

To Members of the Secondary Legislation Scrutiny Committee

I write regarding the Draft Criminal Injuries Compensation Scheme 2012, which I understand will come before the Secondary Legislation Scrutiny Committee tomorrow.

The Criminal Injuries Compensation Scheme currently offers some compensation to around 40,000 victims a year who have suffered serious injuries lasting for at least 6 weeks, and for whom no other means of redress is available.

According to the figures contained in the Government's Impact Assessment, the proposed changes to the Criminal Injuries Compensation Scheme will abolish or cut the compensation available to almost every victim of violent crime. No awards will be increased, even though the levels have remained the same since the introduction of the Scheme in 1996. But they will:

1. Abolish access to any compensation for the majority of victims of serious crimes who would currently receive some redress for injuries which seriously affect their short-term ability to work, such as a broken hand, dislocated jaw, or perforated ear drum.
2. Drastically reduce the compensation available to a further 41% of victims who suffer even more serious, often permanent injuries, such as a fractured skull, punctured lung, permanent epilepsy, or fractures of bones or joints which lead to a "continuing significant disability".
3. Cut the Compensation for loss of earnings for those most seriously injured, who require more than 28 weeks off work, will be cut from their average earnings to the level of Statutory Sick Pay (£85 a week). This will also be the case for compensation to the dependants of victims who have lost their life.

Usdaw have supported several hundred of our members who have been the victims of criminal attack and we have considerable experience in advising our members with both the emotional and financial trauma that is caused.

We call upon you to call the attention of the House to this SI, as it:

a) Is both politically and legally important, and gives rise to issues of public policy likely to be of interest to the House. This is especially the case as the proposals have received little or no political or media attention and many members are unlikely to be aware of them, or of their implications.

b) Imperfectly achieves the Government's policy objectives. The Government Response to the Consultation 'Getting it right for victims and witnesses' states at para 150 the principles forming the basis of their proposals. The proposals fail to meet 3 of these 5 principles in the following ways:

- The first principle is "to protect payments to those most seriously affected by their injuries." The cutting of compensation for loss of earnings to those most seriously affected who have to give up work for at least 28 weeks, and in some cases permanently, mean those most seriously affected will suffer a significant drop in the payment due to them.
- The second principle is "Recognition of public concern for particularly vulnerable groups and for those who have been the victims of particularly distressing crimes." The drastic nature of the cuts to the scheme will exclude many victims of particularly distressing crimes.
- "Consideration of alternative provision" - the Government suggests that victims could seek compensation from either the perpetrator of a crime, or if they were injured at work, from their employer. However the CICS is already only available to those who have not been able to be compensated by other means. The perpetrators of violent crimes are often not caught, and even when they are, they rarely have substantial assets, so that pursuing them for compensation is not viable. Employers cover any costs through Employers Liability Insurance, and we know from direct experience that insurance companies fight any such claims very hard, and it is extremely difficult to win a claim.

I attach a briefing from Usdaw on the proposals. If you would like further information, please do not hesitate to email or call me.

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