

Victims and Courts Bill – House of Commons report stage: briefing from the Association of Personal Injury Lawyers (APIL) – October 2025

NC1

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NC1

* To move the following Clause—

“Child sexual abuse victims and the Criminal Injuries Compensation Scheme

- (1) The Secretary of State must amend the Criminal Injuries Compensation Scheme to—
 - (a) widen eligibility for compensation to all victims of child sexual abuse, including online-facilitated sexual abuse;
 - (b) ensure applicants with unspent convictions are not automatically excluded where offences are linked to the circumstances of their sexual abuse as a child; and
 - (c) increase the time limit for applications for compensation from victims of child sexual abuse to seven years from—
 - (i) the date the offence was reported to the police; or
 - (ii) the age of 18, where the offence was reported while the victim was a child.
- (2) The Secretary of State must lay before Parliament a new draft of the Criminal Injuries Compensation Scheme within six months of this section coming into force.”

Briefing: APIL supports NC1, which would require the Secretary of State to amend the Criminal Injuries Compensation Scheme (CICS) to support survivors of child sexual abuse. The new clause reflects recommendation 18 of the final report from the Independent Inquiry into Child Sexual Abuse (IICSA) which was the most comprehensive inquiry this country has ever seen.

The CICS was established in 1964 because of a belief that the ‘public felt a sense of responsibility with the innocent victims’ of violent crime. But some survivors of child sexual abuse are denied compensation from the scheme because of its eligibility criteria, and what happened to them does not meet the scheme’s definition of a ‘crime of violence’.

This definition includes a physical attack; any other act or omission of a violent nature which causes physical injury to a person; a threat against a person, causing fear of immediate violence in circumstances which would cause a person of reasonable firmness to be put in such fear; a sexual assault to which a person did not in fact consent; or arson or fire-raising¹.

¹ The Criminal Injuries Compensation Scheme 2012, Annex B, paragraph 2

But this definition is problematic because people can suffer harm and injury from a crime even if there was no violence. In cases of child sexual offences, grooming, manipulation, and control can cause serious harm to children who can suffer long-term mental health issues.

In its *Serious and Organised Crime Strategy 2018*, the previous Government recognised that 'the exploitation of children online is becoming easier and more extreme'², but survivors of non-contact child sexual abuse, including those harmed by online-facilitated sexual abuse, are not eligible for compensation from the scheme. IICSA, when it considered this issue, concluded that the CICS "does not take account of the extent of the harm and damage that can be caused by different forms of non-contact child sexual abuse (such as the ongoing fear that images of sexual abuse remain available online)"³.

The new clause, therefore, would require the Secretary of State to amend eligibility for compensation from the scheme to all victims of child sexual abuse, including online-facilitated sexual abuse.

The new clause would also require the Secretary of State to ensure that applicants with unspent convictions are not excluded automatically where offences are linked to the circumstances of their sexual abuse as a child.

Survivors of child sexual abuse can be disproportionately affected by the rule which blocks or reduces compensation for victims with unspent convictions. The scheme does not take into consideration the reason why someone committed a crime. Research has found that people who suffer trauma in childhood, including sexual abuse, are more likely to commit crimes as adults⁴. Other research has found that criminal activity can be adopted as a mechanism to cope with abuse. A study from the University of Edinburgh includes an account of a survivor of abuse who began shoplifting in an attempt to get arrested to escape the person who was abusing him⁵. These people should not be denied compensation from the scheme, and it is crucial that claims are analysed on a case-by-case basis to reflect the merits of a claim and factors which might have influenced an applicant's criminal record.

² <https://assets.publishing.service.gov.uk/media/5bd99ee8e5274a6e39bf2c2e/SOC-2018-web.pdf>

³ https://www.iicsa.org.uk/key-documents/31216/view/report-independent-inquiry-into-child-sexual-abuse-october-2022_0.pdf page 292

⁴ <https://www.ed.ac.uk/news/2022/vulnerable-children-more-likely-to-offend-as-adult>

⁵ Nelson, S. (2009) Care and Support Needs of Men Who Survived Childhood Sexual Abuse: Report of a qualitative research project The University of Edinburgh

The new clause also requires the Secretary of State to increase the time limit for applications for compensation from victims of child sexual abuse to seven years from the date the offence was reported to the police, or the age of 18, where the offence was reported while the victim was a child.

Currently, all Injured victims of crime must apply to the scheme within two years of when the crime took place. It can often be decades after the abuse that survivors of childhood sexual abuse are ready to come forward and speak about what happened to them. They might not even realise that what they went through was a crime until much later in life, because they were groomed or coerced into certain behaviours. These survivors could be denied compensation if the time limit for applications to the scheme is not changed.

The Criminal Injuries Compensation Authority which administers the scheme can accept claims after the time limit has passed where 'due to exceptional circumstances an application could not have been made, and the evidence provided in support of the application means that it can be determined without further extensive enquiries by a claims officer.'⁶ But this discretion makes the scheme inconsistent and unpredictable, and there is limited transparency in how the discretion is applied. The issues in a claim could be complex and depend on legal interpretation. Victims without legal representation could struggle to understand these issues, and not appreciate that the discretion could apply in their case.

It is the experience of our members that the police will often advise or request injured victims to wait until criminal proceedings have concluded before they make a claim to the scheme. Our members report that the defence in a criminal trial may use a claim for compensation in cross-examination as a motive for the accusation against the defendant, which could undermine the prosecution's case. Victims are not required to wait for criminal proceedings to complete before they make an application to the scheme, but if they do wait, the two-year time limit may expire, especially with the ongoing delays in the criminal justice system⁷.

⁶ <https://www.gov.uk/guidance/criminal-injuries-compensation-a-guide#time-limits-for-applying>

⁷ <https://www.lawgazette.co.uk/news/court-statistics-show-fundamental-right-to-access-to-justice-is-at-stake/5118228.article>

About APIL

The Association of Personal Injury Lawyers (APIL) is a not-for-profit organisation which has campaigned for the rights of victims of negligence for 35 years. Our vision is of a society without needless injury but, when people are injured, a society which offers the justice they need to rebuild their lives.

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