



CONSULTATION RESPONSE

*CRIMINAL
INJURIES
COMPENSATION
SCHEME
REVIEW*

The logo for Rape Crisis Scotland, featuring the words "RAPE", "CRISIS", and "SCOTLAND" stacked vertically in a bold, black, sans-serif font. The text is contained within a white rounded rectangle with a halftone dot pattern background.

**RAPE
CRISIS
SCOTLAND**

Response ID ANON-NPD9-CN2Z-R

Submitted to Criminal Injuries Compensation Scheme Review: additional consultation 2023

Submitted on 2023-09-14 16:41:26

About you

A What is your name?

Name:

Sandy Brindley

B What is your email address?

Email:

C What is your organisation?

Organisation:

Rape Crisis Scotland

Scope

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

type answer in box:

Rape Crisis Scotland (RCS) are of the opinion that there should be substantial changes made to the Scheme in order for it to meaningfully fulfil its role to compensate the victims of the most serious crimes of sexual violence, including rape. These changes should go above what is proposed within the scope of this consultation.

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

type answer in box:

It is clear that the definition of a 'crime of violence' should be amended to include other forms of child sexual abuse. At RCS we have seen a substantial rise in the numbers of survivors accessing our services who have been victims of what can be termed 'non-contact' offences. This includes offences related to online abuse, grooming and stalking. Online image-based abuse is something which has affected a disproportionate amount of young people and can have lasting psychological impacts on those who have been victim to it. It is clear that these forms of abuse should be covered by the scheme. We do have some concerns over the imposition of a high barrier test to attaining these damages. The requirement that the victim experience a 'disabling mental injury' is too high a standard and we feel that this might mean that some victims of these offences are barred from obtaining compensation if their psychological injury is not properly understood.

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

type answer in box:

All forms of online exploitation, grooming and coercion of children and young people.

This should also include:

Non-consensual sharing of intimate image offences under The Abusive Behaviour and Sexual Harm (Scotland) Act 2016.

Stalking under s39 of the Criminal Justice and Licensing (Scotland) Act 2010.

Crimes relating to sharing or producing indecent images under the Civic Government (Scotland) Act 1952.

Offences under the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005.

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

type answer in box:

We agree that the inclusion of non-contact offences should not be limited to those affecting children and young people and should be extended to include adult claimants as well. Victims of online sexual abuse, coercive control and stalking would benefit from this. We often see the long-term impacts of this criminal behaviour. It is clear that a perpetrator of violence does not need to make physical contact with his victim in order to cause substantial emotional and psychological injury to them. This is particularly so in respect of coercive control and stalking. There is no reason why they should not be protected by the scheme.

We are concerned over the imposition of a high barrier test to attaining these damages. The requirement that the victim experience a 'disabling mental injury' is too high a standard and this is likely to result in some victims of these offences being barred from obtaining compensation if their psychological injury is not properly understood.

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

type answer in box:

This should also include:

Non-consensual sharing of intimate images offences under The Abusive Behaviour and Sexual Harm (Scotland) Act 2016.

Stalking under s39 of the Criminal Justice and Licensing (Scotland) Act 2010.

Provisions under the Domestic Abuse (Scotland) Act 2018

Time limits

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

type answer in box:

It is clear that following on from the recommendations of the inquiry that changes require to be made to the time limits of the Scheme. As a general comment, some of the time limits appear arbitrary and not reflective of the way in which survivors of sexual abuse (or other forms of gender-based violence) process trauma. Psychological impacts of offences can take years to take effect and the implications of these can be lifelong. In that sense having time limits on claims is not in the best interests of survivors of these types of harms. The rules around the time limits are also relatively complex and, in that sense, are not accessible to those who may be seeking to use the scheme – simplifying them would remove a real barrier to justice.

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 CICA retaining discretion to extend the time limit in exceptional circumstances?

type answer in box:

We believe that it is in the best interests of survivors that all time limits on claims be removed and thus would be supportive of removing this barrier. If the Government intend to limit claims with a 7 year cap then it is essential that the 'exceptional circumstances' exception is retained. We note that this is predominantly used in cases of childhood sexual abuse and that the majority of claims that are made under 'exceptional circumstances' for these types of cases are accepted – as such it seems that there is substantial evidence to remove the time limit in these types of cases and if the Government were not prepared to do this for adult survivors, they could at least consider this for child survivors.

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

type answer in box:

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?

type answer in box:

We would be supportive of this and as stated above we are supportive of ending the time limit on CICA claims for all applications made by survivors of sexual violence and other types of gender-based violence.

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 CICA to retain discretion to further extend the time limit in exceptional circumstances?

type answer in box:

Yes, as stated above, this is a very important caveat to the restrictions, and it should be considered that victims of trauma caused by sexual violence or domestic violence may have understandable delays to claims they make due to the trauma they have experienced.

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?

type answer in box:

This seems to be a short time limit and we believe this should be made as wide as possible.

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

type answer in box:

As above, we think the time limit should be much wider than three years.

Equalities

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)?

Not Answered

type answer in box:

upload files:

No file uploaded

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

type answer in box: