

**Ed Argar**  
**Minister of State (Ministry of Justice)**

House of Commons  
London  
SW1A 0AA

[edward.argar.mp@parliament.uk](mailto:edward.argar.mp@parliament.uk)  
September 2023

13<sup>th</sup>

CC: [cics-review@justice.gov.uk](mailto:cics-review@justice.gov.uk)

## **Consultation Response – Criminal Injuries Compensation Scheme**

Dear Ed,

I hope this letter finds you and your staff well.

Thank you for alerting me to the launch of this consultation back in July, and please find my formal response below.

As you know, The Review of the Criminal Injuries Compensation Scheme first took place in 2020, and so while I understand the need for this additional consultation following the Independent Inquiry into Child Sexual Abuse, I very much hope Government will act swiftly to respond to the issues raised in all three consultations, and to proceed with much-needed reforms of the Scheme.

It is imperative that a response to these consultations is completed in time for elements to be reflected within the Victims and Prisoners Bill. The Bill is a legislative opportunity to ensure victims are given adequate care, compensation, and support they need through this Scheme – and this should not be missed.

### **Learning from Québec**

As you know, I was fortunate enough to spend a week in Québec City, having been invited following Minister Jolin-Barrette's attendance at my Victims Summit in March. In Québec I met with a number of justice partners to understand how their policies and practice differ from ours, and so before I go into the specifics of this consultation, I thought it might be helpful to summarise some of my learning about their compensation scheme for victims.

In Québec, compensation for victims of crime is known as IVAC (*Indemnisation des victimes d'actes criminels*). This was initially established under a 1972 piece of legislation, which had a restrictive definition of victims and was quite limited in scope. Following growing discontent, a new 2021 law opened up eligibility for the scheme to victims and their families, including parents, children, spouses, dependents, and witnesses. It also now covers *all* criminal offences, rather than just 42 covered under the 1972 legislation.

The legislation covers all Québec residents (even if the offence took place outside of Québec) as well as anyone who falls victim of crime while in Québec. If a victim is eligible for a scheme in another country, they are able to choose which scheme to apply for. With regards to time limits, victims must apply within three years of the offence taking place, with the notable exception of domestic abuse, sexual violence, and child sexual abuse cases, for which there is no time limit.

What makes IVAC quite unique in its approach is that, rather than providing 'cash' pay-outs, they focus on paying for services which a victim needs. For example, victims can receive psychological support, with the psychologists charging IVAC for their services. IVAC also provides compensation for loss of earnings, which makes up the majority of their budgets. An initial assessment is done upon application and immediate psychological support is put in place for the victim (within an average of 15 days). This support is followed by a second assessment to determine longer term needs. For context, in 2022 16,311 new applications were received by the IVAC, of which 14,343 were accepted. A total of CAD \$247,877,870 was paid out.

The model in Québec provides extremely good practice from which we can learn, and I would recommend that officials from the Ministry of Justice research this when considering reforms to our Scheme.

### **Scope of the Scheme**

I welcome this further opportunity to reconsider the definition of 'crimes of violence' and consider expanding the scope of the scheme. As I have detailed above, compensation for victims of crime in Québec is available to victims of *all* criminal offences. While this approach is undeniably ideal, I recognise the differing financial contexts, and the consultation paper considers the risk of making the scheme unworkable and/or unaffordable.

I am supportive of the recommendations set forth by IICSA with regard to compensation, and so believe that victims of child sexual abuse such as that which is online-facilitated should be captured within the scheme. I do not, however, believe that such a narrow approach should be taken in amending the scope of the scheme.

In response to the original consultation in 2020, I was clear that offences such as stalking, harassment, and coercive control, which will not inherently involve physical violence, should be brought within the scheme, recognising the psychological injury, fear, and trauma which these kinds of offences can result in. The current consultation document acknowledges that 'disabling mental injury' is the only non-physical injury specified within the tariffs, causing great confusion as to its definition and excluding many victims – such as those mentioned above – who will be suffering significant psychological trauma.

I believe the second of the two proposed options should be taken forward, amending the eligibility criteria to add an additional clause to bring non-contact offences within scope. A greater understanding and acknowledgement of psychological trauma, its causes, and its impact need to be reflected in the scheme's tariff.

### **Time Limits**

The IICSA final report made a recommendation that the Scheme's time limit for child sexual abuse applications should be extended from the current two years to seven years. Furthermore, this consultation document now asks us to consider whether the time limit

should be extended to either three or seven years, either for child sexual abuse or for all offences.

Having looked at other jurisdictions (as outlined in the section above on Québec) I believe the time limit should be extended for all offences, and special consideration to be given to certain offences (including child sexual abuse) to extend this further.

While the model in Québec is very impressive, I believe this review could provide an opportunity for England and Wales to showcase a new model that leads internationally. If consideration is being given to setting a seven-year time for all offences, I believe this could be implemented while having further consideration – as in Québec – for offences such as sexual violence, domestic abuse, and of course child sexual abuse.

The dynamics of these crimes are such that offences are often reported a significant length of time after occurring. Where victims do progress through the criminal justice system, their case can spend many years in the system, and while applications to the Scheme are not reliant on a criminal conviction or even the conclusion of a trial, many victims are not aware of this and are even misinformed by justice agencies.

Furthermore, some victims are dissuaded from applying as the mere mention of an application by the defence can support a narrative based on myths and stereotypes that the victim is lying for financial gain. The Law Commission believe that this can be so impactful that they are currently consulting on proposals which would require the defence to obtain judicial permission to raise an application as part of their questioning. For these crimes then, it is only fair that victims are given an extended time limit so a victim can safeguard their access to justice, without jeopardising their chance of making a successful application.

### **Additional Considerations**

Lastly, while I understand this is not within the scope of this specific consultation, I feel it important to underline my view that the Scheme should be open to all victims, regardless of whether the offence took place within England and Wales.

Having worked closely with organisations such as 'Murdered Abroad', it is becoming ever more clear how complex the international picture of compensation is. Those bereaved by homicide abroad are faced with compensations schemes that are inaccessible due to language, eligibility criteria, or simply do not exist.

I support Murdered Abroad in calling for the Scheme to be available to those bereaved by homicide abroad, as is the case for those bereaved by a terrorist attack abroad, and as is the case in other jurisdictions such as Québec. This is a matter of fairness that must be addressed.

I thank you again for consideration of my views on the Criminal Injuries Compensation Scheme.

Yours sincerely,



**Claire Waxman OBE**  
Independent Victims' Commissioner for London