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# STATES OF JERSEY



## CRIMINAL INJURIES COMPENSATION BOARD: REPORT AND ACCOUNTS FOR 2016–2018

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Presented to the States on 7th June 2019  
by the Minister for Home Affairs

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STATES GREFFE





# Three Year Report 2016-2018

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## 1. Executive Summary

- 1.1 This is the three year report of the Criminal Injuries Compensation Board (CICB) for 2016, 2017 and 2018.
- 1.2 In January 2017 a new Board membership was appointed; the total membership now comprises 12 unpaid voluntary members. Over the last two years the Board has worked to develop its functions to improve the service given to victims of crime and reflect the requirements of the digital age. In 2019 and beyond, the Board are keen to continue this progression to ensure that eligible applicants are compensated fully, fairly and as quickly as possible within the requirements of the regulations.
- 1.3 Since their appointment the 12 voluntary Board members have worked with dedication and diligence to provide a vital service to victims of violent crime on the island. Membership of the CICB is a challenging role requiring the consideration of large volumes of sensitive information and sometimes difficult decisions.
- 1.4 Over the reporting period of 2016 – 2018 inclusive, the rate of applications to the Board was reasonably consistent averaging at 32 new cases each year. The amount of compensation awarded to victims has fluctuated reflecting the variable seriousness of the cases dealt with over the three year period.
- 1.5 The current Board has been particularly focused on the speed at which claims are dealt with recognising that application resolution and receipt of compensation is an important milestone for victims in their recovery.
- 1.6 Over the reporting period, the Board has worked to develop access routes to the scheme for victims of violent crime, particularly through collaborative working with victim support services.

## 2. The CICB Scheme

- 2.1 The current CICB scheme came into force on 1<sup>st</sup> May 1991 replacing the earlier scheme, which had operated since 1970. The 1970 scheme was extremely limited in scope, only providing a route to compensation for individuals injured in the course of giving assistance to a Police Officer. The current 1991 scheme has been heavily amended over the 28 years of operation.
- 2.2 Under the current 1990 scheme, the Board may make ex gratia payments of compensation in any case where the applicant or, in the case of an application by a spouse or dependent, the deceased –
- (i) sustained, in the Island or on a Jersey ship, personal injury directly attributable to a crime of violence (including arson or poisoning) or the apprehension or attempted apprehension of an offender or a suspected offender or to the prevention or attempted prevention of an offence or to the giving of help to a police officer who is engaged in any such activity, or
  - (ii) sustained personal injury directly attributable to a crime of violence (including arson or poisoning) in respect of which a court in the Island has jurisdiction by virtue of section 686 or 687 of the Merchant Shipping Act 1894 or such enactments as from time to time replace them.
- 2.3 In terms of the Board's general operation, each CICB application is referred to two members of the Board for consideration, one legally qualified member and one lay member. In addition to the information provided by the applicant, the Board also requests information from the Police, Courts, Health and Social Security Departments to inform its decision making; when deemed necessary and appropriate, the Board may also commission specialist medical assessments.
- 2.4 Regrettably, the information gathering stage introduces some delay into the application process. For example, Police and Court information only becomes available a number of months after the conclusion of criminal proceedings. Since 2018 information has been shared with Board members via encrypted digital software, which has improved the Board's operation and expedited decisions being returned to applicants.
- 2.5 Applications in respect of injuries suffered before 1st May 1991 are dealt with under the terms of the 1970 Scheme.
- 2.6 The regulations allow the Board to make reductions to the compensation awarded in the event that the applicant has not given full cooperation to the Police, the Board or where a reduction is otherwise merited by the applicant's conduct; typically this will involve evidence of provocation by the applicant or a relevant history of previous conviction on their part.
- 2.7 The regulations of the CICB scheme limit the maximum and minimum amounts of compensation that can be awarded to applicants within a range of £1,500 and £100,000. Calculations on the quantum of compensation are informed by the *Judicial College Guidelines for the Assessment of General Damages in Personal Injury Cases – 14<sup>th</sup> Ed.*

- 2.8 Appeals against the decision of the Board are dealt with by way of an oral hearing attended by the applicant. The hearing Board is made up of different members from those involved in the original decision; hearings are conducted in as informal a way as possible with appeal decisions normally returned to applicants within one week of the hearing date.

### 3. Board Membership and Operation

3.1 The CICB comprises four legally qualified advocate members and eight 'lay' members:

- Advocate Lee Ingram (Chairperson)
- Advocate Beverley Lacey (Deputy Chair)
- Advocate Davida Blackmore
- Advocate Chris Hillier
- Catherine LeRoy
- Nigel Collier-Webb
- Nathan Fox
- Peter Charalambous
- Jess Doyle
- Linzi Mudge
- Madeleine Maddison
- Rebecca Youngs

3.2 The current membership were all appointed in 2017 aside from Rebecca Youngs, Jess Doyle and Peter Charalambous, who joined the Board in 2018. Appointments to the Board are for a four year period.

3.3 Aside from their involvement in individual applications, the Board meets as a group on a quarterly basis.

3.4 It is noteworthy that since 2017 the Board have operated on an unpaid voluntary basis. This has significantly reduced the running costs of the scheme; in the five years prior to the change (2011-2016) the average annual total of payments to members had been £21,397.

#### 4. Financial Operation of the Scheme 2016 - 2018

- 4.1 In terms of numbers of applications, 2018 saw the lowest number of applications (28) for five years with the average number over the three year reporting period 2016 – 2018 being 32.
- 4.2 There was a fall in the number of cases resolved in 2017 to 18 compared to 46 in the previous year. This was primarily a result of the new Board being appointed at the beginning of 2017 and becoming accustomed to their role while also familiarising themselves with pre-existing cases; this was reflected in the total amount of compensation awarded, which fell to £50,098 in 2017. 2018 saw an increase in the number of cases being completed (36) as the new Board resolved pre-existing cases and settled into its function; again, this was reflected in a marked increase in the total amount of money awarded to £72,618.
- 4.3 In terms of compensation amounts, in 2018 a total of £72,618.32 was awarded. This represents an average award amount of £2,017. Naturally, the total annual amount awarded is greatly influenced by the seriousness of the cases considered; by way of example, in 2016 £68,283 of the annual total of £122,488 was made up of two individual awards.
- 4.4 Table 1 provides a summary of the Board’s basic operation over the reporting period; more detailed accounts information is available at appendix A.

Table 1

Year	No of applications received	No of cases resolved	Total Outgoings
2014	36	49	£232,280
2015	39	45	£192,723
2016	38	46	£122,488
2017	31	18	£50,098
2018	28	36	£72,618

## 5. Developments

- 5.1 In the interests of information security and efficiency, in 2018 the Board moved away from paper based operation to the use of secure digital information sharing. The Board has also looked to streamline its functions and decision making processes to resolve applications as quickly as possible and minimise delay for applicants as far as possible.
- 5.2 Similarly, in 2019 the CICB will look to introduce the Daisy2 digital case management system combined with an online application portal. It is anticipated these steps will make it easier for victims of crime to access the scheme and again improve efficiency and decision time frames. This development is particularly timely given the slight reduction in applications over the last two year period.
- 5.3 Over the last two years in particular, the Board has worked to establish closer links with statutory and third sector victim services in an effort to improve the application process and outcomes for victims of violent crime. This has included close work with Victim Support, the Police Witness Care Unit, the Independent Domestic Violence Adviser Service and the Dewberry House Sexual Assault Referral Centre (SARC); this work will continue through 2019 and beyond.

## 6. Acknowledgements

- 6.1 In 2018 the Board said goodbye to Peter Monamy, Senior Committee Clerk at the States Greffe. Peter had been responsible for the administration of the CICB scheme since the introduction of the current regulations in 1991. The Board would like to thank Peter for his work and commitment and wishes him the very best in his well-deserved retirement. The Board is grateful to Nicky Martini, who assumed responsibility for the administration of the scheme in August 2018 and has worked diligently to develop the scheme's operation.

Appendix A – Annual Accounts

2016

GL Date	Amount	Explanation
06/01/2016	7,386.69	2015 Payment
02/02/2016	50,000.00	2015 Payment
29/02/2016	-50,000.00	Home Affairs Dec Acc Rvsl
29/02/2016	-7,386.69	Home Affairs Dec Acc Rvsl
04/05/2016	2,874.42	Claim A
04/05/2016	11,903.33	Claim B
31/05/2016	-11,000.00	CICB Payment April 2016
15/07/2016	5,054.00	Claim C
15/07/2016	140.00	Claim D
26/07/2016	1,560.00	Claim E
01/08/2016	3,277.05	Claim F
08/08/2016	3,350.01	Claim G
08/08/2016	3,500.00	Claim H
27/10/2016	6,500.00	Claim I
27/10/2016	4,894.00	Claim J
27/10/2016	1,500.00	Claim K
08/11/2016	5,500.00	Claim L
18/11/2016	7,719.25	Claim M
19/12/2016	6,000.00	Claim N
29/12/2016	1,328.80	Claim O
31/12/2016	18,283.20	P - 2016 Claim approved accrued
31/12/2016	1,328.80	Q - 2016 Claim approved accrued
31/12/2016	7,000.00	R - 2016 Claim approved accrued
<b>MAIN TOTAL</b>	<b>80,712.86</b>	
	<b>£</b>	
Actually Paid out during the year	122,487.55	
Returned claim	-11,000.00	
<b>Total for the year</b>	<b>111,487.55</b>	

2017

<b>Date</b>	<b>Amount</b>	<b>Explanation</b>
01/01/2017	-1,328.80	Q - 2016 Claim approved accrued
01/01/2017	-7,000.00	R - 2016 Claim approved accrued
16/01/2017	7,000.00	R - 2016 Claim approved accrued
24/01/2017	18,283.20	P - 2016 Claim approved accrued
31/01/2017	-18,283.20	P - 2016 Claim approved accrued
20/02/2017	-100.00	Claims returned
20/02/2017	-200.00	Claims returned
01/03/2017	2,590.50	2017 - A
11/04/2017	-6,000.00	Claims returned
27/04/2017	-100.00	Claims returned
14/06/2017	3,474.00	2017 - B
26/06/2017	-100.00	Claims returned
26/07/2017	3,500.00	2017 - C
13/12/2017	4,000.00	2017 - D
19/12/2017	11,250.00	2017 - E
31/12/2017	280,000.00	2017 Various claims O/S
<b>MAIN TOTAL</b>	<b>296,985.70</b>	
Actually Paid out during the year	50,097.70	
Returned Claims	-6,500.00	
<b>Total for the year</b>	<b>43,597.70</b>	

2018

GL Date	Amount	Explanation
21/02/2018	7,282.71	2018 - A
28/02/2018	1,373.99	2018 - B
21/03/2018	3,675.51	2018 - C
18/04/2018	8,000.00	2018 - D
23/05/2018	1,735.29	2018 - E
23/05/2018	2,355.77	2018 - F
25/05/2018	8,409.62	2018 - G
19/06/2018	3,000.00	2018 - H
24/10/2018	7,500.00	2018 - I
06/11/2018	8,055.00	2018 - J
06/11/2018	1,875.00	2018 - K
06/11/2018	5,000.00	2018 - L
12/11/2018	1,697.00	2018 - M
14/11/2018	4,330.00	2018 - N
21/12/2018	1,475.00	2018 - O
21/12/2018	6,853.43	2018 - P
31/12/2018	100,000.00	ACCRUALS YE DECEMBER 2018
<b>MAIN TOTAL</b>	<b>172,618.32</b>	
Actually Paid out during the year	72,618.32	
Returned Claims	0.00	
<b>Total for the year</b>	<b>72,618.32</b>	