

Dame Vera Baird QC
Victims' Commissioner for England and Wales

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Consultation response via email: cics-review@justice.gov.uk

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Dear Deputy Prime Minister

Criminal Injuries Compensation Scheme Review: Supplementary consultation

The Victims' Commissioner is in place to represent the interests of victims and witnesses. I am writing in response to the above-mentioned consultation in this capacity. The consultation sets out potential changes to the Scheme's so-called 'unspent convictions' rule, which prevents individuals who have committed serious illegal acts from benefitting from state-funded compensation.

The consultation references my predecessor's report '[Compensation without re-traumatisation](#)' from 2019. I have been pleased to work with Linda Brown and CICA and to see improvements to the services that victims' receive. This should be celebrated. However, I recommend further referral to this report, which considers the issue of unspent conviction in further depth.

I would also like to refer you to my [annual report for 2020/21](#) where I further comment on other areas impacting CICA, which remain unresolved, including the need for the criminal injuries compensation to be extended to those who have lost a loved one to homicide in another jurisdiction. I understand that the government is planning to publish its response to the initial consultation on CICA reform in autumn this year and I urge you to do so in order that these victims are able to claim compensation as soon as possible.

This particular consultation asks for views on a number of options, notably:

- introducing exemptions to the exclusionary part of the rule, such as by reference to specified classes of victims, so that not all claims are automatically rejected on the basis of a specified unspent conviction;

- amending the terms of the exclusionary part of the rule by reference to the type of conviction included, to reduce the number of claims that would be automatically rejected on the basis of a specified unspent conviction; and
- removing the exclusionary part of the rule, so that no claims would be automatically rejected on the basis of a specified unspent conviction.

I share the view of stakeholders such as The Independent Inquiry into Child Sexual Abuse (IICSA) and the APPG for Adult Survivors of Childhood Sexual Abuse that the rule making claimants with unspent convictions ineligible to claim compensation should either be revised to give decision-makers case by case discretion or abolished altogether.

The scheme fails to consider victims who have been forced to offend by their exploiters and abusers or those whose damaging exposure to sexual or domestic abuse has contributed to their subsequent criminality.

Any argument that offenders must fairly bear the consequences of their offending, including exclusion from compensation, presents a binary view of criminality and victimisation at a time when the rest of the criminal justice system, law enforcers, prosecutors and sentencers, are becoming increasingly aware of the interaction between being a victim of crime and becoming a defendant. There is an increasingly well-understood overlap between the two.

There is also disproportionality built into this exemption, since a minor unspent offence loses the claimant compensation even where they may have sustained lifechanging injuries.

I would like to see Tribunal members dealing with criminal injuries compensation appeals once again having the power to exercise judgment / discretion over who should and who should not be disqualified from compensation through unspent offences. They are highly qualified and are accustomed to assessing what is fair and able to exercise good judgement in a graded and nuanced approach to what is just.

I trust that this is of use and look forward to seeing the results of the consultation at the soonest opportunity.

Kind regards

A handwritten signature in black ink, appearing to read 'V Baird', written in a cursive style.

Dame Vera Baird QC
Victims' Commissioner for England and Wales