



Criminal Injuries Compensation Scheme Review

Supplementary consultation 2022

Question 1: What are your views about the exclusionary part of the rule being retained unchanged?

Victim Support Scotland (VSS) recognise that this is a complex issue but on balance we believe that the exclusionary part of the rule should be retained unchanged. From a victims point of views, or a family member who has been bereaved by crime, it is difficult to comprehend that the perpetrator of the crime against them may be able to claim money designed to recompense victims of crime not those that have perpetrated crime. The rule is simple to understand, and any discretionary system would potentially lead to inconsistencies unless the guidance is clear and unambiguous.

Question 2: What are your views on the recommendation of the Independent Inquiry into Child Sexual Abuse that the unspent convictions rule be revised so that awards are not automatically rejected in circumstances where an applicant's criminal conviction is likely to be linked to their child sexual abuse, and that each case be considered on its merits?

VSS believes that it should be for a court to consider any abuse suffered as a child, or at other time and whether that was a reason as to why they had offended. If a court does believe that it was a factor, then any sentence should reflect that. Once an individual has been sentenced by a court and that remains unspent then they should not be able to claim any compensation.

Question 3: Do you consider that exemptions should be considered only for some applicants? If so, what should the basis of the exemptions be and when should discretion be available?

No

Question 4: What are your views about any exemptions and guidance on exercising discretion being set out in the Scheme?

As we have previously indicated it would be an almost impossible task for any decision maker to have sufficient guidance to apply a system of discretion in the scheme regardless of how comprehensive that guidance was.

Question 5: What are your views on amending the exclusionary part of the rule to reduce the number of claims that would be automatically rejected on the basis of a specified unspent conviction?

We do not believe that there should be any exemptions to the exclusionary rule.

Question 6: What are your views about guidance on exercising discretion being set out in the Scheme?

By its very nature exercising discretion would be based on the facts and circumstances of a particular case. Providing guidance of on to apply discretion consistently would without doubt be very difficult to achieve.

Question 7: What are your views about removing the exclusionary part of the rule?

VSS believes that the exclusionary rule should be retained. It is simple to understand for victims of crime and any exemptions to the rule would be difficult for victims of crime, or their families to understand, or accept.

Question 8: What are your views about defining in the Scheme how discretion should be exercised?

VSS believes that as previously explained it would be difficult to define discretion and how it should be used in the context of criminal injuries claims.

Equalities

9. 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 equalities impacts as appropriate.

