaire and immediately prepare your formal application to the CICA.

Your claim will commence the moment the CICA receive the documents.

Criminal Injury Claims FAQ

Frequently asked questions - FAQ's

A I have been the victim of an assault but did not report the matter to the police. Can I still claim?

In most cases NO. The CICA criteria is very strict in that the very least the authority will expect is that genuine claimants will have reported the matter to the police.

B I have not sought medical treatment - can I still claim?

Generally the CICA will look to see whether a claimant has received medical treatment. It can be very difficult to claim if you have not sought medical attention from either your GP, the local hospital (A&E) or the ambulance service, as there is no independent evidence of your injury.

C I reported the matter to the police but no further action was taken - can I still claim?

Yes. The fact that the police did not prosecute will have no bearing on your case provided that the facts are clear and that you cooperated fully with the investigation.

(There may however be other reasons for the CICA refusing your claim. Please see section F below).

D Is there a deadline for making a CICA claim?

The rules state that any claim for criminal injury compensation must be made WITHIN 2 years of the injury being sustained. However, if the CICA considers that there is a good reason for the delay and that it is in the interests of justice to do so they may be able to make an exception. For example if you were injured as a child, or your English is poor, or if you have a learning disability, you may still be able to claim. They may also consider an out-of-time application, if the injuries only became obvious some time after the incident.

E How is compensation calculated?

Physical and/or mental injuries are graded according to their seriousness. Relatively minor injuries, such as scratches or bruises, alone will not qualify for an award but if you have a combination of minor injuries which cause at least two visits to a doctor for treatment, and recovery takes at least six weeks, then you may qualify.

What if you have suffered more than one injury?

Different payments are made for different injuries. If you received more than one injury as a result of a crime of violence, the compensation will include the full amount allowed for the most serious injury, 30% of the amount allowed for the second most serious injury and 15% of the amount allowed for the third most serious injury (unless any psychological injury suffered is considered to be worth less than your most serious physical injury in which case there is no additional award).

Likely awards:

Injury suffered	Amount awarded (£)
Broken nose	£1,000 - £2,000
Scarring to the face	£1,500 - £11,000
Fractured jaw	£2,000 - £4,400
Soft tissue injuries	£1,000+
Psychological injury	£1,000+

F In what circumstances will the CICA refuse to award compensation?

Compensation may be reduced or withheld if:

- ▶ *You don't personally report the crime to the police as soon as possible.*
(Claimants who are too young, too old, have a physical or mental disability or are suffering psychological effects of the crime may be exempt from this rule)
- ▶ *You do not co-operate with the police.*
ie: If you are unwilling, for example, to make a statement to the police, the CICA may refuse to pay compensation.
- ▶ *You do not co-operate with the CICA.*
The CICA can reduce or withhold compensation if, for example, you don't respond to reasonable requests for information or you fail to attend a medical examination when you are asked to.
- ▶ *The CICA think you behaved in an 'inappropriate' way before or during the crime.*
They might reduce or withhold compensation if they thought you aggravated, started or took part in the crime - for example, if you used threatening or offensive language or it is not clear who struck the first blow.
- ▶ *If you have unspent criminal convictions.*
The Criminal Injuries Compensation Authority uses a system of penalty points based on the length and type of sentence you have, and the time which has passed between the date of the sentence and the date that the application is received. However, convictions which are spent under the Rehabilitation of Offenders Act 1974 will be ignored.