

Criminal Injuries Compensation Scheme Review: additional consultation 2023

Introduction

Unlock is a national independent advocacy charity that supports, speaks up and campaigns for people facing stigma, prejudice and discrimination because of their criminal record. Our mission is to advocate for people with criminal records to be able to move on positively in their lives. We support people with criminal records to navigate their way through challenging times, research and raise awareness of the systemic issues that people are facing, and campaign for changes to legislation, policies and practices of government, employers and others.

Our website provides vital information and guidance for people with criminal records, and we also have a helpline run by dedicated staff and volunteers, which deals with specific queries. People can [contact the helpline](#) in various ways, including via email, WhatsApp or our free phone line.

This document sets out Unlock's response to the Ministry of Justice's [additional consultation on the Criminal Injuries Compensation Scheme](#). Below is our response to the question in the consultation with most relevance to our work at Unlock (we did not respond to all questions in the consultation).

Questions

9. What are your views on amending the Scheme's time limit to seven years for all applications, with CICA retaining discretion to extend the time limit in exceptional circumstances?

We would welcome the extension of the time limit for applications to the Criminal Injuries Compensation Scheme to seven years for all applicants, with CICA retaining discretion to extend the time limit in exceptional circumstances. As the consultation itself notes, applications made outside of the current time limits are still likely to receive an award of compensation¹. Extending the time limit would capture many of these cases.

We would like to flag that any extension of the time limits should be treated as completely distinct from the issues of the "exclusionary rule" which has been subject of a previous government consultation (see [here](#) for Unlock's response to that consultation). The 'exclusionary

¹ [Criminal Injuries Compensation Scheme Review: additional consultation 2023 - GOV.UK \(www.gov.uk\)](#); paragraph 75.

rule' creates a hierarchy of victims, whereby those with unspent convictions of their own are unable to access compensation they ought to be entitled to when victims of crime themselves. We have recently published a [briefing](#) on this topic.

Upcoming changes to rehabilitation periods, introduced by the Police, Crime, Sentencing and Courts (PCSC) Act, will mean that most convictions are able to become spent, within a maximum period of seven years. However, extending the time limits for compensation applications is a different issue that would not resolve the problems with the exclusionary rule. Firstly, not all cautions or convictions will become spent within seven years. The current criminal record system introduces 'drag through' which means if someone receives a caution or conviction during a rehabilitation period, all cautions or convictions will remain unspent until the most recent one is spent. In addition, the changes via the PCSC do not cover all convictions, with the most serious remaining unspent. Secondly, we know that people who experience traumatic incidents can become vulnerable in many ways, which may lead to them getting caught up in offending behaviour. This means they can end up being convicted of an offence after being a victim of crime, potentially leading to a spending period that would end after the seven year limit. Thirdly, victims of crime should not have to wait for compensation – especially as many victims are not able to start putting something behind them until all the issues relating to the incident – including applying for compensation -are completed. It is therefore profoundly unfair to expect victims who have an unspent conviction to wait until they are able to apply for compensation.

Overall, our belief that the current exclusionary rule creates a hierarchy of victims would still be relevant, even if the time limit for applications is extended. So while Unlock would welcome the time limit for application to CICS to be extended to seven years, we believe this doesn't negate the need for the government to address the fundamental unfairness of the exclusionary rule.