

Police Federation
Of England and Wales



Ffederasiwn Heddlu
Lloegr a Chymru

Established by Act of Parliament

Federation House, Highbury Drive, Leatherhead, Surrey KT22 7UY
Telephone 01372 352021 Fax 01372 352078
Email GenSec@polfed.org www.polfed.org

FROM THE DEPUTY GENERAL SECRETARY'S OFFICE

SS/sg

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JBB CIRCULAR NO : 029/2013

To: The Chairman and Secretary
All Branch Boards

Dear Colleagues

CRIMINAL INJURIES COMPENSATION AUTHORITY

I write to inform you of some recent issues which have arisen in connection with the Criminal Injuries Compensation Authority (CICA). It would appear that some of our members may have been given incorrect or misleading advice by the CICA.

Several of our members have told our retained solicitors that they had been advised by the CICA that they are not eligible to apply for an award because the Scheme does not cover police officers injured whilst on duty. It seems that on several occasions individual officers have telephoned the CICA to enquire about making a claim and have been told they are not entitled to do so. Several officers have relied upon this information and some may have missed out on compensation payments as a result.

Direct Victims of a Crime of Violence

The CICA Scheme provides that a person may be eligible for an award of compensation if they sustain injury which is directly attributable to a crime of violence. There is no provision within the Scheme which precludes Police Officers who have been assaulted from receiving an award. Under the CICA Scheme a police officer who is the direct victim of a crime of violence is treated no differently than a member of the public in this respect. This has been the case under all versions of the Scheme, including the current version which came into effect on the 13 November 2012.

Injury While Taking an Exceptional Risk

There is further provision within the 2012 Scheme which deals with those injured accidentally whilst attempting to apprehend a criminal or suspected criminal but who were not actually assaulted. There is a restriction in this part of the Scheme which limits the eligibility of police officers to receive awards. The wording of this part of the Scheme was changed slightly in the 2012 Scheme; and it may be that some CICA staff have misunderstood the extent of this restriction.

Paragraph 5 of the Scheme provides that:

- (1) A person may be eligible for an award if they sustain a criminal injury which is directly attributable to their taking an exceptional and justified risk for the purpose, in a relevant place, of:*
- (a) apprehending an offender or suspected offender;*
 - (b) preventing a crime;*
 - (c) containing or remedying the consequences of a crime; or*
 - (d) assisting a constable who is acting for one or more of the purposes described in paragraphs (a) to (c).*
- (2) A risk taken for any purpose described in sub-paragraph (1) in the course of a person's work will not be considered to be exceptional if it would normally be expected of them in the course of that work.*

To be eligible for an award under this part of the Scheme, a police officer must be taking an exceptional risk. Furthermore, the risk they were taking must not form part of the activities normally expected of them in the course of their police duties. This does not preclude all police officers from being eligible for an award under this part of the Scheme, but it does restrict their eligibility. A risk that would be considered exceptional for a member of the public would not necessarily be exceptional for a police officer. Confronting and apprehending criminals are part of the work normally expected of police officers. It is, therefore, quite difficult for a police officer to demonstrate that a risk they took was beyond the scope of the risks normally expected of them in the course of their police duties.

It is important that our members are aware that wherever they are the direct victim of a crime of violence that they may well be eligible to receive an award from the CICA. Furthermore those officers injured whilst attempting to apprehend a criminal or prevent a crime might also be entitled to an award although they must show they were taking an exceptional risk for a police officer.

Please bring this matter to the attention of your members.

If you have any queries in respect of this circular, please do not hesitate to contact Catherine Smart, JCC Claims Manager on 01372 352091 or e-mail catherine.smart@polfed.org

Yours sincerely



STEPHEN A SMITH
Deputy General Secretary