



House of Commons  
Committee of Public Accounts

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# Compensating victims of violent crime

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**Fifty-fourth Report of Session  
2007–08**

*Report, together with formal minutes, oral and  
written evidence*

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## The Committee of Public Accounts

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## Summary

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The Criminal Injuries Compensation Scheme makes financial awards to individuals who have been injured as a result of violent crime. The scheme makes awards, based on a tariff system reflecting the type of injury, ranging from £1,000 to £250,000. It also makes payments to cover loss of earnings and various expenses, which can increase the total award to a maximum of £500,000. The scheme is administered by the Criminal Injuries Compensation Authority (the Authority), a Non-Departmental Public Body of the Ministry of Justice (the Ministry). Appeals against the Authority's decisions are heard by the Criminal Injuries Compensation Appeals Panel (the Panel) which is part of the Tribunals Service, an Executive Agency of the Ministry. Our predecessors examined this subject in 2000.

Between 2000 and 2006, performance in dealing with claims deteriorated due to poor management within the Authority, combined with a lack of oversight by the sponsoring department. Despite the number of applications falling by 23%, the average time taken to resolve a case rose from 12 to 17 months; the number of cases resolved per staff member fell from 179 to 125; and the total cost to the taxpayer of administering the scheme increased by £6.1 million in real terms. Unit costs have also risen. The Authority and Panel have not focused adequately on the users of the Scheme. Its performance targets have not been sufficiently stretching and there have been weak incentives to meet them.

The Ministry of Justice now has oversight of the scheme, yet the low priority given to it belies its importance to the Ministry's objective of putting victims at the heart of the criminal justice system. The Ministry did not set rigorous targets for either the Authority or the Panel nor did it hold them accountable for their performance.

Victims of violent crime are not made sufficiently aware of the existence of the scheme or its requirements. Only about one third of victims of violent crime surveyed in 2006 were aware of the scheme and only 5% applied. Some demographic groups are more likely to apply than others. Over half of applicants use representatives, although it is not necessary to do so, and over 20% pay solicitors, even though Victim Support offers a free service. The Scheme application form is long and complex, and almost a fifth of applicants found it difficult to complete. The Authority's call centre is currently outsourced but performance is poor; 15% of calls are not answered, and half of those that are answered had to be referred back to the Authority. The Authority plans to improve the application form and bring the call centre in-house, incorporating a new applicant support service.

The Authority requires information from third parties such as police forces, GPs and hospitals to resolve cases but it has failed to work sufficiently with them to encourage faster response times. The Authority's casework processes have become increasingly repetitive and bureaucratic. The Code of Practice for Victims of Crime specifies that the Police should respond to initial requests for information in 30 days. The Ministry has, however, not managed to get all police forces to comply, and only 15 police forces met this timescale for half of the requests they receive.

In the seven years since our predecessors examined this subject, only five of our sixteen recommendations have been met in full. The Ministry now plans to put in place accountability and performance management frameworks at all of its arms' length bodies, and to appoint an official to monitor performance against the recommendations of the National Audit Office and the Committee.

On the basis of a Report by the Comptroller and Auditor General,<sup>1</sup> we examined the Ministry, Authority and the Tribunals Service on the reasons for the deterioration in performance since we last reported and the steps that they had taken, and planned to take, to improve performance in the future.

## Conclusions and recommendations

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1. **In 2006, 64% of victims of violent crime were unaware of the Criminal Injuries Compensation Scheme and only 5% applied.** The Scheme continues to be undersubscribed and application rates varied by gender, age, location, employment status and ethnicity. The Ministry and the Authority should increase awareness of the scheme by using research and the Authority's database to examine the characteristics of both applicants and eligible victims and to improve the marketing of the scheme. It should also make information more widely available on how and where to apply, and who is eligible.
2. **Almost a fifth of applicants responding to the Authority's survey found the application form difficult to complete, and almost half of those using representatives did so because of the form's complexity.** The Authority should:
  - make use of good practice developed elsewhere in government and by bodies such as the Plain English Campaign to make its application forms easier to complete;
  - advertise its helpline number widely and encourage applicants to use the service to apply over the phone, with appropriate support; and
  - encourage use of its interactive online application form.
3. **Although not a requirement, over half of applicants were using representatives and, of those, over a quarter thought they had to be represented.** The Authority should improve the information it provides to applicants to make it clear that they do not need to be represented, thus enabling them to make an informed choice.
4. **30% of applicants pay to be represented by solicitors and only 21% are represented by Victim Support, which provides a free service.** The Ministry and Authority should improve the information provided to victims to tell them about the free service provided by Victim Support and ensure that there is no encouragement given to 'no win, no fee' lawyers at public expense.
5. **The Authority's outsourced call centre fails to answer 15% of calls, and of those that are answered half have to be referred to the Authority's staff as call centre staff are not able to resolve the query.** The Authority should equip its new applicant support service with people who have knowledge of the scheme and have access to information about individual cases to answer queries effectively, and set challenging targets for the timeliness and quality of their responses.
6. **After the Authority changed its policy so that it requested medical records only when the police report indicated that a crime of violence had occurred, it took four years for the Authority to alter the standard nil award letter so that the position on requesting applicants' medical records was properly spelt out.** This delay could have disadvantaged some applicants. The Authority should consider the effect of all policy changes on its standard literature and amend it quickly as necessary, as well as put in place robust processes to ensure that this situation cannot arise in the future.

- 7. The Authority and the Panel have not developed appropriate targets or adequate incentives and, as a result, case processing has been inefficient.** The Authority and Panel should:

  - develop performance targets that cover the process from initial application to final appeal, ensuring each body is accountable for their part in the process;
  - put performance management systems in place that link personal objectives to organisational targets, monitor performance, and provide incentives for delivering against those targets; and
  - finish and roll out its new casework model to support caseworkers, minimise handovers and identify ineligible cases as quickly as possible.
- 8. The Authority returns only 2% of application forms immediately on the grounds of incompleteness which leads to cases which cannot be process clogging up the system.** To increase the number of ineligible applications that are identified at this early stage it should put more experienced staff on the initial application review stage and provide training.
- 9. The Authority relies on information from third parties to assess eligibility in 98% of cases but police forces, hospitals and General Practitioners often fail to meet the 30-day response deadline required by the Code of Practice for Victims of Crime.** To improve performance in deciding cases:

  - the Authority should improve relations with GPs and hospitals in the short term and over a longer timescale, develop other ways of gathering medical information to decide cases;
  - the Authority should review its forms to check it requires all the information requested and to make them easier to complete;
  - the Ministry should discuss with the Home Office and the Association of Chief Police Officers how to improve the individual performance of police forces against the requirements of the code. Similar action will be required by the Scottish Government with respect to the Association of Chief Police Officers for Scotland.
- 10. Since 2000, the Authority has introduced operational policy changes incrementally and without fully considering their impact, which have had the cumulative effect of increasing processing times.** Before introducing any further changes to its operational policies or working practices, the Authority should consider the likely impact on processing times and assess whether the benefits of change outweigh any increases to processing times or unit costs.
- 11. Increases in the time taken to resolve cases and increased costs have led to a real terms increase in the Authority's administrative costs per case of over 50% between 1998–99 and 2006–07.** The Authority should monitor the administrative cost per case and set targets to reduce the cost per case in real terms for each of the next three years.

12. **There has been a real terms increase of 15% in the Panel's cost per appeal between 2005–06 and 2006–07.** The Tribunals Service should examine why this is and cut costs, looking particularly for economies of scale.
13. **The Ministry has not set rigorous performance targets for the Authority and the Panel nor held them accountable for their performance.** Only from 2006 did the Ministry take substantive action and only now does it plan to introduce an accountability and performance management framework. The Ministry should:
  - operate the framework to include regular and effective monitoring of the performance of the Authority and the Panel against its targets; and
  - introduce a systematic process to review the performance of all its Executive Agencies and Non-Departmental Public Bodies regularly so that it can react quickly to poor performance and recognise and disseminate good working practices.
14. **The Ministry only met five of our predecessors' sixteen recommendations in full even though witnesses at Committee hearings are responsible for implementing the recommendations they sign up to in the Treasury Minute.** The Ministry now plans to appoint an official to liaise with the National Audit Office and the Committee, and to monitor the Ministry's response to their recommendations. The Ministry should ensure that it has a senior official specifically tasked with tracking action on Committee report recommendations and reporting to the Accounting Officer regularly on progress. In addition, the Authority should report to the Committee on its progress before the end of the current Parliament. The Committee also looks to the Treasury to take a more proactive approach in future to following up the undertakings made by witnesses.



# 1 The service provided to victims of violent crime

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1. The Criminal Injuries Compensation Scheme provides financial compensation to victims injured as a result of violent crime in England, Wales or Scotland. It is administered by the Criminal Injuries Compensation Authority, a Non-Departmental Public Body of the Ministry of Justice. In order to be eligible:

- victims must have sustained an injury as a result of crime of violence;
- the injury must have been severe enough to qualify for an award of at least £1,000 under a series of tariff bands set out in the scheme;
- the crime must have occurred in England, Scotland or Wales; and
- the crime must have taken place after August 1964.

Awards may be reduced or withheld if the applicant did not apply within two years of the incident; did not cooperate fully with the police; contributed to the incident; or is of unsuitable character, as indicated by their criminal record.

2. The Criminal Injuries Compensation Scheme is the most generous state scheme in the European Union. Of the 27 member states that have schemes, the scheme in England, Wales and Scotland is one of only six that provides awards for injury or bereavement in addition to expenses and cost of living payments. Although Belgium, Spain and Portugal make larger average payouts, it is to a smaller percentage of the population. The scheme in England, Wales and Scotland paid out more per population member at £3.07 than the next most generous scheme, in Finland, which paid out £1.34 per population member. **(Figure 1)** compares the scheme with those in the rest of the European Union.<sup>2</sup>

3. The scheme is undersubscribed. The proportion of victims of violent crime who apply has remained constant at around 5% since 2000. Not all victims of violent crime would have been eligible for the scheme and some eligible victims could have chosen not to apply because, for example, they would rather not be reminded of the incident. However, the low application rate is not helped by poor public awareness of the scheme. A Ministry of Justice survey of victims and witnesses for April to December 2006 showed that only 36% of victims of violent crime were aware of the scheme. The Authority has not made literature sufficiently available in public places, such as General Practitioners' surgeries and Citizens Advice Bureaux.<sup>3</sup>

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2 Q 46; C&AG's Report, para 1.5; Figure 1; Ev 22–23

3 Qq 8, 58–61, 65–66, 122; C&AG's Report, para 2.1, Figure 5

**Figure 1: The scheme in England, Wales and Scotland is the most generous in the EU in terms of award per population member**

EU Member state	Total compensation £'000 <sup>1</sup>	Number of awards	Average award £ <sup>1</sup>	Population '000	Average award per population £ <sup>1</sup>	Elements of compensation payment		
						Award for injury/ bereavement	Expenses award	Cost of living award
England, Wales & Scotland	183,900	33,838	5,435	60,000	3.07	☐	☐	☐
France	No return to Home Office request for information					☐	☐	☐
Germany	No return to Home Office request for information					X	☐	☐
Sweden	6,425	9,990	643	9,000	0.71	☐	☐	☐
Belgium	7,262	1,262	5,754	10,400	0.70	☐	☐	☐
Denmark	No return to Home Office request for information					☐	☐	☐
Finland	7,103	6,664	1,066	5,300	1.34	☐	☐	☐
Netherlands	7,448	3,900	1,910	16,300	0.46	X	☐	☐
Ireland	No return to Home Office request for information					X	☐	☐
Spain	3,048	282	10,808	44,700	0.07	X	☐	☐
Austria	1,345	648	2,075	8,200	0.16	X	☐	☐
Portugal	445	49	9,077	10,300	0.04	X	☐	☐
Luxembourg <sup>2</sup>	-	17	-	450	-	X	☐	☐
Cyprus	No return to Home Office request for information					X	☐	☐
Czech Republic	No return to Home Office request for information					X	☐	☐
Estonia	52	284	182	1,342	0.04	X	☐	☐
Hungary	93	161	578	10,000	0.01	X	☐	☐
Poland <sup>3</sup>	11	35	321	38,230	0.00	X	☐	☐
Slovakia	No return to Home Office request for information					X	☐	☐

1. Currency conversions taken from XE ([www.xe.com](http://www.xe.com)) as of 30/12/2005

2. Partial return from Luxembourg

3. The Polish return was for the period 25/09/2005 to 12/11/2006; figures have been pro-rated to one year to make them comparable

Source: National Audit Office

4. Application rates have varied between geographical areas, employment status, gender, age and ethnicity. Particularly high proportions of applicants are male, over 55, not in active employment, non-white or living in the North East, North West and Yorkshire and Humber regions (**Figure 2**). Improved awareness of its customer base would help the Authority to target its marketing at those who would have wished to apply to the scheme, but were unaware of it. The Ministry has now approved research into the variations in application rates and intends to use the results to inform future marketing of the scheme.<sup>4</sup>

5. Victims who were aware of the scheme and chose to apply did not find the application process easy or simple. Some 95% of applicants used the paper based application form but considered that it was long and complicated to complete, consisting of 13 pages of questions. Almost a fifth of applicants found it difficult to apply and around half of all applicants who used a representative did so because they found the form complicated. Although the Authority needs to collect a large amount of information in order to decide cases, a simpler form that set out the eligibility criteria more clearly could reduce the half of all applications that are incomplete. The Authority had discussed methods to simplify forms with a number of stakeholders and other private and public bodies, for example, the Motor Insurance Bureau and the Passport Agency. It had not, however, consulted Jobcentre Plus, which has simplified its application forms over a number of years. The

Authority had an on-line application form but this was only used by 5% of applicants. The Authority currently did not offer a telephone service to help applicants complete their application, but planned to introduce one in April 2008, when it brings its call centre in-house (see paragraph 9).<sup>5</sup>

**Figure 2: There are demographic variations in application rates to the scheme**

APPLICANT CHARACTERISTIC, LOOKING PARTICULARLY FOR ECONOMIES OF SCALE	PROPORTION OF VICTIMS WITH INJURIES SERIOUS ENOUGH TO BE ELIGIBLE (%)	PROPORTION OF APPLICANTS (%)	OVER REPRESENTATION IN APPLICATIONS <sup>1</sup>
MALES	52	74	42%
FEMALES	48	26	(46%)
AGED UNDER 55	96	93	(3%)
AGED 55 AND OVER	3.7	7.2	95%
EMPLOYED	53	46	(13%)
UNEMPLOYED	5.6	27	382%
ECONOMICALLY INACTIVE	40	28	(30%)
WHITE ETHNICITY	95	88	(7%)
NON-WHITE ETHNICITY	5.1	12	140%

Source: *Characteristics of victims of violent crime applying for compensation: A report to the National Audit Office*

1. Calculated as the proportion of applicants (%) (column 3) as a percentage of the proportion of victims with injuries serious enough to be eligible (%) (column 2); figures in brackets indicate under-representation.

6. Over half of applicants used a representative to help with their application and subsequent dealings with the Authority. Applicants did not need to be represented but this had not been made sufficiently clear to them. Of those who had used a representative, 28% thought that it was required. The Authority believed that the most effective way to inform applicants that they did not need to be represented would be through the introduction of its telephone application process beginning with advice by phone in April 2008.<sup>6</sup>

7. Where applicants wish to be represented, Victim Support provides a service free of charge. Alternatively, Victim Support can pay solicitors to represent applicants, usually on a 'no win, no fee' basis. In 2006–07, 30% of applicants were represented by solicitors, 21% by Victim Support and 7% by other representatives. There was little variation in success rates by representative type; 51% of solicitor represented applications were successful; 58% of Victim Support represented applications and 55% of unrepresented applications.<sup>7</sup>

8. It is important that victims can find information about the scheme easily. Until recently, a victim using an internet search engine to find information on 'criminal injuries compensation' or 'CICA' would have found that some solicitors' websites appeared above

5 Qq 24, 73–78; C&AG's Report, para 2.8

6 Q 11, 83; C&AG's Report, para 2.13

7 Qq 11, 83–85; C&AG's Report, para 2.13; Ev 19

the Authority's in the unsponsored results. This had now been rectified for some search engines.<sup>8</sup>

9. The Authority had an outsourced call centre, which cost some £200,000 in 2006–07, but was not providing an adequate service to applicants. It did not answer 15% of calls and was unable to provide a response to half of those that were answered, referring the query to the Authority instead. The Authority would have been better able to manage the call centre if there had been a formal contract in place, but the call centre was set up as a six month pilot in 2001 and continued without evaluations or a formal contract. The Authority planned to bring the call centre in-house and use it to offer an expanded applicant support service from April 2008.<sup>9</sup>

10. In November 2003, the Authority decided to request medical reports only where the police reports indicated that a crime of violence had occurred. This measure was designed to save money as the Authority pays for medical reports, but not for police reports. It did not, however, change the standard letter template that it used for rejected claims. The letter continued to state that, after careful consideration of police and medical reports, the applicant was not eligible for an award. The letter would though have gone on to spell out reasons why the application had been rejected. As a result, up to 47,604 applicants might have been incorrectly informed that their case had been rejected and that their medical reports had been considered as part of this process. Some of these applicants may have decided not to request a review or appeal of the decision because they believed that their medical records had been examined. Most will now fall outside the 90-day time limit for requesting a review or appeal. The Authority and Panel are able to apply discretion and grant reviews and appeals if there is a clear case of justice denied.<sup>10</sup> There is discretion to waive the time limit in “exceptional circumstances” and where it would be in the interests of justice to do so.

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8 Q 10–11; C&AG's Report, para 2.12, 2.20

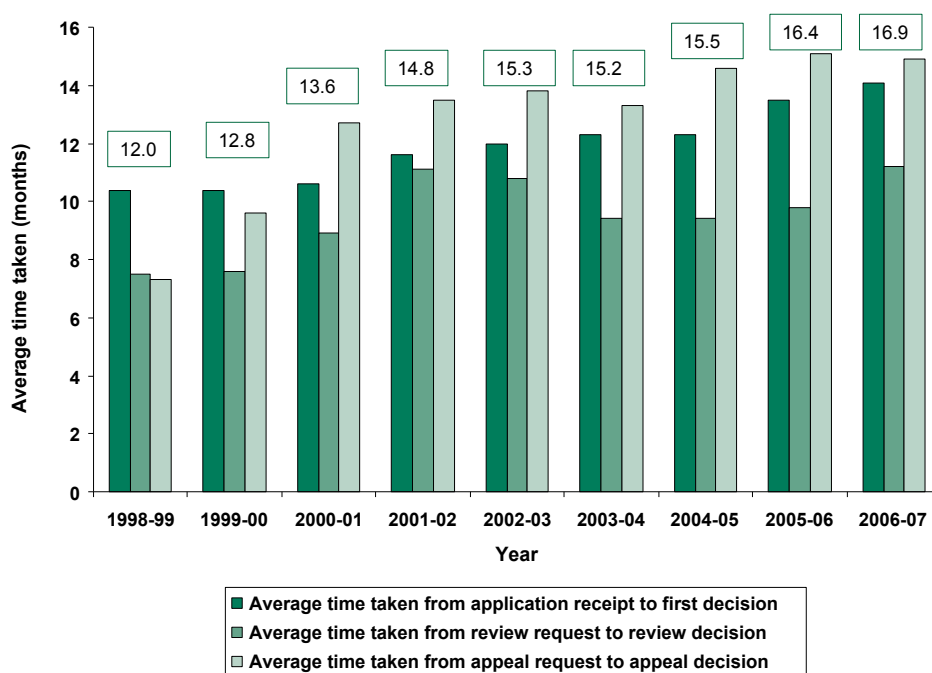
9 Qq 17–23, 79–82; C&AG's Report, para 2.9; Note by witness to Q 17

10 Qq 132–153; C&AG's Report, para 3.6, 2.17; Ev 20–22

## 2 The performance of the Authority and the Panel since the Committee last reported in 2000

11. The National Audit Office reported on the Criminal Injuries Compensation Scheme in April 2000, and our predecessors took evidence on that Report. At that time, we found considerable scope for improvement, but performance has declined in the intervening period. The average time taken to resolve a case has increased from 12 months to 17 months (Figure 3); the number of cases resolved per staff member per year has decreased from 179 to 125; the number of cases waiting to be resolved has increased to some 84,000 by October 2007; and the total cost to the taxpayer has increased by 27% from £22.4 million to £28.5 million in real terms.<sup>11</sup>

Figure 3: The time taken to resolve cases had increased since 1998-99



Source: National Audit Office

12. Neither the Authority nor the Panel had focused sufficiently on performance management and targets had not been particularly relevant or stretching. For example, one of the Authority's key targets was to resolve more cases than it received. The target was set below even this figure for 2006-07. Even if this target had been met, it would not have allowed the Authority to reduce the number of cases waiting to be resolved. There had also been very weak individual and managerial incentives to meet targets, resulting in poor performance. For example, in the eight years between 1999-2000 and 2006-07, the Authority had only a 50% success rate in resolving more cases than it received, and never

<sup>11</sup> Qq 12, 47-8, 109; C&AG's Report, para 1.11

met its target to make 90% of first decisions in 12 months. The Panel's targets also focussed mainly on internal processes rather than the customer experience.<sup>12</sup>

13. The targets which have been set also do not reflect the entire process, and were set by the two bodies in isolation, rather than jointly to cover the time taken to hear appeals. The Authority makes the initial decision on eligibility and the correct level of award. It reviews the decision at the request of the applicant, where the applicant feels that the initial decision was incorrect. If, after the review, an applicant still disagrees with the decision, they can request an appeal from the Panel. Applicants had little understanding of the difference between the Authority and the Panel and cared far more about their experience of the entire process.<sup>13</sup>

14. The Authority found that around half of the applications it received were not eligible for an award under the scheme. It had recently put in place a system for responding immediately to applications that were obviously incomplete. This had, however, resulted in the immediate return of just 2% of applications. Over a quarter of disallowed claims were ineligible because the injury was not serious enough to qualify for the minimum award, and 15% because the injury did not result from a crime of violence. Whilst the Authority will, in many cases, need to carry out some checks before it can be sure that either or both of these conditions apply, it is likely that in some more cases, an experienced caseworker or decision maker would be able to ascertain this from the application form alone.<sup>14</sup>

15. The Authority relies on information from third parties, mainly police forces and medical professionals, to establish the eligibility of the 98% of cases that were not returned immediately. The Authority uses a paper based approach: writing to the third parties requesting information and chasing up late responses only in writing. The time taken to respond from initial requests for information about the incident was 74 days from the police, 41 days from General Practitioners and 67 days from hospitals. The police did not respond to almost a quarter of requests for information. The Authority had piloted new ways of working including developing closer working relationships with third parties, particularly the police forces, and using e-mail and telephone to request information and chase up responses.<sup>15</sup>

16. The Authority's case work process has been bureaucratic and repetitious, involving numerous handovers of cases and sometimes long periods of inactivity on individual cases. Each case was the responsibility of a caseworker, with decisions made by more senior decision makers. This system has resulted in:

- cases waiting, on average, 5.5 months to be allocated to caseworkers, with minimal activity being undertaken;
- cases being returned by decision makers to caseworkers for more information in 18% of initial decisions and 24% of review decisions; and

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12 Qq 2, 4, 13, 110; C&AG's Report, para 3.10, 3.11, 3.16

13 Qq 4, 13; C&AG's Report, para 3.17

14 Qq 26, 29; C&AG's Report, paras 2.14, 3.20, Figure 6

15 Qq 4, 34–36, 43, 108; C&AG's Report, paras 3.23, 3.26, 3.28

- inconsistency in the way that information from third parties is chased up between different caseworkers, and periods of inactivity on cases.

The Authority had piloted a new casework process and planned to roll out a modified version of this process by July 2008.<sup>16</sup>

17. Whilst it is important to provide answers quickly to applicants, it is equally important that the decisions are correct. Since 2000, the Authority had introduced a number of measures to increase the robustness of the decisions, but these have adversely impacted on the time taken to resolve cases. For example, in cases where there was an ongoing court case, the Authority started waiting for the results of the court case before deciding whether a crime of violence had occurred. This practice unfairly penalised applicants where the police had been able to bring a case. It also effectively meant that, in these cases, the Authority was applying a ‘beyond reasonable doubt’ burden of proof rather than the ‘balance of probabilities’ required by the scheme. Despite these changes, 39% of decisions were changed at review and over half were changed at appeal, indicating scope to improve the quality of decisions. The Authority had, in 2007, ended the practice of waiting for the results of court cases and, as a result, had been able to make 800 decisions immediately.<sup>17</sup>

18. Compared to when our predecessors reported the Authority had resolved fewer cases each year. At the same time the administrative costs (excluding awards) have increased by 2%, after allowing for inflation, to £23.63 million in 200–2007, mostly due to a 40% increase in staff costs. This has resulted in a real terms increase in the unit cost of administering each resolved case of 54%, from £259 in 1998–1999 to £400 in 2006–2007.<sup>18</sup>

19. The Panel ceased to be a Non-Departmental Public Body in its own right in April 2006 and was merged with the Tribunals Service. This merger should have reduced the administrative costs of the Panel as it shared overheads with other tribunals. Its costs, however, rose by 5% from £4.62 million, in 2005–06, to £4.85 million, in 2006–07, at the same time that the number of cases resolved dropped from 3,585 to 3,273. This resulted in an increase in the unit cost of £195 or 15% in a year.<sup>19</sup>

20. The Authority had a database holding a wealth of information on applicants and cases that it could have used, for example, to analyse how the processing of cases changed over time, and to compare the delays due to the Authority and those due to third parties. The Authority had not, however, made full use of the database in this way and, in fact had very few staff with the skills and knowledge to extract data from it. The Authority planned to increase the numbers of staff able to do this work and to make use of the Ministry’s research centre to analyse that data.<sup>20</sup>

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16 Qq 37–39, 99; C&AG’s Report, para 3.18, 3.19, Figure 15, Appendix 5

17 Qq 12, 32–33, 40–42, 116, 165; C&AG’s Report, paras 3.6, 3.31

18 Qq 14, 130; C&AG’s Report, para 3.8, Figure 9

19 Qq 14, 164; C&AG’s Report, paras 1.1, 3.9, Figure 11

20 Qq 97–98; C&AG’s Report, para 4.6

### 3 The Ministry of Justice's oversight of the Authority and the Panel

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21. As the sponsoring department of both the Authority and the Tribunals Service, the Ministry of Justice has oversight of the performance of both bodies. Given the importance of the scheme in achieving the Ministry's objective of putting victims at the heart of the criminal justice system, the service provided by the scheme should have been given a higher priority by the Ministry. The low priority afforded to the scheme had led to the Ministry not successfully managing the performance of the Authority or the Panel.<sup>21</sup>

22. The Ministry had not set rigorous performance targets for the Authority and Panel nor held them accountable for their poor performance in not meeting these targets. The Ministry plans to introduce a new accountability and performance management framework for the Authority for the period from April 2008 to April 2011, which will set out indicators and targets to feed through to individuals' objectives. The Ministry has a number of other Executive Agencies and Non-Departmental Public Bodies. Whilst some had been performing well, for example the Probate Service, others may, like the Authority and the Panel, have been performing poorly. The Ministry is planning to roll out accountability and performance frameworks to all these bodies using the Authority's framework as a model.<sup>22</sup>

23. The Home Secretary issued a Code of Practice for Victims of Crime in October 2005.<sup>23</sup> It requires police forces to respond to requests for information from the Authority and the Panel within certain time limits: 30 days for initial requests from the Authority and for all requests from the Panel. The code does not specify an individual within each police force who is responsible for complying with the code, so it therefore falls to the head of each force, the Chief Constable, to comply. Chief Constables would not be held legally responsible for not complying with the terms of the code but the performance against the code is admissible in evidence in criminal or civil proceedings, and a court may take into account a failure to comply with the code in determining a question in the proceedings. The Ministry monitors the performance of police forces against the code and police forces are able to view how they perform against other forces. The Ministry should have worked more closely with police to improve compliance with the code, and only 15 of 42 police forces in England and Wales responded to half the initial requests they received from the Authority within 30 days. **Figure 4** compares the performance of all 42 police forces. Derbyshire one of the better performers, responding to 70% of initial requests within the 30 days, had achieved this by setting up a central database of requests and four area based teams to manage the requests.<sup>24</sup>

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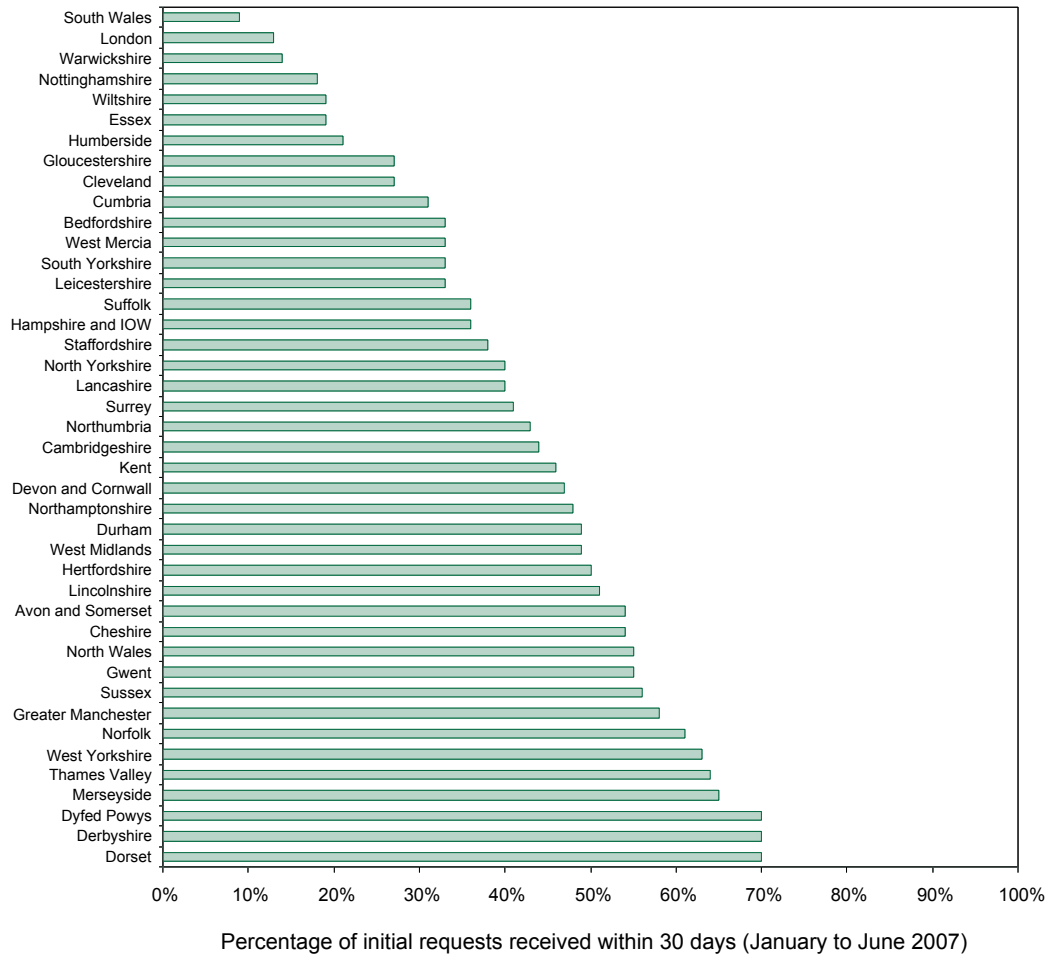
21 Qq 2, 4, 111-112

22 Qq 14, 91-92

23 Under Section 32 of the Domestic Violence, Crime and Victims Act, 2004

24 Qq 154-160, 164; C&AG's Report, paras 1.4, 3.27, Figure 16

**Figure 4: Police forces had variable success in meeting the requirement of the Code of Practice for Victims of Crime to respond to initial requests in 30 days**



Source: National Audit Office

## 4 Following up the Committee's previous recommendations

24. When our predecessors looked at this subject in 2000 they made 16 recommendations to improve the service offered to victims of violent crime and to improve the value for money of administering the scheme. In the Treasury Minute the government broadly accepted all but one of the recommendations, yet only five had been met in full. **Figure 5** summarises the recommendations and the extent to which they have been met. The Ministry plans to appoint an official to act as a central liaison point responsible for monitoring the Ministry's response to the National Audit Office's and the Committee's recommendations, and ensuring that those recommendations that the government has accepted are met in the future.<sup>25</sup>

**Figure 5: Only five of the Committee's previous recommendations have been met in full**

Committee's recommendation	Did the Treasury Minute broadly accept the recommendation?	Was the recommendation met?
(i) Monitor geographical variations in applications	Yes	No
(ii) Conduct research on applicant ethnicity and whether eligible victims have an equal opportunity to learn about the scheme	Yes	Partially met
(iii) Home Office to investigate whether unreliable crime data could be a factor in apparent geographical variations in application rates	Yes	Partially met
(iv) Apply discretion where appropriate to avoid discrimination through inflexible application of scheme rules	No	Partially met
(v) Monitor characteristics of successful and unsuccessful applicants to check that discretion is not discriminatory	Yes	No
(vi) The Authority's staff are regarded by applicants as helpful and considerate	Yes	Partially met
(vii) Improve communications with victims to reduce ineligible applications	Yes	Partially met
(viii) Monitor the use made of the call centre and website and whether they lead to fewer ineligible applications	Yes	Yes
(ix) The Committee supports moves to look into making the application form available in more languages	Yes	Yes
(x) Staff should increase telephone contact with applicants to clarify information	Yes	No
(xi) Provide better explanations for decisions and link them to circumstances of the case	Yes	Yes
(xii) Cases take too long, clearing cases from previous scheme should release resources to deal with tariff cases, report to the Committee on redeployment of these staff	Yes	No
(xiii) Set a timetable to review the effectiveness of the allocation of staff between London and Glasgow offices	Yes	Yes (in 2007)
(xiv) The Home Office should continue to work with the Authority to create more flexibility in recruitment and personnel management	Yes	Yes
(xv) Disseminate lessons from the quality review programme through training and staff briefing	Yes	No
(xvi) Focus on improving communications with police forces and NHS trusts and the Home Office should encourage police forces to nominate a single liaison point	Yes	Partially met

Source: National Audit Office

25. The Committee made a specific recommendation in 2000 that the Authority review the distribution of staffing between its London and Glasgow offices, because the Glasgow office processed applications more quickly and at a lower administrative cost than the London office. The Authority finally took the decision to relocate all its operations to Glasgow when the lease ran out on its London office in 2007, seven years after the recommendation was made. The Authority could have saved at least an additional £4 million by relocating in 2002. The Authority has had to take out a further 6 month lease on a new office space at a cost of some £12,000 per month, to accommodate a few remaining staff, who have not yet been redeployed.<sup>26</sup>

26. When the government accepts the recommendations of the Committee, the Treasury issues a Treasury Minute in which it makes a commitment to the Committee and, via the Committee, to the House of Commons, to meet those recommendations. The Treasury looked to Accounting Officers and other witnesses at hearings to follow up the recommendations, as it was they who gave the undertaking to meet those recommendations. The Treasury now planned to consider what they could do to monitor actions in response to recommendations.<sup>27</sup>

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26 Qq 5, 120–121; C&AG's Report, paras 4.19–4.21

27 Q 163

# Formal Minutes

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**Monday 20 October 2008**

Members present:

Mr Edward Leigh, in the Chair.

Mr Richard Bacon

Angela Browning

Mr David Curry

Mr Ian Davidson

Nigel Griffiths

Keith Hill

Mr Austin Mitchell

Mr Don Touhig

Draft Report (*Compensating victims of violent crime*), proposed by the Chairman, brought up and read.

*Ordered*, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 26 read and agreed to.

Summary read and agreed to.

*Resolved*, That the Report be the Fifty-fourth Report of the Committee to the House.

*Ordered*, That the Chairman make the Report to the House.

*Ordered*, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

[Adjourned till Wednesday 22 October at 3.30 pm.]

## Witnesses

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**Wednesday 16 January 2008**

*Page*

**Ms Carole Oatway**, Chief Executive, Criminal Injuries Compensation Authority, **Sir Suma Chakrabarti**, Permanent Secretary, Ministry of Justice, and **Mr Peter Handcock**, Chief Executive, Tribunals Service

Ev 1

## List of written evidence

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Office for Criminal Justice Reform

Ev 19

National Audit Office

Ev 22

Cabinet Office

Ev 24

## List of Reports from the Committee of Public Accounts 2007–08

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First Report	Department for International Development: Tackling rural poverty in developing countries	HC 172 (Cm 7323)
Second Report	Department of Health: Prescribing costs in primary care	HC 173 (Cm 7323)
Third Report	Building for the future: Sustainable construction and refurbishment on the government estate	HC 174 (Cm 7323)
Fourth Report	Environment Agency: Building and maintaining river and coastal flood defences in England	HC 175 (Cm 7323)
Fifth Report	Evasion of Vehicle Excise Duty	HC 227 (Cm 7323)
Sixth Report	Department of Health: Improving Services and Support for People with Dementia	HC 228 (Cm 7323)
Seventh Report	Excess Votes 2006–07	HC 299
Eighth Report	Tax Credits and PAYE	HC 300 (Cm 7365)
Ninth Report	Helping people from workless households into work	HC 301 (Cm 7364)
Tenth Report	Staying the course: the retention of students on higher education courses	HC 322 (Cm 7364)
Eleventh Report	The compensation scheme for former Icelandic water trawlermen	HC 71 (Cm 7364)
Twelfth Report	Coal Health Compensation Schemes	HC 305 (Cm 7364)
Thirteenth Report	Sustainable employment: supporting people to stay in work and advance	HC 131 (Cm 7364)
Fourteenth Report	The budget for the London 2012 Olympic and Paralympic Games	HC 85 (Cm 7365)
Fifteenth Report	The Pensions Regulator: Progress in establishing its new regulatory arrangements	HC 122 (Cm 7365)
Sixteenth Report	Government on the Internet: Progress in delivering information and services online	HC 143 (Cm 7366)
Seventeenth Report	Foreign and Commonwealth Office: Managing Risk in the Overseas Territories	HC 176 (Cm 7366)
Eighteenth Report	Improving corporate functions using shared services	HC 190 (Cm 7366)
Nineteenth Report	BBC Procurement	HC 221 (Cm 7366)
Twentieth Report	HM Revenue & Customs: Helping individuals understand and complete their tax forms	HC 47 (Cm 7366)
Twenty-first Report	The Carbon Trust: Accelerating the move to a low carbon economy	HC 157 (Cm 7366)
Twenty-second Report	Improving the efficiency of central government's use of office property	HC 229 (Cm 7366)
Twenty-third Report	Report on the NHS Summarised Accounts, 2006–07: Achieving financial balance	HC 267 (Cm 7453)
Twenty-fourth Report	The privatisation of QinetiQ	HC 151 (Cm 7453)
Twenty-fifth Report	The cancellation of Bicester Accommodation Centre	HC 316 (Cm 7453)
Twenty-sixth Report	Caring for Vulnerable Babies: The reorganisation of neonatal services in England	HC 390 (Cm 7453)
Twenty-seventh Report	DFID: Providing budget support to developing countries	HC 395 (Cm 7453)
Twenty-eighth Report	Government preparations for digital switchover	HC 416 (Cm 7453)
Twenty-ninth Report	A progress update in resolving the difficulties in administering the single payment scheme in England	HC 285 (Cm 7453)
Thirtieth Report	Management of large business Corporation Tax	HC 302
Thirty-first Report	Progress in Tackling Benefit Fraud	HC 323 (Cm 7453)
Thirty-second Report	Reducing the cost of complying with regulations: The delivery of the Administrative Burdens Reduction Programme, 2007	HC 363 (Cm 7453)
Thirty-third Report	Ministry of Defence: Major Projects Report 2007	HC 433 (Cm 7453)
Thirty-fourth Report	Increasing employment rates for ethnic minorities	HC 472 (Cm 7453)
Thirty-fifth Report	Housing Market Renewal: Pathfinders	HC 106 (Cm 7453)
Thirty-sixth Report	HM Treasury: Making Changes in Operational PFI Projects	HC 332 (Cm 7493)
Thirty-seventh Report	Ministry of Defence: Leaving the Services	HC 351 (Cm 7453)
Thirty-eighth Report	Nuclear Decommissioning Authority—Taking forward decommissioning	HC 370 (Cm 7453)

Thirty-ninth Report	Preparing to deliver the 14–19 education reforms in England	HC 413
Fortieth Report	Department of Environment, Food and Rural Affairs: Management of Expenditure	HC 447 (Cm7493)
Forty-first Report	Department of Health: NHS Pay Modernisation: New contracts for General Practice services in England	HC 463
Forty-second Report	Preparing for sporting success at the London 2012 Olympic and Paralympic Games and beyond	HC 477 (Cm 7453)
Forty-third Report	Managing financial resources to deliver better public services	HC 519 (Cm 7493)
Forty-fourth Report	The roll-out of the Jobcentre Plus office network	HC 532 (Cm 7493)
Forty-fifth Report	Reducing the risk of violent crime	HC 546
Forty-sixth Report	The procurement of the National Roads Telecommunications Services	HC 558
Forty-seventh Report	Meeting needs? The Offenders' Learning and Skills Service	HC 584
Forty-eighth Report	The supervision of community orders in England and Wales	HC 508
Forty-ninth Report	Making grants efficiently in the culture, media and sport sector	HC 641
Fiftieth Report	Preparations for the London 2012 Olympic and Paralympic Games	HC 890 (Cm 7453)
Fifty-first Report	Revenue and Customs Prosecutions Office	HC 601
Fifty-second Report	Protecting consumers? Removing price controls	HC 571
Fifty-third Report	Reducing passenger rail delays by better management of incidents	HC 655
Fifty-fourth Report	Compensating victims of violent crime	HC 251
First Special Report	The BBC's management of risk	HC 518 (Cm 7366)
Second Special Report	Evasion of Vehicle Excise Duty	HC 557 (Cm 7366)
Third Special Report	BBC Procurement: The BBC Trust's response	HC 1118

# Oral evidence

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## Taken before the Committee of Public Accounts

on Wednesday 16 January 2008

Members present:

Mr Edward Leigh, in the Chair

Mr Richard Bacon  
Mr Ian Davidson  
Keith Hill

Mr Austin Mitchell  
Dr John Pugh  
Mr Alan Williams

**Sir John Bourn KCB**, Comptroller and Auditor General, **Mr Tim Burr**, Deputy Comptroller and Auditor General, and **Ms Aileen Murphie**, Director, National Audit Office, were in attendance and gave oral evidence.

**Ms Paula Diggle**, Treasury Officer of Accounts, HM Treasury, was in attendance and gave oral evidence.

### REPORT BY THE COMPTROLLER AND AUDITOR GENERAL

#### COMPENSATING VICTIMS OF VIOLENT CRIME (HC 100)

*Witnesses:* **Ms Carole Oatway**, Chief Executive, Criminal Injuries Compensation Authority, **Sir Suma Chakrabarti**, Permanent Secretary, Ministry of Justice, and **Mr Peter Handcock**, Chief Executive, Tribunals Service, gave evidence.

**Q1 Chairman:** Welcome to the Committee of Public Accounts. Today we are considering the Comptroller and Auditor General's Report on *Compensating Victims of Violent Crime*. We welcome Carole Oatway, who is the incoming Chief Executive of the Criminal Injuries Compensation Authority (this is her first appearance before this Committee); Suma Chakrabarti (who has been before us before) the newly appointed Accounting Officer of the Ministry of Justice; and Peter Handcock, the Chief Executive of the Tribunals Service. Sir Suma, this is your first outing in front of us for the Ministry of Justice. Obviously you had a very distinguished career at DFID. Why you were moved to Justice? What did you achieve at DFID that prompted this move to Justice?

**Sir Suma Chakrabarti:** I guess the reason very much was that DFID had become one of the most successful delivery organisations in the international development business. As you know, it is recognised by the OECD as being the best development organisation now in the world, and it has a strong track record in delivery. Justice was moving more into delivery mode, away from just dealing with justiciary and policy issues, and it was felt that, having a delivery background, I could help. That is one of the reasons.

**Q2 Chairman:** All right. You have now come in; you cannot be very impressed with the record of the Criminal Injuries Compensation Authority, can you? You have got a new fresh mind. We last reported on this in August 2000 and we made a number of recommendations—they are all listed in Appendix One—but very few of them have been

carried out. Sir Suma, it now costs us as the taxpayer more money to deliver a worse service seven years after we last reported. What is your response to that?

**Sir Suma Chakrabarti:** I think it is fair criticism. What happened between 2000 and 2006 is very fairly set out in the Report. It was a major performance management failure. It is not just about the Authority; it is about the relationships between the sponsor ministry at the time, the Authority and also the Panel. I think that is very fair. On the brighter side, there are some things that are noted in the Report which are important and worth hanging on to. The number of cases that went to review and appeal fell. The London bombings caseload was dealt with rather well. The question would be why that could not be generalised across the Authority's work. Also the complaints that went to the Ombudsmen and judicial review have, overwhelmingly, been decided in favour of the Authority and the Panel. However, one cannot get away from the fact, Chairman, that, over that six-year period, performance in terms of length of time it took to process cases and the unit costs of processing those cases—

**Q3 Chairman:** In paragraph 3, the Government aims to put the needs of victims at the heart of the criminal justice system. It does not sit very well with that aim, does it?

**Sir Suma Chakrabarti:** None of us would say that during that six-year period that the Authority performed in a way that it could say that it was playing a full part in meeting that aim.

**Q4 Chairman:** Why did it take six years? I know you are going to tell us this afternoon all the good things you are going to do, but why did it take six years to realise? Was this below the radar? Was it because the Home Office had so many problems that this simply was not brought to the attention of your predecessor? What went wrong?

**Sir Suma Chakrabarti:** I will draw a bit on what I have learned about this and I will also draw a bit on my own past experience. I think this is a failure of the performance management culture, if you like, during that period, and it has a number of elements to it. The first would be that I do not think the CICA's performance was very high up in the priorities of the sponsor ministry. That has come through to me having talked to a lot of people now. It was also not very high up in the priorities of third parties, who are quite important to the performance of the Authority—the police, medical profession and so on. Going on to that and linking to the priority point, I think you can see in the relationship between the sponsor ministry and the CICA a lack of engagement at regular levels, but also a lack of discussion about performance and what are we going to do when performance fails. I think that has been picked up in some of your other hearings on other demand-led schemes. The third element would be performance management systems within the Authority itself, and to some extent the Panel. The incentives were not very strong within the Authority to actually meet some of the targets—individual incentives, managerial incentives, and so on. The fourth aspect of this, because the Panel and the Authority impact on each other, is a lack of jointness during that period, so targets were being set almost in isolation from each other, something that we need to change completely now.

**Q5 Chairman:** What struck me when we look at Appendix One—and you might want to look at it—is we made so many different detailed recommendations and most of them are either not met or partially met. There is one that particularly struck me—particularly as Mr Davidson is here—4.19: “Our previous report found that the Authority's Glasgow office processed applications more quickly and had a lower administrative cost than its London office.” I presume this recommendation that these claims were moved to Glasgow was accepted, but nothing happened for six years, did it? Apparently it only happened when the lease ran out. Here was a parliamentary committee making a formal recommendation, apparently accepted by the Government, and then ignored for six years. It is not good enough, is it?

**Sir Suma Chakrabarti:** I fully agree with first of all the major point about the recommendations not being met. Eleven out of 16 recommendations were either partially met or met, and although work is now going on to meet the ones that were not met, that is not good enough. One of the things that I will do as part of the organisational review at the Ministry is have someone at the centre of the Ministry who deals with the NAO and the PAC and ensures for me as Accounting Officer that these

recommendations which the Government have accepted are met in future. Frankly, it is fundamental parliamentary accountability for the organisation.

**Q6 Chairman:** Does this happen elsewhere in Whitehall, Sir John? Is there somebody centrally for every organisation reporting directly to the permanent secretary, because otherwise we are just wasting our time, are we not?

**Sir John Bourn:** It varies. Some departments do have arrangements on those lines and others do not.

**Q7 Chairman:** What can we do about this? Can we have a campaign to ensure that all departments follow what Sir Suma is doing?

**Sir John Bourn:** What would be a way of taking it forward, as well as what Sir Suma is going to do in his department, is it might be a point that you want to raise in a letter to the Exchequer Secretary. If it would be helpful, we can, together with the Treasury, produce a draft for you, which would make that point; that the Committee would wish to see similar arrangements made for a concentration on PAC recommendations and the determinations that they are actually implemented. We will work out a draft and give you it.

**Q8 Chairman:** This is in paragraphs 2.1 and 2.14; why do fewer than 5% of injured victims apply to the scheme and why are only half of them successful? If you want to pass this question on to Carol Oatway I would be very happy because she runs the organisation or you can answer it yourself, but it seems a very low proportion applying to the scheme.

**Sir Suma Chakrabarti:** Let me have a go at it and then I am sure Carole can add to it. I think that paragraph is quite interesting. I read it and reread and reread it to try to understand it and it is 5% of all of those—and I emphasise all of those—who have been injured as victims of crime. In the British Crime Survey, there are a lot of people who are injured but not so significantly that they would qualify for this scheme, so while that figure is correct, the actual figure of those who might be eligible will be higher. Your point is still correct, Chairman, because if you read further down in paragraph 2.3, it says very clearly that the Ministry of Justice survey itself says that 36% of victims injured as a result of crime were aware of the scheme. It is fine for people to make an informed choice about whether they want to apply but awareness has to be much higher.

**Q9 Chairman:** Exactly, that was going to be my next question, that there is apparently very little awareness.

**Sir Suma Chakrabarti:** The awareness levels are low and I think this again goes back to one of your recommendations in 2000 where you quite rightly suggested that some research be done on different segments of the population as to whether they knew about the scheme and their take-up of it. I authorised that research last week when I learned that we had not actually done it.

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16 January 2008 Ms Carole Oatway, Sir Suma Chakrabarti and Mr Peter Handcock

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**Q10 Chairman:** I was interested to read in paragraph 2.12 that: “Victims using the internet to access the scheme have found that searching for ‘criminal injuries compensation’ or ‘CICA’ brings up a number of solicitors’ websites.” I was being briefed earlier by Sir John and we went on the Google website and we looked it up, and it is true that CICA has now moved up, but apparently only in the last three or four months as a result of what the NAO told you. How extraordinary that when a member of the public for the last six years has tried to Google ‘criminal injuries compensation’, all they have ended up with is a list of solicitors. Do you not find that amazing that nobody in your office spotted this or said why do we not have a word with Google to try and move the government organisation a bit higher up the list?

**Sir Suma Chakrabarti:** I will ask Carole to talk particularly about the scheme, but I think your point is very fair. One of the things I want to do, which I can do I guess because it is part of the Ministry of Justice’s responsibilities, is have a conversation with the Law Society about this, because it is not just us trying to get our house in order; it is also an issue about how solicitors market themselves. I do not know if you followed the website through but it is quite interesting to see how they market themselves. I would ask the question how many of them are actually saying to potential clients there is a free option, for example.

**Q11 Chairman:** I do not think anybody on this Committee wants to encourage no-win no-fee solicitors to get more and more involved in this, rather than your organisation, which is providing a free service.

**Sir Suma Chakrabarti:** I will follow that up with the Law Society, but can I ask Carole to talk about the website.

**Ms Oatway:** As you will be aware, we have already done some work to ensure that we are now the first unsponsored link that comes up when people search for ‘criminal injuries compensation’. However, we are clearly concerned, as is Sir Suma, that a lot of firms of solicitors are trying to use the words that the search engine will look for in order to make sure that the names of their firms come up. We are being much clearer now about the advice that we offer to applicants about the need to be represented in order to make a claim. I will give you an example of that. We are going to be offering a helpline where we can support applicants to make the claim, because it is all very well to put out literature that tells people that they do not need to use a solicitor, or even to put that on our website, but there is nothing that will work better than speaking directly to the applicants and explaining to them that if they do need support then Victim Support can give them a free representation and they do not need to go to a firm of solicitors who will take a proportion of their award in return for their services.

**Q12 Chairman:** Of course, what the public want is a rapid response. Why did it take, according to this Report, an average of 515 days, that is 17 months, to

resolve a case? What are you going to do it about it? You are newly in charge of this organisation; what are your plans to try and improve the service that your organisation gives to the public?

**Ms Oatway:** I agree that it is clearly not a good enough service that we are providing. I will first of all say that in the time that I have been in the Authority I have tried to find out exactly how it could have come about that it is taking us so long to process these claims. A lot of the Report that the National Audit Office has provided focuses on the speed with which we deal with claims, but there is another side to the equation, and that is the quality of the investigation that we do in terms of processing the claims. I do believe that what has happened in the past is that that balance has swung far too far in the direction of thoroughly investigating the claim and not enough emphasis has been put on the efficiency or the speed with which people’s claims are being dealt with. How I am going to tackle that in the future is that we have a new case working model that we have been piloting, and we have also been collecting information from lots of other organisations that deal with high caseloads, and we are learning from those experiences and we are going to be introducing a model that we believe will provide a much better balance between the speed of the processing and the efficiency of the decision.

**Q13 Chairman:** Lastly, Mr Handcock—to give you a chance to say something—do you think the public have any idea about the difference between your Tribunals Service and the Authority, and what are you doing to try and get a better, more seamless service between the two organisations?

**Mr Handcock:** I think it would be entirely understandable if members of the public could not care less about the difference between the two organisations. You would expect the key issue for someone entering the scheme to be to understand the length of time it would take them to get through it end-to-end. For the reasons that Sir Suma mentioned earlier—the lack of performance focus in either the Authority or the Panel—we have had a system of targets which have been very much about internal processes and have not been focused on the customer experience. The Authority’s internal process has not supported the appeal process well so that has taken much too long. The programme of action that the Authority now has in hand addresses much of that, and the Panel is working in close partnership with the Authority to make sure that our end of it speeds up in the same way.

**Chairman:** Thank you very much. John Pugh?

**Q14 Dr Pugh:** It is a pretty grim Report, is it not, on a value-for-money basis? I just jotted down a few things: staff costs up; staff numbers not particularly up at all; falling numbers of successful applications; processing times have got longer; unit costs have increased. On any value-for-money basis it is a pretty deplorable Report, is it not?

**Sir Suma Chakrabarti:** It is, I think for the 2000 to 2006 period that is right. I think there have been some improvements since then, and the NAO have

noted those in Part Four of the Report, but we recognise that, even now, the performance of the organisation is not at the stage where we can say to the Chairman's question that the Authority is playing a full part in meeting the Government's objectives of putting victims at the centre of the criminal justice system. That is why we are going to have a new accountability and performance management framework from 1 April covering the next three years. That will set out indicators and targets of the sort you have just mentioned and then they will be fed through to individuals' objectives which has not happened before.

**Q15 Dr Pugh:** Just looking at what has happened so far, is there anything at all that you can report to that you would call a good use of resources?

**Sir Suma Chakrabarti:** As Carole said, the balance was wrong. In one sense one could point to the whole business of getting the case absolutely right where there are fewer appeals, fewer reviews, and more complaints are won by the Authority and the Panel, but it came at a very big price in terms of value for money, as you said, so I would not rest on that.

**Q16 Dr Pugh:** The answer is probably No then?

**Sir Suma Chakrabarti:** I am saying I think the balance was not wrong and not right.

**Chairman:** We will pause there for the moment.

*The Committee suspended from  
3.47 pm to 3.53 pm for a division in the House*

**Chairman:** We are now quorate so we can reconvene. Dr Pugh?

**Q17 Dr Pugh:** You have admitted that it is a poor use of public resource, but there are certain failings highlighted in the Report that are rather difficult to understand, even if people are not counting the pennies particularly carefully. Can you tell me how much it costs to run the call centre?

**Sir Suma Chakrabarti:** I would have to ask Carole.

**Ms Oatway:** I do not have the figures to hand, but I can certainly provide a note for you on how much it costs to run the call centre.<sup>1</sup>

**Q18 Dr Pugh:** This call centre is in the UK?

**Ms Oatway:** It is. It is only six people, to be honest, it is a fairly small resource that we have that is outsourced at present. However, it is our intention to bring this resource in-house as from the beginning of the next financial year.

**Q19 Dr Pugh:** It is not an in-house resource?

**Ms Oatway:** It is not an in-house resource at the moment.

**Q20 Dr Pugh:** Does that explain why they are unable to field 50% of the calls?

**Sir Suma Chakrabarti:** Yes it does. It explains very clearly that the people who are in it are inexperienced and are having to pass the calls on so,

as Carole said, we learnt a lesson from that that it is probably best to run it in-house, and Carole has plans to bring it in-house from April.

**Q21 Dr Pugh:** Most people do not apply to the call centre, do they, they fill in the forms rather than phone?

**Ms Oatway:** We do not provide people with that service at the moment, but it is our intention to provide that service in the future. Part of our bringing the call centre in-house will be to offer an expanded service of applicant support to make sure that people get dealt with much quicker and that they are getting the help they need to complete the application. Going back to the question that was asked earlier, we hope to increase the number of people who feel they do not need to employ solicitors to represent them because they will be guided through the process.

**Q22 Dr Pugh:** They might have to if they do not get an answer. Apparently, 15% of the people who phone the call centre do not get the phone answered. I would have thought you would have noticed that, that you had heard the phone ringing rather a lot and nobody was picking it up.

**Ms Oatway:** The problem is that it is outsourced at the current time. We are going to be bringing it in-house.

**Q23 Dr Pugh:** So you simply did not know that the phone was not being picked up?

**Ms Oatway:** There was no way that we would know whether or not an outsourced centre was answering calls. The proposal is that we will be bringing the call centre in-house and that we will have very clear performance targets for answering calls and for making sure that our customer service is of a standard that you would expect.

**Q24 Dr Pugh:** Going on to the forms, 50% of the forms, or half the applications, turn out to be ineligible, in other words people thought they could get compensation but actually were not eligible under the terms of the scheme. Does that not tell you something about the form, because most forms you fill in give you some idea of whether you are eligible for something or not eligible for something and whether it will be ruled out of court straight away? Does this not give you some cause for concern?

**Ms Oatway:** It is absolutely a cause for concern that we do not deal with ineligible applications sooner rather than later.

**Q25 Dr Pugh:** You do not feed back to them particularly promptly either, do you? You would expect a letter going back straight away saying "your form cannot be considered" so people know what to do next.

**Ms Oatway:** I think it is probably important that I put some context onto that. There are two types of ineligibility. There are people who are simply ineligible to apply under the scheme for very obvious reasons. An example of that would be that the crime of violence did not take place within Great Britain,

<sup>1</sup> *Note by witness:* The costs of the call centre plus Freephone Line were £180,000 in 2005–06 and £188,000 in 2006–07. The forecast outturn cost for 2007–08 is £198,000.

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in which case they would not be eligible. For the majority of cases where they are ineligible, however, it requires us to undertake a certain level of investigation to establish that they are not eligible, so in 26% of those cases that are ineligible it is because the level of the injury that has been sustained is not sufficiently serious to merit our minimum level of award.

**Q26 Dr Pugh:** It is not something you can establish straight away?

**Ms Oatway:** It is in some circumstances. Our new applicant support centre aims to ensure that they will immediately deal with those applicants who are not eligible. At the moment we are immediately able to send back 2% of applications because they are obviously ineligible from the outset. However, in the interests of the applicant, in some cases, we have to do a certain level of investigation to make sure that we are making the correct decision and that we are not dismissing people's claims out of hand.

**Q27 Dr Pugh:** The Report also says that you do not consider promptly the impact of policy changes. Clearly these are policy changes that affect eligibility, are they not?

**Ms Oatway:** Could you elaborate?

**Q28 Dr Pugh:** The Report says—and I cannot find the exact place—that you are not sufficiently responsive to changes in policy, which presumably help define whether people are eligible or not, and incorporate that in the advice you are offering to people who approach you.

**Ms Oatway:** I understand the point that you are making. Clearly we have to provide very good corporate literature to make sure people understand our scheme.

**Q29 Dr Pugh:** So you always know whether people are ineligible?

**Ms Oatway:** We do not always know from the outset that people are ineligible. We are very clear about what the eligibility criteria are and our staff are very good at being able to make judgments against those criteria. I think the point that I have been making is that it is not always clear without there being some level of investigation whether or not an application is eligible.

**Q30 Dr Pugh:** The data does show a great variation in the type of people who are successful and the type of people who apply and the type of people who are unsuccessful. There are figures for different groups, by age, and by gender, and whether or not they are ethnic minorities and so on. What have you learned from that? Is it the case that some people, certain types, are more likely to try it on or see if they can get compensation where in fact they are clearly not entitled to do so?

**Ms Oatway:** One of the things that I have learned from the NAO Report is that we need to understand our client base better than we currently do. We have already been in discussion with our sponsor department about the need to carry out research to

understand why some people, even though they would be eligible under the scheme, choose not to claim. One of the things that the NAO Report says is that women, for some reason, are less likely to pursue a claim than men are.

**Q31 Dr Pugh:** Younger women rather than older women or vice versa?

**Ms Oatway:** I think it is women in general, according to the NAO analysis, that are less likely to pursue it. One of the reasons for that could just be that some people want closure. They would rather deal with a traumatic event and put it behind them. In other cases—and this is where we are particularly concerned to ensure that we are providing a good service—is that they might be discouraged from applying to the scheme for a whole number of reasons. I think it is important, when we are providing the kind of service that we do to such a vulnerable client group, that we understand what could be a reason that people are put off applying, so we want to address those issues very clearly.

**Sir Suma Chakrabarti:** As Carole has said to me, the organisation is data rich but information poor. I think this bears it out. What we agreed last week was that we will finance that research so we understand what the obstacles are for certain people to climb.

**Q32 Dr Pugh:** Can I start making some excuses for you because I think somebody really ought to. Part of the reason for delays in time is that you are waiting for the outcome of court cases. We have looked at a previous Report on magistrates' courts and that shows that they are not performing particularly well, and often the process is dragged out to an extraordinary length. Is that a factor in your under-performance? Do you want to lay off some of the blame there, or have the opportunity to? Why do you not answer?

**Sir Suma Chakrabarti:** Remember that the magistrates' courts also come under the Ministry of Justice!

**Ms Oatway:** I think one of the very clear reasons why it has taken us longer to deal with cases in the past than we should have done is we took a policy decision within the Authority to wait, where we could, on the outcomes of court cases, to make the judgment we have to apply somewhat easier. If you know there has been a guilty verdict and a clear crime has been committed, then it makes our judgment very easy.

**Q33 Dr Pugh:** If the court case has been dragged out the criminal injury settlement is also being dragged out.

**Ms Oatway:** Of course but the effect of that policy decision is that it lengthened the period of time that people were waiting. If you look at the way the scheme has been set up, it has been set up so that we do not have to apply the same judgment level as a court does. We could make a judgment on the balance of probabilities and not at the point where it has to be beyond reasonable doubt. Therefore, that is a reason why it has taken us longer to settle cases, but it is not an excuse for us moving forward. There

are other things that we could do as an Authority to ensure that we do not have to wait on the outcome of court cases.

**Q34 Dr Pugh:** In terms of the other drags in your work, very quickly, you have talked about police response and the fact that is variable, and I think you have chased that up with ACPO to try to find out the explanation for that, and you might want to comment on that, but another factor is of course hospital reports, which presumably are as varied as police reports and sometimes take quite as long. Is that the case?

**Ms Oatway:** That is absolutely the case.

**Q35 Dr Pugh:** Are you doing anything there?

**Ms Oatway:** We are doing things there. One of the things I did as the in-coming Chief Executive was I looked through a number of cases and I looked at the quality of the third party information that we received. It is all very well to criticise third parties for not providing you with information quickly, and indeed even to say that in some cases it is very difficult to comprehend exactly what it is that is being said by the third party reports, but I think there is an onus on the organisation commissioning that information to make sure that it asks for the right information and that it makes it as easy as possible for the third parties to give you that information quickly and in a form that you can use. Our new case working model is very much founded on building those relationships with third parties and getting that information back quickly. Indeed, the earlier results of our pilot schemes show that in a large number of cases we are getting that information back much quicker than we had done previously. It is just simple things like instead of sending out a reminder after 30 days, we are lifting the phone and we are speaking to people and they are actually responding to that.

**Q36 Dr Pugh:** They are picking up the phone?

**Ms Oatway:** We are picking up the phone and talking directly to people and that does make a difference. There is no point in just sending out a reminder because if people know you are going to do that then they are going to say, "I will wait 30 days and respond then." We have to make it easier for people to deal with us.

**Dr Pugh:** Thank you, Chairman.

**Chairman:** We actually started getting quite lively for a moment; the Civil Service picking up a phone and ringing people! Keith Hill?

**Q37 Keith Hill:** Thank you, Chairman, and can I apologise to you and the witnesses for my late arrival. I was detained on the European Scrutiny Select Committee which is much less fun than this one! I want to cover some of the same ground that Dr Pugh has covered. It seems to me there are four reasons for delay. One seems to me totally inexplicable. For example, it states in paragraph 3.20 that in 2006-07 it took an average of five and a

half months to allocate a case to a caseworker at first decision stage. How can that remotely be either justified or explained?

**Sir Suma Chakrabarti:** It is not justified.

**Ms Oatway:** I am not going to justify it because I do not think it is justifiable, but I will try and explain how it came about. One of the ways that the case working model within the Authority has worked in the past is that each caseworker had a caseload, a certain number of cases that they dealt with, so if there was not sufficient space within an individual's caseload we could not allocate more cases. What we effectively had was a reserve or a queue of cases waiting to be allocated to caseworkers. That is one of the fundamental differences with the new case working model where we are not going to have that instant barrier to a case being allocated. I think it is fair to point out that even when a case was waiting to be allocated to a caseworker, it was not the case that nothing was happening. There was a process in place that allowed us to commission some of the early information that would be needed in order that when it was allocated that it could start to get worked on very, very quickly. Certainly our new case working model has noted the very point that you have made, and made sure that that is not going to be an in-built barrier to early action being taken on cases.

**Q38 Keith Hill:** A second reason for delay is what I think the NAO refers to as 'repetitive processes'. That is this system of unnecessary referrals between caseworkers and decision makers. Are you making any progress at all in that?

**Ms Oatway:** We have made a lot of progress. The pilot that has been undergone for the last few months has shown us that there are real advantages to not having as many hand-offs of cases as there were under the previous system, and certainly we are looking at a new case working model that brings various bits of the system together and makes sure that we minimise the time and we minimise the propensity to create queues.

**Q39 Keith Hill:** There is some agreement between the decision maker and the caseworker about what information they will or will not need?

**Ms Oatway:** Indeed, and we have been doing some joint working with the Panel, which has been an interesting experience for us as well, because you will see later on in the Report that there is some concern that we have not always been getting the right information in order to make our decisions. From my perspective, it is very important that, when we look at keeping the information as tight as possible, we minimise the amount of time, we have to understand the end-to-end process from the customers' point of view. We need to know what it is the appeals panel will need to consider. We need to have taken that into account when we make our first decisions. That has been very clearly worked on and our new case working model is very much founded on, "Let us look at what is the right information in the right format and how can we get that as quickly as possible?" I have every confidence

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that we will be able to cut down our caseload. Already I am on record as saying that by the end of the next financial year I believe that we can reduce our caseload by 20,000 cases, just by doing things in a more efficient way, and the evidence from our pilot shows that there is every reason for that confidence.

**Q40 Keith Hill:** Can I pick up on the issue that Dr Pugh was exploring which is the business about waiting for the results of court cases. Presumably, applications always enter the system and will always enter the system where there is not a court case, so what was the logic in waiting for the result of trials which, for all the reasons you can anticipate, tend to be quite lengthy?

**Ms Oatway:** I think that is an excellent point, and it is one of the reasons why there was a decision taken when the interim team was in (prior to my appointment) to stop awaiting trial results. There was a certain inequity about that because in many cases the perpetrator of the crime is not known and therefore there is never going to be a trial, so why should it be the case that where somebody has been able to identify their assailant that they have to wait longer than somebody who does not? As I have said already, the scheme allows us to take a decision on the balance of probabilities, and going forward that is what we will do.

**Q41 Keith Hill:** To reinforce your point, although there must be some blunt edges on this, on the whole, you can tell whether somebody has been involved in some kind of criminal attack, for example?

**Ms Oatway:** Indeed, and we have managed to improve the way that we are getting that information.

**Q42 Keith Hill:** Do I understand that at least in the pilot you have dispensed with this issue of waiting for the outcome of trials?

**Ms Oatway:** It is not just in the pilot. Along with the pilot we have tested different ways of working, to be honest. We actually applied some what I think were called 'quick wins' across the organisation. For example, the decision to not wait on court results allowed us to make 800 decisions almost immediately, and that was done, and it was done whether or not those cases sat within the pilot or other parts of the organisation.

**Q43 Keith Hill:** Notwithstanding the extremely reasonable tone of our exchanges here, I think you can probably anticipate a rather fierce set of comments from the Chairman in due course, as is his wont. Chairman, I think that if we are going to be critical, as we must be, we do have to pick up on the slow response from third parties as well. Personally I find it absolutely indefensible that 24% of your inquiries to the police are not responded to at all. What are you doing about that? What are the police doing about that?

**Ms Oatway:** There are a number of things that we are doing about it. One of the things that the new case working model does is that it starts to allocate our cases on a geographical basis, which means that

we can start to build relationships with local police forces and local health authorities, which should enable us to know the right people to contact, because the problem is that the way that cases were allocated on a random basis in the past is that people did not know who it was they were looking for, so you increase the risk that enquiries are going to be misdirected or that they are not going to go to the right people to get the response. That geographical basis is proving to be a real bonus and throughout the organisation the pilot has shown that has been a real success for us. We are also monitoring very clearly the statistics of how each police force responds, and you will see that that information is available within the NAO Report. We are providing that information back to those police authorities to say, "This is how your police force is performing. How are you going to come back to us and show us that you can do better than that?" We have had a real impact through that work alone. The other thing that I mentioned before is about how we ask for that information. I think that there is the potential for better use of technology than there is at the moment. CICA is not an Authority that has really grasped the potential of using technology to improve the way that it delivers its service and we are very much a paper-based Authority. It is not going to be an instant result but, as we move forward and we introduce better technology, I think that we will have a much better interaction with our third parties.

**Q44 Keith Hill:** And the same presumably with the NHS; ten weeks on average for hospitals to reply to you.

**Ms Oatway:** Indeed.

**Q45 Keith Hill:** And GPs taking 41 days, that is to say six weeks. Is it true—perhaps this is a question for the NAO—that one of the reasons for delay by GPs is that they do not get paid as much for dealing with criminal compensation enquiries as they do for insurance claims.

**Ms Murphie:** Yes it is true.

**Q46 Keith Hill:** Of course we know how overworked and underpaid GPs are, but it really is quite scandalous that they should be delaying in this way for such reasons, it seems to me. One final question—again possibly to the NAO—I see at the very beginning in paragraph 1.3, you do point out that the criminal injuries compensation scheme in this country is the most generous in Europe. How does it compare with other European schemes in general terms?

**Ms Murphie:** It provides more money to a wider range of people, generally speaking. I can give you more information about that.<sup>2</sup>

**Keith Hill:** Perhaps you could write to us and give us some comparisons. I think that would be really helpful. Thank you.

**Chairman:** Thank you very much Mr Hill. Mr Ian Davidson?

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<sup>2</sup> Ev 22

**Q47 Mr Davidson:** Am I right in thinking that you would accept that since our last investigation in April 2000 things have really gone from bad to worse?

**Sir Suma Chakrabarti:** I think things have certainly worsened between 2000 and 2006.

**Q48 Mr Davidson:** The average time taken to resolve a case has gone from 12 to 17 months; your staff resolved 125 cases each a year compared to 179; the cost of resolving cases has gone up. Has anybody been sacked as a result of this, or have they all been promoted?

**Sir Suma Chakrabarti:** People have moved on clearly because—

**Q49 Mr Davidson:** I appreciate they have moved on because they are not here. Have any of them been sacked?

**Sir Suma Chakrabarti:** I cannot give you confidential personal information.

**Q50 Mr Davidson:** So that is a No then is it?

**Sir Suma Chakrabarti:** I cannot talk about—

**Q51 Mr Davidson:** I am not asking who has been sacked; I am saying has anybody been sacked, and you are saying you cannot tell me.

**Sir Suma Chakrabarti:** I cannot divulge that sort of information without the agreement of the people concerned.

**Q52 Mr Davidson:** Will you ask them if they will allow you to tell us whether or not they have been sacked?<sup>3</sup>

**Sir Suma Chakrabarti:** We can certainly ask them.

**Q53 Mr Davidson:** If we get no answer back, what do we assume, that they have been sacked and they do not want you to tell us that? It is absurd that you are refusing to tell us whether or not anybody in such an incompetent organisation has been sacked.

**Sir Suma Chakrabarti:** I can tell you that the people who were involved in this, both in the sponsor ministry at the time and also in CICA executive, were moved on in 2006 so that we could start the reform process, so a new Director was appointed at the beginning of 2006 of a new interim Chief Executive during that time.

**Q54 Mr Davidson:** ‘Moved on’ of course could mean promoted, could it not, and ‘moved on’ could mean moved to another department, where they could cause an equal amount of damage. Has there been any penalty for failure for any of the incompetents that have been in charge of this?

**Sir Suma Chakrabarti:** What sort of penalties are you meaning?

**Q55 Mr Davidson:** Any sort of penalty—demotion. You are refusing to tell me if anybody has been sacked. Are you refusing to tell me if anybody has been demoted?

**Sir Suma Chakrabarti:** I cannot talk about people’s personal careers without asking them for their permission.

**Q56 Mr Davidson:** I am not asking about individuals, I am not asking about personal careers; I am asking about categories. Is it possible that any group of people has suffered any adverse consequences as a result of this sheer unadulterated incompetence that we have seen since the last investigation of this organisation?

**Sir Suma Chakrabarti:** I cannot answer that question without checking with the people.

**Q57 Mr Davidson:** So that is a “refuse to tell” or a “I do not know”?

**Sir Suma Chakrabarti:** I cannot answer until I check with people.<sup>4</sup>

**Q58 Mr Davidson:** I will take that as a refusal. Can I ask you relating to paragraph 2.1, 5% of all injured victims apply to the scheme. If this was working properly and not having been run by incompetents, what percentage would you have expected to have applied?

**Sir Suma Chakrabarti:** As I said to the Chairman’s question, the key figure is in 2.3; 36% awareness is far too low. I would expect the awareness level of any demand-led scheme to be much higher, somewhere in the 70 and 80%. Then people would make an informed choice about whether they want to apply.

**Q59 Mr Davidson:** What would you think was a reasonable figure for the 5% to move up to?

**Sir Suma Chakrabarti:** The problem with the 5%, as I said earlier, is that is 5% of all those involved in a crime.

**Q60 Mr Davidson:** I know that.

**Sir Suma Chakrabarti:** But many of them will never be eligible to apply.

**Q61 Mr Davidson:** Is it a fair assumption then that if the awareness doubled it is reasonable that the percentage applying would double?

**Sir Suma Chakrabarti:** I would expect it certainly to be higher than whatever it is, whether it is 5% or 10%, it is far too low clearly.

**Q62 Mr Davidson:** I am glad to hear that. We are not getting much information there either, are we really. The applications falling—that is really the same point, is it not? It is astonishing that an organisation which got such a devastating indictment in 2000 then has fewer people applying for compensation later than it had earlier, notwithstanding the fall in crime? Have you been driven at all to keep this quiet in order to restrict public expenditure?

**Sir Suma Chakrabarti:** Not personally, I do not know anything about that.

<sup>3</sup> Ev 24

<sup>4</sup> Ev 24

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**Q63 Mr Davidson:** You are here on behalf of the Department; is there any evidence at all that anybody in the Department was restricting the amount of money being handed out as a means of restraining public expenditure?

**Sir Suma Chakrabarti:** Certainly not that I am aware of, no.

**Q64 Mr Davidson:** So it is not for frugality reasons; it is just incompetence?

**Sir Suma Chakrabarti:** It is very poor performance management.

**Q65 Mr Davidson:** Absolutely, indeed it is. Paragraph 2.3 says that 36% of victims injured were aware, which means 64% were unaware. Are you also responsible for the Secret Service?

**Sir Suma Chakrabarti:** Not that I know of, no!

**Keith Hill:** It is a secret!

**Q66 Mr Davidson:** This would appear to be pretty much of a Secret Service as well, would it not, because 64% of those who could apply did not even know it existed? Referring to paragraph 2.4, which I find difficult to understand I must confess, at our last Report we recommended that you conduct research as to whether applicants had equal opportunity to find out about the scheme, and you have not done so.

**Sir Suma Chakrabarti:** That is correct.

**Q67 Mr Davidson:** On the basis of “uncertainty caused by possible reforms to the scheme and changes in recording and defining violent crime.” That sounds to me like complete and utter mince and that essentially what you have decided is you are not doing this and, having been caught out, you produce that as an explanation, because how can it be that the National Audit Office can commission consultants to do something in a matter of weeks presumably and you, having had six years, chose not to do it?

**Sir Suma Chakrabarti:** It should have been done and, as I said earlier, quite clearly should have been done, and last week when I heard of that we authorised a research project immediately.

**Q68 Mr Davidson:** Last week?

**Sir Suma Chakrabarti:** That is when I heard about it.

**Q69 Mr Davidson:** So none of your predecessors, who may or may not have been promoted, thought anything about it. Explain to me the mechanism by which this Committee makes a recommendation which, as I understand it, is approved by Parliament, and then it is not acted on by yourselves. Talk me through that; how did that happen? Did it come to a meeting at which people said, “We are not going to do this then,” or did it get lost in the post?

**Sir Suma Chakrabarti:** I think what happened is a failure in the sponsor ministry to prioritise things like PAC recommendations. That is why I am setting up the post, to make sure this never happens again. In many ministries, this does not happen because there is a focus on implementing PAC

recommendations because of parliamentary accountability, and it should have happened. There is no excuse for it.

**Q70 Mr Davidson:** The phrase ‘not fit for purpose’ does spring to mind really, does it not? Can I carry on on paragraph 2.4, in terms of the victims more likely to apply, is there anything in there that you find surprising?

**Sir Suma Chakrabarti:** I think some of the things are quite surprising. I think the male/female issue is very surprising, to have such a big gap, 74% of applications for men, 26% for women. I think that needs explaining. The other one that I find quite surprising is a regional variation. I cannot really explain that without research obviously.

**Q71 Mr Davidson:** Which you have not got.

**Sir Suma Chakrabarti:** Which we are going to get.

**Q72 Mr Davidson:** I understand that. Can I suggest one point about people who are in unemployment being more likely to apply, and that is that they are more likely to be eligible for legal aid and therefore get it funded for them for nothing by legal aid lawyers. Certainly I know in my constituency there are legal aid lawyers hanging about who will pursue anything for almost anybody on the basis that they get paid for it by government. That would explain that. We do not have any evidence really about the percentage of working class people who are employed as compared to those who are middle class applying.

**Sir Suma Chakrabarti:** No we do not, and one of the points of the research would be to get the socio-economic background as well, which goes beyond just these five categories.

**Q73 Mr Davidson:** In 2.8, where it is said that the forms are so complicated to be presumably almost incomprehensible for those with a low reading age, that presumably will be remedied in due course?

**Sir Suma Chakrabarti:** Yes, I will ask Carole to say a bit about that because she has been involved.

**Ms Oatway:** We have already undertaken consultation with people like National Victim Support, Victim Support Scotland, the Association of Personal Injury Lawyers, Scottish Women’s Aid, a whole host of people, to try to get our application form down to a level where it is easier for people to complete. I think the main thing is we still need to ask for quite a lot of information in order to be able to assess whether there is a claim.

**Q74 Mr Davidson:** I accept that.

**Ms Oatway:** What we want to do therefore is to help people complete that, and that is why I am saying that we have this proposal to introduce a much higher level of our resource targeted at the front end of the system to make sure that people can be helped to complete forms so that they do not get confused.

**Q75 Mr Davidson:** We have had discussions like this with the Benefits Agency and other groups and they are trying to simplify. Have you been in contact with

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their Simplification Agency or whatever the term is, I forget, to make sure that you are not reinventing the wheel?

**Sir Suma Chakrabarti:** We have been talking to a number of public and private sector agencies, so in the private sector for example some benchmarking work has been done with the Motor Insurance Bureau, for example.

**Q76 Mr Davidson:** Have you spoken to the Benefits Agency?

**Sir Suma Chakrabarti:** No, we have spoken to the Passport Agency.

**Q77 Mr Davidson:** The question was have you spoken to the Benefits Agency, their Simplification Unit?

**Sir Suma Chakrabarti:** I do not know if we have.

**Q78 Mr Davidson:** The answer is No.

**Ms Oatway:** I have not.

**Sir Suma Chakrabarti:** No.

**Q79 Mr Davidson:** Right, okay, that is helpful. Can I turn to paragraph 2.9 about your contracted-out call centre. It says here that 85% of your calls are answered. Do I take it that means that 15% of your calls are not even answered?

**Sir Suma Chakrabarti:** I think that is what the arithmetic would show, yes.

**Q80 Mr Davidson:** When did you become aware of this?

**Ms Oatway:** I do not know when we became aware of it. I was aware of it as soon as I came in as the new Chief Executive.

**Q81 Mr Davidson:** Do you think your predecessor noticed this at all?

**Ms Oatway:** I do not know the answer to that.

**Q82 Mr Davidson:** This seems scandalous, does it not, that 15% of the calls that come into an agency like this are not even answered, and of course you cannot tell us whether or not anybody was sacked; we understand that.

**Sir Suma Chakrabarti:** I think the scandal is worse than that. It is 15% were not answered and 50% were passed on because they could not answer 50% of the calls they received, which is why Carole has decided to create an in-house helpline because then it will be staffed by people who know the business.

**Q83 Mr Davidson:** If at any point I am asking questions and you can point to examples of it being even worse, please do! I find it difficult to believe but if you can do your best. The final point I really want to pursue is the question of using representatives. Certainly the lawyers involved in this, as they usually do, are trying to milk the system as much as possible. I am pretty appalled at the way in which you make it so easy for them really. What guarantees can we have from yourselves that within, say, six months or a year, people will be aware that Victim Support will do this for them for free, if they wish? That is not to

say they cannot use lawyers, but Victim Support will do this for them for free. Are you in touch with the Legal Aid Board to clarify whether or not it is necessary for anybody to get legal aid to pay a solicitor to pursue this when the service is available free somewhere else?

**Sir Suma Chakrabarti:** As I said earlier, we will now pursue this with the Law Society as the regulatory body, because I also think it is quite wrong that when there is a free service so many people do not even know about it, so we will have a target on that as well. The number of people who think they need to be represented is falling actually—I think it is below 30% now—so there is some progress on this but it is not fast enough.

**Q84 Mr Davidson:** Hopefully if the forms become comprehensible to normal people then more people will be able to do it themselves, but there will still be a percentage who feel more confident in having somebody represent them.

**Sir Suma Chakrabarti:** I think there is a psychological thing here, which many of us have felt, that if you hire a professional solicitor you are bound to do better getting through the process, but actually there is very little discretion in this process, and that is why the free Victim Support route is the better route.

**Q85 Mr Davidson:** I wanted to ask you whether or not you could provide us with statistics indicating the relative success rates of lawyers, of trade unions, of Victim Support and so on and so forth.<sup>5</sup> That would be very helpful to us because I particularly wanted to raise a question about contacting the Law Society. The Law Society is not interested in the law; the Law Society is interested in the interests of lawyers, and asking the Law Society to help you stop some of their members take money from the gullible public is, I would have thought, not likely to meet with much success. Would you not be better speaking to the Legal Aid Board to try and get them to constrain it?

**Sir Suma Chakrabarti:** It is the Ombudsman for the Law Society who would be involved with this, the regulator if you like, so we will go through that route.

**Ms Oatway:** I am not so sure that it is that people are getting legal aid. I think what is happening in these cases is that it is no-win no-fee situations where it is not legal aid that is paying; it is actually a deduction from the award that the applicant is getting. It is relevant to my Authority to make it easier for people to understand that they do not need representation to lead them through the process in a way that makes them feel confident that their application will be given exactly the same level of treatment of seriousness, regardless of whether they have got somebody from the legal profession representing them, and that where, as in some cases, because some of our victims—

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<sup>5</sup> Ev 19

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**Q86 Chairman:** I am going to have to stop you there. You are very good but you tend to be a bit lengthy.  
**Ms Oatway:** I am sorry, I beg your pardon.

**Q87 Chairman:** Just one question following on from Mr Davidson's. I hope you can reassure me that nobody has received a bonus in this organisation in the last six years?

**Sir Suma Chakrabarti:** Again I would have to check. I will obviously go through the process of asking.

**Chairman:** You will send us a note. I hope that nobody has had a bonus.<sup>6</sup> Mr Bacon?

**Q88 Mr Bacon:** I fear it is appallingly likely that there probably were. May I commend you, Sir Suma, for your earlier answer to Mr Davidson. You follow on in the footsteps of Ken Macdonald QC who when we had a Report on the Crown Prosecution Service gave a number of answers which started off with, "No, it is much worse than that," when somebody asked a question. I only wish more permanent secretaries would because it would facilitate more intelligent conversation about the things you are trying to do. In a way you and Ms Oatway are in quite a lucky position because you are both new and none of us attributes blame to either of you personally for the situation, and you have plainly been put in there to help things out. Sir Suma, you started in November I think?

**Sir Suma Chakrabarti:** December, just before Christmas.

**Q89 Mr Bacon:** You obviously have been looking around the whole of the Ministry. I saw in the paper about a week ago that the Ministry has canned a computer system called Nomis, at a cost of £150 million. That is MoJ, is it not?

**Sir Suma Chakrabarti:** Yes.

**Q90 Mr Bacon:** Was that one of the things that came across your radar? When you got into the Ministry, did you look around the stable and think, "What is going on here?" and start clearing it out?

**Sir Suma Chakrabarti:** I think that those decisions were already well in train before I arrived. I cannot claim the Nomis decision as one of mine.

**Q91 Mr Bacon:** I want to talk about CICA mainly obviously, but what other things have you spotted on on your radar among the various agencies and NDPBs that worry you?

**Sir Suma Chakrabarti:** I think this is a rather interesting case. As you know, the MoJ family contains many, many arm's length bodies, agencies, NDPBs and so on. What I have been looking at, and I have agreed with the Justice Secretary, is an accountability and performance framework for all of these arm's length bodies. They will differ according to priority and so on, but this case has highlighted for me that this is something we need to do, and also your previous hearings around the Rural Payments Agency and so on have highlighted this. That will be a priority. The CICA framework

which we will have from 1 April, will in fact be an early model for that. I think actually the Ministry, from what I have seen so far in three or four weeks there, has some very good performers among the agencies, so we can learn quite easily. One I would highlight is the Probate Service. I highlight it because it is a demand-led service and people obviously go to it at a time of great emotional distress, with the loss of a family member and so on, and yet the Probate Service achieves a 97% customer satisfaction rate, which I think any private sector organisation would kill for. Thus it is doable in the public sector and somehow we have got the accountability and performance framework right there; we did not get it right here.

**Q92 Mr Bacon:** You reckon that among the other agencies and bodies there may be others that do not have enough of an accountability and performance management culture?

**Sir Suma Chakrabarti:** This gave rise to that immediate thought in my mind, and we are having an organisational restructuring as well and this will be part of that.

**Q93 Mr Bacon:** You spent some time in the Treasury where I had not realised that you were involved in the creation of the system of public service agreements, so you have been thinking about an accountability framework in a very specific way inside the Civil Service for quite a long time. How widespread is that inside the Civil Service? It is obviously not universal.

**Sir Suma Chakrabarti:** I will not claim it is universal because the system, particularly among some of the senior ranks, is one of generalists, as you know, and some of us are more interested and have grown up in cultures which are more interested in delivery issues and around performance and accountability. What is striking is the change now whereby you are seeing more people who have come through a delivery experience of some sort—Carole, Peter and myself—into the more senior ranks, so that is changing.

**Q94 Mr Bacon:** To me the fact that this can happen and Mr Davidson can point to six years ago and things that have not happened is one of the most serious questions facing government. The reason I am interested in this is because I am starting to write a book on this and it is a question that I do not know the answer to. How is it that you can have failure so clearly pointed out, shelf loads of advice about what needs to be done to put it right, and still things do not happen and change; why is that?

**Sir Suma Chakrabarti:** I think the Chairman asked the same question in a different way; why did it take so long to put this right. You can have delivery going wrong for a variety of reasons, but it is not as though the data was not there, it not as though the framework document did not exist; all those things were there. It is quite a lot about the cultures in organisations and so on, and in this case I do not think it was given a very high priority in the sponsor ministry at the time, and therefore the engagement

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between the sponsor ministry and the Authority was rather thin, and that did not lever up good performance.

**Q95 Mr Bacon:** You are appointing a post in your ministry whose job it is to liaise with the NAO and PAC to make sure their recommendations are followed through. Sir John, did I understand you to say that you would help us draft a letter that would go out either to the Cabinet Secretary or to all permanent secretaries? It seems an extremely obvious thing to do and it really ought to happen in every single department. You mentioned that some departments already have such arrangements; which are they?

**Sir John Bourn:** I have not got a list of them in my head, but I know that some of them have and they attend to it in that way, whereas in others the responsibility is distributed over a number of officials.

**Q96 Mr Bacon:** But there is no named officer in many cases?

**Sir John Bourn:** That is right, and also sometimes it tends to vary according to the particular report we are engaged on, as it were, where a team is put together, but that bifurcates the responsibility and there is not the continuing concentration on it.

**Q97 Mr Bacon:** Sir Suma, you have said it is not as if the data was not there, and that brings me directly to paragraph 4.6 at page 35 where it says: "The Authority has a comprehensive database that holds a lot of case data and it is possible to produce useful management reports." Not only did the NAO find that the management team did not make full use of it but only one or two individuals actually had the skills to extract the information. That paragraph describes later on that the most useful management information you could get out of it would help you assess how the process was changing over time and the extent to which delays were due to third parties or the Authority. These things are absolutely at the heart of what you do.

**Sir Suma Chakrabarti:** Yes.

**Q98 Mr Bacon:** Yet there did not seem to be anybody inside the Ministry who thought this was interesting information that should be grasped, used and widely explained.

**Sir Suma Chakrabarti:** As part of the management team you would normally expect to have people who are doing this all the time, analysing and bringing to the notice of the chief executive and the management board of the organisation what is going on, quarterly management reports and so on. Carole is instituting that system in the organisation, so with the new governance arrangements we will have all of that. As the last sentence also says, she is training additional staff to be able to analyse the database. Maybe you want to say a bit about that.

**Ms Oatway:** Yes. Sir Suma made the point earlier on that I commented to him that I thought our organisation was data rich and information poor. We have not used the information in the way that we

should. We have put arrangements in place for more staff to be able to analyse that. We do not have an in-house research facility but I think our data has a relevance beyond the Authority to the wider of Ministry of Justice issues and that is why we will work with our sponsor department to do that research.

**Q99 Mr Bacon:** This pilot that you have got that is described both in paragraph 4.2 and 3.18 only involves 20% of the caseload. Paragraph 3.18 describes how you have got several workflows going backwards and forwards, referrals between caseworkers and decision makers, forming unnecessary steps, adding to costs and so on and so forth. But it only applies to 20% at the moment, 80% is under the old system. It says the current reforms will address this issue, but when will that actually happen? When will it cover 100%?

**Ms Oatway:** It is a phased implementation. The bit that I have been saying a lot about today is about our applicant support and we really are prioritising getting that sorted first. We are aiming to have that operational by 1 April. We are starting some of that process already and some of it is happening, but if you want the date when it will be fully operational, that is the date that we are aiming towards. The roll-out of the pilot will not be a case where we are going to lift everything from that pilot. I mentioned that we are piloting new ways of working but we have also been talking to other organisations that provide similar services to see what we can learn from them. We have been working with our colleagues on the Panel to see that end-to-end process to make sure that we are not coming up the system in isolation. All of that brought together, we are looking at rolling out the new model by 1 July. It will not be the pilot as it is, it will be elements of the pilot that have been seen to work well with other things we have learned from other sources being added in.

**Q100 Mr Bacon:** Your background is in social housing. You were Director of Investment for the Scottish Social Housing Body, is that right?

**Ms Oatway:** Yes.

**Mr Bacon:** You have obviously no background in criminal injuries compensation.

**Mr Davidson:** Thank goodness!

**Q101 Mr Bacon:** Were you appointed to this job on the basis that you knew nothing about the particular area but that you had got a record of delivering lots of houses or lots of free central heating? Why did you get the job, if I may be so bold?

**Ms Oatway:** Somebody asked me why I would move from housing to criminal injuries and where was the read across and I think I have an answer to that. Somebody who has spent most of their career in social housing is driven by a desire to provide for a very vulnerable group in society who have a very basic need that has to be met. I do not think there is a great deal of difference between that and the client group that I will be dealing with in my new job. In terms of why I was appointed, I think there were a number of reasons for that. First of all, I did have a

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background with delivery. In the time that I was Director of Investment I never missed any target that I had for delivering numbers of houses or projects that I had, numbers of central heating systems, a whole number of things. I managed my budgets very effectively. I had responsibility for over £970 million of public money and I think in the last year I delivered that to 99.96%.

**Q102 Chairman:** All right, you have got the job!

**Ms Oatway:** I do think I have a background in delivery and accountability.

**Mr Bacon:** The Chairman is telling me I am running out of time but I just wanted to ask one more question about an email which we were circulated by an individual called Mr Steven Warner, who was seriously attacked in September 2004 and some three years later is having bailiffs at his door, having trouble paying his bills. When he contacts the CICA all he is told is, "we are waiting for a report. How many reports do they require? When I contact the people who they want a report from, I get told this is the second or third report we have done for the same question. These reports have to be paid for but they are paying in triplicate for the same report, more delays and waste of money . . . I am having treatment for post-traumatic stress and on medication . . . I am still receiving physiotherapy . . . yet my lifestyle has had a major change overnight and I cannot get any help from anywhere, why is this? I am a British citizen of 52, my quality of life is now non-existent. I do hope someone will hear me."

**Chairman:** It sounds like me!

**Q103 Mr Bacon:** Is it possible that you could look into the case of Mr Steven Warner and see what is going on?<sup>7</sup>

**Ms Oatway:** I will certainly do that. I would like to make a few generalities on that case. First of all, we do have to investigate cases fully and sometimes it is in the interest of the applicant that we do that as well because if we were to make a decision based on the initial information sometimes that information does not give as serious a prognosis as turns out to be the case at a later date. It is about getting that balance right. I will look into Mr Warner's case.

**Q104 Mr Mitchell:** Are you saying you do not know the facts of Steven Warner?

**Ms Oatway:** No, I do know the facts of Mr Warner's case, I am just not able to discuss individual cases.

**Q105 Mr Mitchell:** Okay. He does say in the email we have had that when he contacts people in the Authority he is told they are waiting for a report, but when he contacts the people from whom they are awaiting the report he is told that it is the second or third report they have done for the same question. That bears out the note in the National Audit Office's report that the Authority is repetitive and inefficient in seeking information from the police and from the Health Service.

**Ms Oatway:** I think I have already admitted that I do not think our processes are correct yet. I do not want to comment on Mr Warner's case.

**Q106 Mr Mitchell:** But are you repetitive and inefficient? Why are we getting situations where the same organisation is being asked for a second or third report on the same issue?

**Ms Oatway:** I think that we have been repetitive and inefficient but in some cases it has been done for very good reasons. Sometimes we ask for updates on information because it is in the applicant's interest to have that fresher information taken into account before we decide the award.

**Q107 Mr Mitchell:** I accept that you are in a dependent situation since you have got to work with other bodies like the Health Service and the police, but why is it at table 16 on page 30 of the report there is such a wide variation in the performance on requests to police received within 30 days? This is January-June 2007. I note with some pleasure that Humberside is quite efficient, although Lincolnshire, Chairman, is pretty inefficient and West Yorkshire is even worse. Why are there such variations in performance and what are you doing to put it right?

**Ms Oatway:** I do not think I can answer for individual police authorities but I can tell you what I think we are doing to—

**Q108 Mr Mitchell:** You had better get on to them and tell them to get their acts together.

**Ms Oatway:** Absolutely. I made reference to this earlier. The things that we are doing is we are setting up geographically based teams with people with responsibility for liaising with those police authorities and speaking to them on the phone to try to chase poor response times. We are looking at the way we request that information to make sure that we are asking for the right information in the right form and it makes it easier for the police authorities to provide that to us. I have also said that what we are doing is providing the performance information back to the police authorities so they can see how they compare to other authorities in the hope that will encourage them to respond to us better. We have also worked with the Association of Chief Police Officers to try to get a wider emphasis on responding to this. In the 2006 statutory Code of Practice for Victims of Crime police forces are now required to respond to requests from ourselves within 30 days and if we have a follow-up request within 60 days. It is helping both from a national level to put pressure on and also from an individual level.

**Q109 Mr Mitchell:** Let me turn to Sir Suma. We have clearly got a mess here. The fact is the National Audit Office reported in April 2000, and that is a long time ago even in my life, and since then the service has declined, only five of the Committee's 16 recommendations have been fully met, the time to resolve the average case has increased from 12 to 17 months and staff are dealing with 125 cases per year compared to 179 in the earlier period. In other

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words, as the Authority gets more inefficient it gets more expensive. You have been transferred to that bed of nails, I may say, since November.

**Sir Suma Chakrabarti:** December.

**Q110 Mr Mitchell:** Aware of this session you must have mugged up on the Authority and found out what is wrong. You would not tell Mr Davidson, or you said you could not, if people are being fired but you must have formed some impression of why it got into this mess.

**Sir Suma Chakrabarti:** I think the mess was caused by a poor culture of performance management. In other words, it had all the targets, all the monitoring systems, and even had conversations on a quarterly basis, but remedial action, management action to deal with the data coming through, does not seem to have been taken.

**Q111 Mr Mitchell:** Is that because they were left to get on with it and the Home Office, the dysfunctional and lovable Home Office, did not get them to pull their socks up and get their acts together? Did the Home Office just leave them alone?

**Sir Suma Chakrabarti:** I want to be very fair to the Authority here.

**Q112 Mr Mitchell:** Why? This is a mess, why be fair?

**Sir Suma Chakrabarti:** We cannot blame the Authority alone. The sponsor ministry has to take some of the responsibility here as well. This is a really important part of meeting the objective of putting victims at the heart of the criminal justice system, therefore the sponsor ministry should have had it higher up its list of priorities. Of course the Home Office had many priorities at the time but, therefore, they needed this higher up on the list of priorities and to engage more with the Authority to try and sort this out. There were problems on both sides of the equation and that is what we need to get right.

**Q113 Mr Mitchell:** So the Home Office was not fulfilling its responsibilities?

**Sir Suma Chakrabarti:** I think it should have done a better job at the time in terms of holding the CICA to account and helping to resolve some of these issues. You just mentioned the whole issue around the police and the Health Service. I actually think that is a shared responsibility. Of course, Carole and her staff should have had more liaison with individual police authorities, for example, but the sponsor ministry has a duty to talk at a macro level, a national level, to ACPO, the NHS and so on and push it as well.

**Q114 Mr Mitchell:** Let me turn to Ms Oatway. You have been in post since September. Were you put in as a trouble shooter?

**Ms Oatway:** I do not know that I was put in as a trouble shooter but it was a very clear part of the remit when they were recruiting me that—

**Q115 Mr Mitchell:** So what is your impression, having been in office for however many months it is?

**Ms Oatway:** Three and a bit months.

**Q116 Mr Mitchell:** What is your impression that was the cause of the problem?

**Ms Oatway:** I think the problems were caused by well-intentioned changes in the way that the scheme was being administered. I gave one example of that earlier where they decided that to make the decisions of better quality and more robust they would wait on the outcome of court cases which clearly lengthened the cases and was not necessary. The other thing that was done was they were under a bit of pressure to save money, so they decided that rather than as a matter of course they would request a medical report, what they would do is they would wait until the police report established that there was a crime before trying to find out what the injury was that was sustained as a result of that crime.

**Q117 Mr Mitchell:** Where was the pressure to save money coming from?

**Ms Oatway:** As you can see, the caseload was dropping, the cases they were dealing with, and the NAO Report recognises this, were becoming more complex and the unit costs were increasing. I think there was a pressure on the Authority to try to—

**Q118 Mr Mitchell:** Was it understaffed?

**Ms Oatway:** I do not see there is evidence that it was understaffed. What has happened is as the caseload has become more complicated, going up from 9% to 27% of the complex cases involving loss of earnings and things like that, more staff time was being used in that regard.

**Q119 Mr Mitchell:** Was it lack of effective management from the top? I notice your predecessor was in the job as an interim tenure for only one year. Did this mean there was a lack of control, a lack of push from the top?

**Ms Oatway:** I think it is important to say that the interim team did a great deal of work in terms of starting the process of reform. One of your earlier questions was when I was appointed did I know the kind of organisation I was going into and the answer to that is very clearly yes. When I took the job I was told that my remit was to introduce that performance culture and the delivery imperatives that are absolutely necessary.

**Q120 Mr Mitchell:** I am delighted to hear that things are going on and I am delighted to hear the history of your own record, but that record was in Glasgow, and there are some pleasant conditions in Glasgow where a large proportion of staff has moved. Why has it been so slow moving them out to Glasgow? Why have you not all gone?

**Ms Oatway:** Actually, the whole operation is now in Glasgow.

**Q121 Mr Mitchell:** All of it?

**Ms Oatway:** All of it. As at the end of September last year the London office was closed. In saying that, there are a handful of staff who are still working out of a London base simply because we have not been

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able to redeploy them. The answer to your question how many staff moved to Glasgow is one. There was not a great host of people moving. What we have had is a period where we have had to recruit new staff, we have had to rely on temporary and agency staff, which is never good for an organisation, and it is one of my very clear priorities to change that position.

**Q122 Mr Mitchell:** Mr Davidson will view all this with some delight, I can tell from the expression on his face. Why do you not advertise more? It seems to me one of the problems is people just do not know about it and it is very difficult to find information about it.

**Sir Suma Chakrabarti:** In the Report it says we should do more in GPs' surgeries, various public places, and that is part of what Carole wants to do, so we will have to do that. It is quite interesting having read this Report, and I have gone into a number of public places myself recently and checked, and there is a dearth of advertising material. You do not find the leaflets, you do not find the usual notices you see around the scheme, so we have clearly got to do something more on that and I know that is part of what Carole wants to do.

**Q123 Mr Mitchell:** How much has the performance got to do with the relative efficiency or inefficiency of Victim Support on the ground? In Grimsby we have a relatively effective Victim Support system, but is performance patchy? Are there problems in that area?

**Ms Oatway:** I would be dishonest if I said I actually knew the answer to that. My experience of Victim Support so far has been a good one. They have been very willing to discuss with the Authority how they can support victims in making their claims for compensation. They have been doing a lot of work to bring their very dispersed network together under a single umbrella organisation and that in itself will ensure more consistency of service across the country. I believe Victim Support is a huge asset to our organisation because it is all very well handing people a leaflet when they have been a victim of crime but, if you have been traumatised, how likely is it you are able to look that up and say, "Am I able to have compensation?" We need to get that information going to people when they are better able to respond.

**Chairman:** Let us stop it there. Normally I would let Ian Davidson come in at the end but I think this is very important. He asked a specific question about whether the organisation was being pressured to save money and he was brushed aside by you, Sir Suma, but now Ms Oatway in the last part of evidence has admitted that the organisation was under pressure to save money. Mr Davidson?

**Q124 Mr Davidson:** Can I just clarify this apparent contradiction. I did ask quite clearly whether or not the organisation was under pressure to save money and, therefore, the inefficiencies were tolerated, as it were, as a means of saving money, but I then thought

Ms Oatway in response to Mr Mitchell gave a completely different response indicating that they were under pressure to save money.

**Ms Oatway:** I would like to clarify what I think I answered. I was asked whether or not there were efforts to save money. It is not that they were told, "This is the global amount of money that you have got", any organisation has to look at the way that it spends public money. What my predecessors did was they took a policy decision that they thought would make the cost per case—

**Q125 Mr Davidson:** You are referring to efficiencies and the running of the organisation and I was picking up the question of controlling the overall expenditure given out to potential recipients as being expenditure and these are not quite the same things.

**Ms Oatway:** No, they are not.

**Q126 Mr Davidson:** I was slightly confused as to which—

**Sir Suma Chakrabarti:** I thought that was the question you were asking and, as far as I can see, the budgets were spent. They were given and they were spent in full. I think Carole was answering the unit cost efficiency argument.

**Q127 Mr Davidson:** What was spent in full?

**Sir Suma Chakrabarti:** The budget that was given to the Authority was spent in full.

**Q128 Mr Davidson:** The budget was cost limited. If more applications had come in, what would have happened to them?

**Sir Suma Chakrabarti:** If more applications had come in there would have had to be a question, within the ministry normally, about whether the resource allocation process should allocate more money from its reserve into that part of the organisation.

**Q129 Mr Davidson:** Is there any evidence that process was occurring, that there was a deliberate constraint upon going out and drumming up business because it was realised that would require spending more money from elsewhere within the Department?

**Sir Suma Chakrabarti:** There is nothing I have seen that suggests there was a deliberate constraint on going out and trying to get business.

**Q130 Mr Williams:** Following on from that, the answer you have just given is that everyone had to look at ways to save money—everyone does effectively—but since the cost per case went up by 54% from £259 to £400, whoever was in charge at that time was not very successful, was he or she?

**Sir Suma Chakrabarti:** No. Quite clearly both the sponsor ministry and the CICA did not do a good job on unit costs, they went up.

**Q131 Mr Williams:** Since we made our report in 2000, how many different accounting officers have there been? Do you know or does Sir John know?

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**Sir John Bourn:** There were four previous incumbents of the Permanent Secretary position: Sir David Omand, Sir John Gieve, Sir David Normington and Alex Allan.

**Q132 Mr Williams:** Thank you very much, that is helpful. I want to come to the point about medical records. We are told in our briefing that the Authority continued to mislead unsuccessful applicants by telling them it had considered their medical records when, in fact, it had not.

**Sir Suma Chakrabarti:** This was the issue about the standard letter that the Authority used to send out.

**Ms Oatway:** We did have a form letter that was printed off the system that covered both cases but we changed the policy on always requesting medical records. The form letter was not changed but it now has been.

**Q133 Mr Williams:** It is four years since the policy was changed, when was the letter changed?

**Ms Oatway:** The letter has only recently been changed.

**Q134 Mr Williams:** So for four years people who put in applications have been receiving letters telling them that their medical records have been looked at and in the light of that analysis of their medical records their case has been turned down, is that right? Have they or have they not been received?

**Ms Oatway:** I will tell you what my understanding of the situation is, and I did look into this one. It was a general reference to: "In considering this we have looked at police records and medical records" but then we went on to explain in some circumstances—not always—what was the reason why their case was considered to be ineligible.

**Q135 Mr Williams:** That is not good enough. You were giving them the impression that you had analysed their medical records and on the basis of that many people would have said, "Well, there's no point in appealing".

**Ms Oatway:** I understand that point. I think that is a valid point.

**Q136 Mr Williams:** Did this not occur to anyone?

**Sir Suma Chakrabarti:** It is a valid point.

**Q137 Mr Williams:** Did anyone notice it?

**Sir Suma Chakrabarti:** We have changed the letter, I agree too late.

**Q138 Mr Williams:** It took four years.

**Sir Suma Chakrabarti:** I agree it was too late.

**Q139 Mr Williams:** This is serious. How many people have received this letter in those four years?

**Sir Suma Chakrabarti:** It would be all the people who applied, I presume.

**Q140 Mr Williams:** Can you tell me how many?

**Ms Oatway:** If you take the fact we are getting about 60,000 cases dealt with a year and if you think half of those were ineligible then presumably if you multiply that by four you would have 240,000, that is 120,000.

**Q141 Mr Williams:** So there are 120,000 people out there who have received letters telling them they are not entitled to any support under this scheme because you have looked at their medical records and you do not think they deserve it.

**Ms Oatway:** Could I just say—

**Q142 Mr Williams:** That is the reality, is it not?

**Ms Oatway:** I think it is a very good point you are making and I absolutely agree that is an unacceptable service provision, however I would have to qualify that 120,000 because we would have looked at a lot of their medical records because it is not in every case where we would only have collected a police record.

**Q143 Mr Williams:** Now people out there will not know whether their medical records have ever been looked at or not. Is there any time limit on ability to appeal? If 120,000 reapply on the basis that their medical records have not been consulted, what would happen? Would you have to consider them?

**Ms Oatway:** Not if they are outwith the time limit for an appeal.

**Q144 Mr Williams:** They are outwith time. Oh, what is "outwith the time"? At what time?

**Ms Oatway:** I am trying to put the context—

**Q145 Mr Williams:** No, I want to get the facts. What is the time limit?

**Ms Oatway:** I am just trying to recollect off the top of my head. I might have to come back to you on this because I am not sure and I do not want to give you an inaccurate answer.

**Q146 Mr Williams:** I am sure one of your colleagues behind will know and is writing on a piece of paper. We are quite accustomed to this situation. I think one of your colleagues has an answer.

**Ms Oatway:** Thank you very much. They have got two years.<sup>8</sup>

**Q147 Mr Williams:** Two years. For four years you have been sending out these letters, so we have to assume that half of the people who have received them are already out of time, probably more than that because it probably took them some time to put the application in in the first place.

**Ms Oatway:** I think the context I was trying to offer to the Committee is the only reason why the Authority would not consider medical records is

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<sup>8</sup> *Note by witness:* The correct response to Q146 from Mr Williams should have been 90 days (the time limit for requesting a review). However, due to a misunderstanding as to the question being asked, the answer given at the hearing was 'two years' which is the time limit for requesting a reopening of a case (or making an initial application).

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because the person's application was deemed to be ineligible on the basis of the information that was collected from the police reports and witness statements. It is unlikely that the medical reports would have been a relevant factor in their cases of eligibility.

**Q148 Mr Williams:** Put yourself in the position of an applicant. If any citizen, however well or poorly educated, receives a letter that says, "We have carried out our examination of your case, we have looked at your medical records and we have decided you do not qualify", do you accept that at least there is a risk, at the minimum, that some people who did have a medical ground might have been deterred from reapplying or appealing?

**Ms Oatway:** I think where people received one of those letters the reason why we did not collect the medical records was because they were deemed to be ineligible for other reasons. It is important to point out, because the point you are making is, are there some people who have been denied justice here,—

**Q149 Mr Williams:** Yes.

**Ms Oatway:** Although two years is the normal time that people are given to ask for a case to be reopened, there is flexibility on a case-by-case basis. If there was a clear case of justice being denied that would be a reason for us to reopen the case.

**Q150 Mr Williams:** We are still dealing with enormous numbers, tens of thousands of people. If we have got a potential 120,000, even if you cut it down to a quarter there are still 30,000 people who might have been deterred. This is not just a minor factor, it is an important consideration and it is an administrative error on the part of the Department.

**Sir Suma Chakrabarti:** It is quite clearly something that the NAO highlighted and we agree with you that it has taken too long to get this right and the standard letter will no longer be the way we will do this.

**Q151 Mr Williams:** That is fine for the future, that is okay for the future, but you seem to be ignoring the fact that what you have been doing, if you wish, is perpetuating a lie. What you have been saying has been less than the truth, let us put it more kindly. It has been inaccurate. On the basis of that inaccuracy many people may have decided it was not worth going back to have their cases reviewed or appealed. That does seem logical, does it not?

**Sir Suma Chakrabarti:** I do not quite follow the logic through.

**Q152 Mr Williams:** You do not follow that logic?

**Sir Suma Chakrabarti:** No, because, as Carole said, if there was a case where it looked like justice had not been applied we would waive the two year time limit. Moreover, as she said, in the standard letter there would be further explanations. We agree that the first sentence should not have been there because it was irrelevant but there would have been further

explanation below that as to why they did not get an award. The best thing would be for us to offer a note on this because it is clearly a serious issue.<sup>9</sup>

**Q153 Mr Williams:** Yes, I think you better had as a matter of urgency, and let us have a copy of the standard letter you were serving and as much information on the numbers of people involved in the timescale since you stopped going for medical records.

**Sir Suma Chakrabarti:** Yes.

**Q154 Mr Williams:** Let us move from there. The police are required under the Code of Practice for Victims of Crime to give an initial reply within 30 days. How mandatory is that? Is it a request for a reply? Is it a duty that has been imposed upon them? What is its status?

**Ms Oatway:** The 2006 Code of Practice is statutory and, therefore, if it is statutory my interpretation of that would be that they are obliged to have regard to that Code of Practice. It is a Code.

**Q155 Mr Williams:** In fairness, and I do not want you to condemn yourself, you can have voluntary codes and so on, statute by statute. I do not want you to condemn yourself unnecessarily. Can I ask Sir John if they know what the standing of this Code of Practice is?

**Ms Murphie:** My understanding, as Carole said, is with a statutory Code of Practice people should comply because it is statutory.

**Q156 Mr Williams:** I see. If we can turn to table 16 on page 30, here we have 42 English and Welsh police authorities, a record displayed in a table. In the case of the worst, South Wales, only 9% of requests for information were responded to within the requisite 30 days. What happened about it? Who got rapped across the knuckles? What sanctions are there? If this is a mandatory requirement somebody must be responsible for delivering them and I assume it is the chief constable in each area, is it? Can anyone tell me the legal status of this and where the accountability lies? If you cannot it helps explain why you do not get answers.

**Sir Suma Chakrabarti:** We do in some cases, as you can see.

**Q157 Mr Williams:** In some cases, yes, one in 11 in the case of my local authority. In fact, it is only in 15 of the 42 where they even condescend to reply to half of them within the 30 days, the remaining 27 do not bother at all at that stage.

**Sir Suma Chakrabarti:** Carole can talk about what we are doing to try and remedy the situation. You are right, it is the chief constable for each area who must take ultimate accountability for this.

**Q158 Mr Williams:** I am not quite sure where we go from here. We have a situation where we are told we have a Code of Practice, the Code of Practice is statutory and I am given to understand from the

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<sup>9</sup> Ev 20

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responses I have received it is mandatory. I offered the option that it might be voluntary and I got the impression it is mandatory. As far as this Committee is concerned, Sir John, where does that place the chief constables in terms of accountability? Can we hold them accountable? Could we call the representatives of the police here to give evidence on this?

**Sir John Bourn:** Although we are not the auditors of police forces in England and Wales, it would be possible because a fair amount of our work has involved police authorities. It would be possible to do some work and it would be possible to invite, if that seems the right thing, the chief constables to come and I think they would come. They would not refuse to come before the Committee.

**Q159 Mr Williams:** I cannot speak for the Committee but I am sure we might want to consider the possibility. In the meantime, if you could do some more work and get something to present to us to help us decide whether we want to call them.

**Sir John Bourn:** We will do that.

**Q160 Mr Williams:** The situation described in table 16 is intolerable, it is actually abysmal. It shows the very limited priority that the police give to doing anything material after the initial incident to help the victims. We would want to hold them accountable on that. Because I went on a rant about the Code of Practice I have probably run out of time. Can I look at the telephone system. Do you have a single phone centre or who do the public approach?

**Ms Oatway:** It is a combination of both at the moment, we have an outsourced call centre offering a—

**Q161 Mr Williams:** Where is that based?

**Ms Oatway:** It is based within Glasgow but it is an outsourced service, it is not within the Authority.

**Q162 Mr Williams:** I have one other question I want to ask because I will scrap the other things. When we produced our report in 2000, Sir John, the Treasury accepted most of our recommendations, did they not?

**Sir John Bourn:** Yes.

**Q163 Mr Williams:** Can I ask our Treasury colleague, and I will accept a written submission if you prefer, why the Treasury does not seem to follow-up to ensure in some way that the commitments it has given to this Committee, and via this Committee to the House of Commons, are met and therefore seems unaware of the fact that the Department has completely ignored, or very largely ignored, the commitments the Treasury genuinely gave on behalf of government?

**Ms Diggle:** We look to the witnesses at the hearing to follow it up because they will have given the actual undertaking. Given the greater priority which the Committee now wants to put to this we will have to look to what we can do.

**Mr Williams:** Thank you very much.

**Chairman:** Mr Davidson has one last question. That figure 16 on page 30—

**Mr Mitchell:** I was going to say, Chairman, I stood it on its head by reading the columns as days and not percentages.

**Chairman:** The record is pretty bad.

**Mr Mitchell:** Therefore, I should say that West Yorkshire's performance is good, Lincolnshire's is about average and Humberside's is abysmal. I apologise.

**Mr Williams:** Nowhere near as bad as South Wales which is worse even than any in Scotland, England or elsewhere in Wales.

**Q164 Chairman:** Derbyshire, which is one of the best performers, has a central database, four area-based teams. It does not seem to be rocket science to me. Mr Handcock, you have been rather quiet the last two hours but your organisation's performance is not very good. Have a look at 3.9 which tells us that your cost per case has risen by 53% since we last reported. You would expect an organisation to find ways of reducing cost with experience but you have not done so, have you?

**Mr Handcock:** No, that is true. Sadly, the answer in relation to control of unit costs is the same in relation to the Panel as it was to the Authority. Most of the increase in the cost was in the very early part of the period when the Panel was still gearing up to deal with cases that were coming through under the 1996 scheme and as those cases came through they got progressively more complex. I think about 86% of the rise in unit costs across that period occurred between 1999 and 2000. Since then, particularly towards the latter end of the period, 2005-06, I think the report acknowledges that the costs shown are not like-for-like in that the Tribunal Service accounts in a rather different way from the way in which the Panel accounted previously in that we show all our overheads and all our costs against the business whereas some of them were not there before. If you take those figures out, we have actually reduced costs over that period by around about 10% but it has not, I have to acknowledge, had any impact on the unit cost because the number of cases coming off the end of the system has gone down.

**Q165 Mr Davidson:** This is about the question of appeals relating to paragraph 3.31 where we see that when there was a review process the decision was changed in 39% of cases and where there was an appeal the decision was changed in 52% of cases and then it states: "We found that the Authority's feedback procedures ... were not used". I appreciate that some cases can clearly have new information which changes the result, but when we find that such a high percentage of cases is being changed on review or appeal and that the feedback mechanism is not being used there is clearly something seriously wrong there. What has been done since this was revealed?

**Mr Handcock:** It is difficult for me to comment on the review process but, so far as the appeal process is concerned, there is a presenting officer from the Authority at every appeal, so the Panel's expectation

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is that the presenting officer, who is a member of the Authority staff, is carrying back the decision that was made on appeal to the original decision-makers so they know what happened in their caseload. That is supposed to be the process.

**Q166 Mr Davidson:** You assume that?

**Mr Handcock:** We know that is the internal process for the Authority. We also know, for all the reasons we have already talked about at length in terms of performance management of an organisation, that has not happened reliably and has not happened well.

**Q167 Mr Davidson:** Can I just clarify: when were you aware that this was not happening well?

**Mr Handcock:** I think probably the Panel feel that the success rate at appeal has been too high for as long as it has been making decisions.

**Q168 Mr Davidson:** We have been told here that the feedback procedures were not used. So you sat there and you assumed the presenting officer was reporting back, but did you do anything yourselves to ensure that this feedback mechanism was working?

**Mr Handcock:** A whole host of things. In addition to what I think is an entirely reasonable expectation that the Authority's member of staff who is at the appeal will take note of the outcome of the appeal, there are regular meetings between officials of the Panel and officials of the Authority and there are regular meetings with the Authority that are chaired by the chairman of the Panel, judicially chaired, to feed back information on the quality of decision-making and to feed back issues of concern. The Panel has made a lot of effort to feed that information into the system. For some of the reasons we have already talked about today, it has not had the kind of impact that we would like it to have on the quality of decision-making.

**Q169 Chairman:** This has been a very useful hearing and it can now be concluded. I should say, Ms Oatway, that I am about to go and do an interview on the Thames Gateway where, following a very critical PAC report, the chief executive has resigned. Contrary to what Mr Davidson said, there is an increasing record of people being held to account, so we would like to see you come back to this Committee before the end of this Parliament so that we can question you on the progress that you have made. Is that fair?

**Ms Oatway:** I am happy to do what you want.

**Chairman:** Thank you very much.

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### Memorandum from the Office for Criminal Justice Reform

Question 85 (Mr Ian Davidson) *Statistics indicating the relative success rates of lawyers, of trade unions, of victims support, etc in representing applicants of the Criminal Injuries Compensation Scheme*

#### Criminal Injuries Compensation Scheme

##### “SUCCESS RATES” OF VICTIM REPRESENTATION FOR 2006–07

	<i>Nil Awards (ie unsuccessful cases)</i>	<i>Money Awards (ie successful cases)</i>	<i>Total Awards</i>	<i>% Successful</i>
Friends or Family	—	1	1	100
Public Trust Office	3	10	13	77
Friend or Representative	380	970	1,350	72
Social Services	112	265	377	70
Official Solicitor	13	23	36	64
Police Federation	437	732	1,169	63
Trade Union	294	415	709	59
Victim Support	4,959	6,933	11,892	58
No Representation	10,781	13,278	24,059	55
Citizen's Advice	29	30	59	51
Solicitors	8,535	8,793	17,328	51
<b>Total</b>	<b>25,543</b>	<b>31,450</b>	<b>56,993</b>	<b>55</b>

Report based on cases resolved during 2006–07 and still resolved (ie not re-opened) as of January 2008.

Question 103 (Mr Richard Bacon) *Mr Steven Warner*

1. At Question 103, the PAC asked that the Criminal Injuries Compensation Authority (CICA) look into the case of Mr Steven Warner, an applicant to the Scheme who was dissatisfied with the level of service he was receiving and who had contacted the PAC prior to the hearing.

2. This case was first submitted to the Authority in January 2005. It is a complex case involving claims for multiple injuries (both physical and psychological) plus loss of earnings (including future earnings). Before providing the PAC with details of Mr Warner's case, CICA needed to get Mr Warner's permission to disclose details from his file. CICA received this permission on 19 February 2008.

## BACKGROUND INFORMATION

3. Mr Warner first applied for compensation in January 2005 following an assault by his son and two of his nephews, which took place in September 2004. The incident was initially reported to the police by neighbours.

4. There is no doubt Mr Warner received injuries as a result of an assault. There are no independent witness statements available which show whether or not his conduct was a factor in the assault that resulted in his injuries. CICA therefore assumed that the applicant was not at fault.

5. CICA has asked for a number of medical reports as those which it has received have either provided inconclusive or conflicting prognosis (see attached chronology). For example:

- Initial assessment by police surgeon estimates recovery in three to four weeks.
- When asked if Mr Warner's problems could be attributed to pre-existing conditions, his GP did not answer the question but responded that he was "unable to say" if pre-existing conditions had exacerbated or accelerated the problem.
- Mr Warner received reconstructive surgery in 2006 and the doctor advised that there was substantial recovery with the main effects having lasted 18 months.
- The focus of Mr Warner's claim for future earnings moved from his physical problems to psychological problems over the period of the claim.

6. Mr Warner's GP records show that he:

- (a) has significant pre-existing medical conditions which are relevant to his claim, including long-standing problems with his knees.
- (b) has been injured in previous assaults.
- (c) has tried to claim disability living allowance prior to the assault in 2004.
- (d) suffered from mental anxiety prior to the assault in 2004.

7. Mr Warner has received three interim payments from CICA totalling £9,000. This fully covers the value of the tariff award which he would be due in a situation where there was continuing significant disability. Mr Warner's solicitors maintain that he will be unable to return to work and wish him to receive substantial compensation for future loss of earnings. The focus of the claim for future earnings now appears to be on the mental trauma that he suffered.

8. Mr Warner did return to work after the incident, but he left that job for personal improvement reasons. He cites ill health as the reason for the termination of his new employment:

Mr Warner maintains this is due to the injuries he received in 2004. Mr Warner is in receipt of a range of benefits including disability allowance. Mr Warner has had a varied employment history and it is difficult to assess his earning capacity. He did have periods where he was well paid.

9. In order to finalise Mr Warner's case, CICA need to determine:

- If Mr Warner can return to work.
- If he can't return to work, CICA need to establish if this is as a result of the injuries he received in the 2004 assault and not due, at least in part, to pre-existing conditions.
- If he does have continuing psychological problems CICA need to know if these can be attributed to the 2004 assault; and
- If there is a case for future loss of earnings, what the loss would be.

10. To try to bring this case to a conclusion the Authority has:

- (a) commissioned an independent psychiatrist/ consultant psychologist to report on Mr Warner's case; and
- (b) in the event there is a case for future loss of earnings, CICA has sought independent verification from the HM Revenue & Customs, of what Mr Warner's declared income was in the six years prior to the assault in order that it can ascertain the value of future loss. There is currently a significant delay in HMRC being able to provide this information.

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Questions 132–153 (Mr Alan Williams) *Inaccurate template letters/time limits*

1. At Questions 132 to 153, the Public Accounts Committee (PAC) sought information about the Criminal Injuries Compensation Authority's (CICA's) standard letters to applicants from which reference to medical reports had not been deleted in appropriate cases. The National Audit Office had drawn this to attention at paragraph 2.17 of their report of 14 December 2007.

2. Prior to November 2003 CICA routinely requested reports from both the police and medical authorities when an application was received. Where CICA decided to offer a nil award, the standard letter to applicants said that it had considered both police and medical reports in reaching its decision.

3. This working practice changed from November 2003. Since then CICA has requested medical reports only where information received from the police indicates that the claimant might be eligible for an award. But where the police report or other evidence available to the Authority shows that the claimant is ineligible for an award, CICA no longer call for a medical report (thereby saving between £2–3 million a year in fees for medical reports).

4. However, CICA failed to instruct its caseworkers to delete the reference to medical reports in the standard letter sent to claimants. Unless, therefore, the caseworker deleted the reference of his own volition, the letter continued to say that CICA had considered both police and medical reports in reaching its decision. This resulted in many applicants being sent inaccurate refusal letters. As requested copies of the standard letters used are attached.<sup>1</sup> One relates to “nil” decisions made at the first decision (claims assessment) stage; the second to “nil” decisions made after the case has been formally reviewed at the claimant's request. The sample letters show clearly that although a reference is made to medical records in the second paragraph, the letters go on to explain the reason why an award is not being paid. The applicant is accordingly left in no doubt as to the basis for the Authority's refusal decision: it is clear that medical evidence, had it in fact been called for, would have made no difference to the decision.

5. The standard letter has now been changed (copy attached).<sup>2</sup> Staff are now required to add a reference to medical records where that is appropriate.

6. In the period during which inaccurate stock letters were issued it is possible that up to 47,600 applicants could have received such a letter at the point of first decision—see table below. But each first decision letter explained that the claimant had a right to seek review, and in many cases the applicant did so. Similarly, the second decision letter advised claimants of their right of appeal to the Criminal Injuries Compensation Appeals Panel, and how to make such an appeal.

7. It would of course be possible for CICA to write to the 47,600 applicants sent inaccurate letters and invite them to apply for review or appeal if they had originally been dissuaded from doing so by the reference to medical reports. In doing so, CICA (for review cases) and CICAP (for appeal cases) would of course have to exercise the power in the Scheme to extend the time limit for requesting review or appeal (normally 90 days) if there was a “good reason” and it was “in the interests of justice”.<sup>3</sup> This would, however, be a major exercise. The 300,000 or so case files for the period would have to be searched to find the 47,600 who might have been sent an inaccurate letter; and each of those 47,600 would then have to be examined in detail to determine in which the caseworker did not change the standard letter.

8. However, to dampen any false hopes that would inevitably be raised, CICA would also have to point out that this follow-up letter in no way suggested that the original decision had been wrong. The follow-up letter would confirm that that the application had been refused solely on non-medical grounds which had been explained to the claimant at the time, despite the reference to medical evidence in the first letter. It would be unfair to raise hopes of a successful review or appeal, or further review or appeal (where appropriate), when it was already clear that the process would lead to a further rejection, albeit one covered by a more accurate description of the process.

9. Such an exercise would of course be a major undertaking for CICA and would inevitably divert resources away from current work and the determined efforts CICA is making to improve performance management and deliver a better, faster service to claimants as described in the NAO report and at the PAC hearing. The Permanent Secretary's assessment is that diverting resources to this would represent extremely poor value for money.

10. The time limits prescribed by the Scheme are as under:

- (a) making an initial application—within 2 years of the date of incident;
- (b) requesting a review of CICA's first decision—within 90 days of the date of the first decision letter;
- (c) requesting an appeal of CICA's reviewed decision—within 90 days of the date of the review decision letter; and

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<sup>1</sup> Not printed.

<sup>2</sup> Not printed.

<sup>3</sup> It is in law entirely a matter for CICA and CICAP to decide if these criteria are met. Under the terms of the Criminal Injuries Compensation Act 1995 and the schemes approved by Parliament under the Act's powers, CICA and CICAP are exclusively responsible for interpreting the rules of the Scheme and for all decisions in individual cases. Ministers are specifically precluded from involvement in individual cases and cannot direct how CICA/P should deal with them.

- (d) request to re-open a case—within two years of the date of the final decision letter (unless, on the basis of evidence presented in support of the application to re-open the case, the renewed application can be considered without a need for extensive further enquiries. But cases can only be re-opened where there has been such a material change in the applicant’s medical condition that injustice would occur if the original decision were allowed to stand.)

	<i>Financial Year</i>					<i>Total</i>
	<i>2002–03</i>	<i>2003–04</i>	<i>2004–05</i>	<i>2005–06</i>	<i>2006–07</i>	
Nil decisions at first decision stage	35,653	35,692	29,924	28,891	27,965	158,125
Of which, first decision made without a medical report	4,198 11.77%	5,187 14.53%	12,043 40.25%	12,875 44.56%	13,299 47.56%	47,602 30.10%
Nil decisions at second decision (Review) stage	11,520	10,683	7,862	7,052	6,250	43,367
Of which, review decision made without a medical report	1,306 11.34%	1,195 11.19%	2,197 27.94%	3,013 42.73%	2,710 43.36%	10,421 24.03%

NB: Many of the cases “nilled” at the second (review) stage are likely to be a sub-set of the previous year’s first stage decisions. Such claimants would therefore have received two inaccurate stock letters, although clearly the first of these (issued at the first decision stage) did not deter them from requesting a formal review of their case.

#### Memorandum from National Audit Office

1. Note on the status of the Code of Practice for Victims of Violent Crime and who is responsible for meeting the requirements for police response times to requests for information under the scheme:

The Code of Practice for Victims of Crime was issued in October 2005 by the Home Secretary under Section 32 of the Domestic Violence, Crime and Victims Act 2004. Neither the Code nor the Act states precisely who is personally responsible for ensuring that the targets set in the Code are met. The Code states that the police (defined as all police forces for police areas in England and Wales, the British Transport Police and the Ministry of Defence Police) have the following duties with regard to requests from the Criminal Injuries Compensation Authority (CICA) and/or the Criminal Injuries Compensation Appeals Panel (CICAP).

5.28 *The police must respond to requests for information from the CICA or the CICAP to enable a victim’s claim for compensation to be assessed with the most accurate information available at that time.*

5.29 *In the case of the initial request (TB1) for basic information from the CICA the police must pass this information on within 30 days of the police receiving the request.*

5.30 *In the case of subsequent requests for information (TB2) from the CICA following the agreement between ACPO and the CICA, the police must pass this information on within 60 days of the police receiving the request.*

5.31 *In the case of requests for information from the CICAP, the police should pass on this information within 30 days of the police receiving the request.*

As the Code does not specify responsibilities more precisely, responsibility would fall to the head of each of the organisations identified above, including Chief Constables, to meet the targets set in the Code. The target times to respond to requests are not included in performance indications for the police and it is not clear that any action is taken where the targets are missed. According to the Act, the effects of non-compliance with the Code are as follows:

- (1) If a person fails to perform a duty imposed on him by a code issued under section 32, the failure does not of itself make him liable to criminal or civil proceedings.
- (2) But the code is admissible in evidence in criminal or civil proceedings and a court may take into account a failure to comply with the code in determining a question in the proceedings.

2. Note on how the scheme in England, Wales and Scotland compares to other European Union schemes:

Nineteen member states have schemes, all of which make payments towards expenses related to the incident and additional costs of living attributable to the injury. Six of the schemes: England, Wales and Scotland; France; Sweden; Belgium; Denmark; and Finland also make awards for the injury or for bereavement. The Home Office requested basic data from all the member states with schemes and received information back from twelve of the nineteen states. None of the twelve states that returned information paid out more per population member than the scheme in England, Wales and Scotland. Figure 1 sets out award payments, eligibility criteria and coverage of the different European Union schemes.

Figure 1

COMPARISON OF COMPENSATION FOR VICTIMS OF VIOLENT CRIME IN EU MEMBER STATES

EU Member State	Total Compensation in Sterling (£'000)			Elements of Compensation payment			Eligibility requirements				Eligible individuals			Other	
	Number of Awards made	Average award made in Sterling (£)	Population of the country ('000)	Average award per population member	Award for injury/bereavement	Expenses	Cost of living	Report to police	Filing period	Foreign citizen	Victims of violent crime	Close relatives and dependents of homicide victims	Dependents of victims of violent and personal crime		Victims of terrorist acts
England & Wales	183,900	33,838	5,435	60,000	£3.07	Yes	Yes	Yes	Yes	2yrs	Yes	Yes	Yes		
Scotland	Information not provided in response to Home Office survey					Yes	Yes	Yes	Yes	3yrs	Yes	Yes		Yes	Yes
France	Information not provided in response to Home Office survey														
Germany	6,425	9,990	643	9,000	£0.71	Yes	Yes	Yes	Yes	No limit	Yes	Yes	Yes		Yes
Sweden						Yes	Yes	Yes	Yes	2yrs	Yes	Yes	Yes		
Belgium	7,262	1,262	5,754	10,400	£0.70	Yes	Yes	Yes	Yes	3yrs	Yes	Yes	Yes		Relative of missing person, Parents of underage victims
Denmark	Information not provided in response to Home Office survey					Yes	Yes	Yes	Yes	2yrs	Yes	Yes	Yes		Yes
Finland	7,103	6,664	1,066	5,300	£1.34	Yes	Yes	Yes	Yes	10yrs	Yes	Yes	Yes	Yes	Yes
Netherlands	7,448	3,900	1,910	16,300	£0.46		Yes	Yes	Yes	No limit	Yes	Yes	Yes		
Ireland	Information not provided in response to Home Office survey						Yes	Yes	Yes	3mths	Yes	Yes	Yes	Yes	
Spain	3,048	282	10,808	44,700	£0.07		Yes	Yes	Yes	1yr	Yes	Yes	Yes	Yes	
Austria	1,345	648	2,075	8,200	£0.16		Yes	Yes	Yes	2yrs	Yes	Yes	Yes		Yes
Portugal	445	49	9,077	10,300	£0.04		Yes	Yes	No	1yr	Yes	Yes		Yes	Yes
Luxembourg	—	17	No Info	450	—		Yes	Yes	Yes	1yr	Yes	Yes	Yes		Yes
Cyprus	Information not provided in response to Home Office survey						Yes	Yes	Yes	2yrs	Yes	Yes	Yes		A child incapable of supporting themselves
Czech Republic	Information not provided in response to Home Office survey						Yes	Yes	Yes	1yr	Yes	Yes	Yes		
Estonia	52	284	182	1,342	£0.04		Yes	Yes	Yes	1yr	Yes	Yes	Yes		
Hungary	93	161	578	10,000	£0.01		Yes	Yes	Yes	6mths	Yes	Yes	Yes		
Poland*	11	35	321	38,230	£0.00		Yes	Yes	Yes	2yrs	Yes	Yes		Yes	
Slovakia	Information not provided in response to Home Office survey						Yes	Yes	Yes	18mths	No	Yes	Yes		

All currency conversions taken from XE (www.xe.com) as of 30 December 2005.

\*All data for a 12 month period relating to 2005, 2005–06 or 2006, except for Poland which was provided for period 25 September 2005–12 November 2006 and prorated to a year for comparison.

Source: Home Office and Office for Victims of Crime (OVC) (www.ojp.usdoj.gov/ovc/publications/infores/intdir2005/welcome)

**Memorandum from the Cabinet Secretary**

PAC HEARING—REQUESTS FOR PERSONAL INFORMATION

Thank you for your letter to Suma Chakrabarti dated 17 June 2008 copied to me.<sup>4</sup> Please accept this as a response to this letter.

I have been reflecting on a number of requests for personal information about civil servants made at recent PAC hearings. Several senior colleagues have asked me for guidance.

Naturally, accounting officers and senior officials are always anxious to cooperate with Parliamentary Committees and to provide them with as complete and as comprehensive information as possible. Our desire is to ensure that Committees have the information and evidence they need to carry out their role, on behalf of Parliament and the taxpayer, of scrutinising and holding the Executive accountable. I also fully recognise the particular responsibilities of Accounting Officers in relation to your Committee.

However, I have concerns about the difficulties accounting officers may face when asked by the PAC to provide personal information about Civil Service employees. You may recall that, at a number of hearings of the PAC in recent times, accounting officers and senior officials have been asked to provide information that would be likely to not only identify individuals but to disclose publicly personal information normally regarded as confidential, particularly in relation to disciplinary action or the awarding of bonuses and compensation. While we acknowledge that in many instances where more senior staff are concerned, this type of information may be publicly known, or the arguments for it remaining confidential will be less compelling, where those concerned are more junior or former employees, the position becomes much more difficult.

Currently, witnesses are guided by the Osmotherly Rules (paragraphs 75 to 77), which set out the rationale for non-disclosure of disciplinary proceedings on the basis that disciplinary and employment matters are a matter of confidence and trust, and that any public information should be cast as far as possible in ways which do not reveal individual or identifiable details. The Osmotherlys go onto state that where Committees need such details to discharge their responsibilities, they should be offered in closed session and on an understanding of confidentiality. I see these rules also applying to other personal information generally.

It is also the case that the Data Protection Act 1998 is likely to apply in respect of information which is inherently personal.

However, in an attempt to be as helpful as possible, accounting officers will offer to provide information on an anonymised basis in so far as that is possible without disclosing identities. This would seem a pragmatic and reasonable approach, respecting the law (and the Osmotherly Rules) and, at the same time, honouring departments' responsibilities to their employees. Witnesses shall, of course, continue to provide information on senior officials where the practice already is to disclose, for example in the remuneration report published with the accounts.

I very much hope that you and the Committee will understand our reasons for endeavouring to provide information requested by Members in a way that safeguards staff members' legitimate expectations of privacy.

*21 July 2008*

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<sup>4</sup> Not printed here