



Wales Safer Communities Network response to: Criminal Injuries Compensation Scheme Review Additional Consultation 2023: Response

Closed 15 September 2023

Response submitted via the online survey.

Scope

Question 1: What are your views about the scope of the Scheme remaining unchanged?

We think that the Scheme needs to adjust for the current criminal violence environment, where the internet is used as a weapon. The impact of the sharing of sexual abuse images involving children and vulnerable adults which can lead to the retraumatising of the victim should be covered by the Scheme. In addition, it is likely that the threat of violence through harassment and other means online is likely to have life changing impacts where changing routines may impact the ability of a victim to attend regular work or leave the house and may mean they have to undertake target hardening of their own home under advice of the police without anyone being charged. The victim may even need to move home. These life changing impacts can be very similar to those where a physical attack took place and prevent the victim from engaging in normal activities with family and friends. It should also be extended to include suicide or attempted suicide where there is a domestic abuse element including coercion. We think this should be extended to where victims are encouraged to self-harm through the internet especially where the victim is a child or an adult with a known vulnerability.

Question 2: What are your views about amending the definition of a crime of violence to include other forms of child sexual abuse?

We agree with the proposal to extend the definition of a crime of violence to include online facilitated sexual abuse as recommended by the inquiry. However, we would extend this to include the sexual abuse of vulnerable adults and suicide or attempted suicide where there is a domestic abuse element or where self-harm is encouraged through the internet where a child or vulnerable adult is involved.

Question 3: Which non-contact child sexual offences should be brought in scope of the Scheme?

All forms where the internet is used either as a weapon to extract or to share any record of it, including the sharing of porn or child sexual abuse with any child or vulnerable adult which in and of itself is a form of sexual abuse to both the child(ren) involved and the one(s) being forced to watch it.

Question 4: What are your views on bringing serious non-contact offences within the scope of the Scheme?

We agree in principle in extending the scope to include serious non-contact offences.

Question 5: Which non-contact offences should be brought in scope of the Scheme?

We think that non-contact offences through in-person and online that have a life changing impact should be brought into scope as mentioned in our earlier responses, these could include (but not limited to):

- Suicide or attempted suicide where domestic abuse including coercion is involved.
- Self harm including suicide or attempted suicide where coercion involving use of the internet is involved.
- Modern slavery including trafficking.
- Contextual safeguarding including criminal exploitation where the threat of violence and retribution influences the behaviour of the victim whether in-person or via the internet or other means of communication.
- Stalking and harassment which results in life changing impacts to the victim.
- Any form of sexual abuse or sexual violence of children and vulnerable adults, including those inhibited by substances.

Time limits

Question 6: What are your views on the approach to the Scheme's time limits remaining unchanged?

We think that the recommendation from the inquiry should be applied for child sexual abuse victim applicants to seven years. We also think that with ongoing delays in the justice system that it may be more appropriate to return the time limit to three years as it was before 1996 to allow for more of the justice system to have progressed potentially allowing a victim or family to focus on the process of applying for compensation.

Question 7: What are your views on amending the Scheme's time limit to seven years for child sexual abuse applicants who were children under the age of 18 on the date of the incident giving rise to the injury, with the CICA retaining discretion to extend the time limit in exceptional circumstances?

In principle, we agree with extending the time limit to seven years for child sexual abuse applicants to allow the time to process during what can already be a retraumatising event of them stepping forward and reporting to the Police and any other relevant authorities.

Question 8: What further action could be taken to raise awareness of the Scheme and its time limits?

Information should be easy to find and made available at each stage of the justice system process. We also think that there may be an opportunity to utilise the third sector by possibly commissioning an awareness campaign through organisations such as Victim Support, Crimestoppers, NSPCC, Barnardos and Women's Aid who victims who may feel more comfortable speaking with and trust them to be on their side and see them as victims all the way through the process.

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

Extending the Scheme's time limit to seven years would make it more transparent and consistent and not cause any possible issues if the age of abuse occurred before and after the victims 18th birthday, it would also mean that there is not a two tiered process where one group of victims are treated differently to others who may be of similar age but experienced other forms of violence or abuse. Having a consistency in the age may also assist in any attempts to raise awareness of the Compensation Scheme as the more differences within the scheme the more diluted the messaging may become.

Question 10: If the time limit for applications to the Scheme were extended to seven years, either for applications in relation to child sexual abuse or for all applications, is it necessary for the CICA to retain discretion to further extend the time limit in exceptional circumstances?

Yes, we think the exceptional circumstances should be retained as we do not know what may happen in the future and there may always be an exceptional situation.

Question 11: What are your views on amending the time limit to three years for all applicants who were children under the age of 18 on the date of the incident giving rise to the injury?

As mentioned in our answer to questions 6 and 7, we think that as a minimal the time limit should be extended to three years for all applicants which includes children.

Question 12: What are your views on amending the time limit to three years for all applicants to the Scheme?

As mentioned in our answer to questions 6 and 7, we think that as a minimal the time limit should be extended to three years for all applicants.

Equalities

Question 13: Do you agree that we have correctly identified the range and extent of the equalities impacts for no change and each of the potential reforms set out in this consultation (Annex A)? Please give reasons and supply evidence of further qualities impacts as appropriate.

We note that there is no mention of socio-economic which is an equalities characteristic in Wales and the consultation applies across England and Wales and therefore we think should be included.

There is also no mention of the Welsh language and considerations in regard to it being treated equal to English in Wales, despite the consultation being translated this has been missed from the impact assessment.

Whilst disability has been mentioned in general and the need to make reasonable adjustments there is no mention around the use of alternative communication methods such as BSL, Makaton, Braille or tactile communications

Question 14: Are there forms of mitigation in relation to equality impacts that we have not considered?

We think the risk of having different time limits applying to different forms and linked to ages could be discriminatory and therefore we think the consistent change to seven years would mitigate this possibility.

Thank you for participating in this consultation exercise.