

# Press release: Justice Secretary announces victim compensation scheme review, scraps unfair rule

- Government to abolish rule which denied compensation for some victims of violent crime
- First ever cross-government Victims Strategy to be unveiled on 10 September

The Justice Secretary has today announced a full review of the [Criminal Injuries Compensation Scheme](#) to ensure it reflects the changing nature of crime and can better support victims. The plans are set out in the first ever cross-government Victims Strategy, which will be launched tomorrow (10 September). The strategy will coordinate the already extensive government support for victims of crime to focus support and services around the individual.

Ministers have ordered this review of the Criminal Injuries Compensation Scheme (CICS) to improve access to compensation, and to consider how the scheme might better serve victims – especially victims of child sexual abuse and terrorism. The review will begin immediately and is expected to report in 2019 with recommendations for reform.

The CICS awards taxpayer-funded payments to victims injured as a result of violent crime, and paid out more than £150 million to victims in 2017/18. This scheme is just one way in which victims are supported, with other ways including rehabilitation, psychological care, and outreach support.

More victims of violent crime will be able to receive the compensation to which they are entitled and ministers also committed to abolishing the pre-1979 ‘same-roof’ rule of the CICS. This is especially relevant for victims of historic child abuse.

Justice Secretary David Gauke said:

Whilst no amount of compensation can make up for the immense suffering endured by victims of violent crime, it is vital they receive the help and support needed to rebuild their lives.

Today I’m announcing that we will review the Criminal Injuries Compensation Scheme to ensure it reflects the changing nature of crime and can better support victims, especially of historic and current child abuse. Over the years we’ve seen more prosecutions for sexual offences and sadly experienced the horror of terrorism. We need to make sure these victims get the awards they’re due so we will be looking to ensure the criteria are appropriate.

We will also scrap the pre-1979 'same roof rule' which unfairly blocked some victims from compensation.

These two measures will ensure that victims of violent crime will get the compensation to which they are entitled.

The review will look at concerns around the eligibility rules of the scheme, the sustainability of the scheme and the affordability of any changes to be made.

The review will also enable the government to take full account of recommendations made by the [Independent Inquiry into Child Sexual Abuse](#).

The review will look at issues in CICS, including:

- time limits for applications – the scheme's time limit requires that applications be made by a person over 18 as soon as practicable and no later than 2 years after the date of the incident. It is suggested that victims of child sex abuse disproportionately delay reporting such crimes and applications for compensation, and therefore miss out on compensation.
- the 'same roof' rule – we will remove the pre-1979 rule and we will consider further changes to the remaining 'same roof' rule and previous failed applications. In July 2018, the Court of Appeal decided that the pre-1979 'same roof' rule had unfairly denied a claimant who was abused as a child by her stepfather the right to compensation. The government agreed with the judgement and has decided to abolish the pre-1979 'same roof' rule and will not appeal the decision.
- unspent convictions – the scheme automatically excludes an award if the applicant has an unspent conviction which resulted in a specified sentence (custodial sentence, community order or youth rehabilitation order). It is suggested the rules disproportionately impact vulnerable victims of child sex abuse who may have offended in response to being abused/exploited/groomed.
- crime of violence– the scheme sets out what constitutes a crime of violence for the purposes of assessing entitlement to compensation. It is suggested that this definition should be broadened to include sexual exploitative behaviour, such as grooming.
- terrorism – the terrorist attacks of last year left people with serious life changing injuries and brought to light questions about the suitability of the scheme in providing support to victims of terrorism. The review will consider and clarify the eligibility, entitlement and amount of compensation to be awarded. This will build on the roll-out of the ground-breaking Victims of Terrorism Unit last year, to help ensure the best possible support.

### **'Same roof rule'**

- The so-called 'same roof rule' was part of the original (non-statutory) compensation scheme introduced in 1964.
- The rule was changed in 1979, but was not made retrospective.

- The pre-1979 same roof rule applies to adults and children. Under the rule applicants are not entitled to compensation if they were living with their assailant as members of the same family at the time of the incident.
  - The reasons for the rule were, broadly, difficulties with evidence in such cases, and a wish to ensure that offenders did not benefit from compensation paid to the victim who they were living with.
  - The rule applies to all victims of abuse inflicted by a family member living under the same roof; this includes physical as well as sexual abuse.
- The rule was amended in 1979 to apply to adults only. Under the rule applicants can still be refused compensation if at the time of the incident they were adults living with the assailant as members of the same family, unless they no longer live together and are unlikely to do so again.
  - The amended rule gives CICA discretion to consider what has happened post the incident taking place, which has significantly reduced the number of applicants who are refused under this amended rule.
- In July the Court of Appeal found that the pre-1979 rule unlawfully discriminated against the applicant. The government decided to not appeal this ruling and confirmed it would consult on changes to the Criminal Injuries Compensation Scheme.
- Abolishing the rule will require secondary legislation. Further details on this and the review of the scheme will be announced in due course.