



THE  
COMPENSATION  
*Agency*



**A Guide to the  
Northern Ireland Criminal Injuries  
Compensation Scheme (2009)**

**(Effective from 1 April 2009)**

Issue Number One (01/09)

Issued by the Compensation Agency for Northern Ireland  
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### **Glossary**

Listed below are a glossary of terms which you may find helpful when you are completing your application form and reading this guide.

<b>“Victim”</b>	means the person (including an unborn child) who has sustained a criminal injury.
<b>“Applicant”</b>	means the person entitled to claim on behalf of the victim, if the applicant is a different person than the victim.
<b>“Representative”</b>	means the person or other body representing the victim with their application.
<b>“Minor”</b>	means a person who has not attained the age of 18 years.
<b>“Tariff”</b>	means a set amount of money which will be paid for each kind of injury.





# A Guide to the Northern Ireland Criminal Injuries Compensation Scheme (2009)

## Part 1 – Introduction

- 1.1 The Northern Ireland Criminal Injuries Tariff Compensation Scheme (2009) applies to all incidents occurring on or after 1 April 2009.
- 1.2 The purpose of this guide is to explain the main provisions of the (2009) Scheme and to give you information about how the Scheme works. This should help you to apply for compensation with as little trouble as possible. **The guide is not, however, a substitute for the Scheme itself and cannot cover every situation.**
- 1.3 The onus is on you to make out your own case and you do not need legal advice or representation in order to apply for compensation. If you do decide to seek legal or other advice to help you make your application, we cannot pay the costs of these services. **If, however, you feel you need assistance with an application under the Scheme, advice can be obtained from Victim Support for Northern Ireland (VSNI) who are specifically funded by the Government to assist victims, free of charge, with the compensation process.** At the initial stage VSNI will offer assistance to applicants in completing the application and will be able to advise applicants on the likely outcome of the process, including an estimate of how long that process should take before a decision on the award, is known. At the review and appeals stages, VSNI will offer the assistance of specially trained advisors, who, it is intended, will be able to guide the applicants through these stages, should they feel the need for such assistance. VSNI cannot, however, offer you legal advice. If you are a member of a Trade Union, they may also help you.
- 1.4 Throughout the guide, references are made to paragraphs of the Scheme. If you do not have a copy of the Scheme itself, you can send for one and for any further forms or information you may require to:-

The Compensation Agency  
Royston House, 34 Upper Queen Street, Belfast BT1 6FD

Tel: 028 90 249944      Local rate number: 0845 6021994

Fax: 028 90 246956      E-mail: [comp-agency@nics.gov.uk](mailto:comp-agency@nics.gov.uk)

Alternatively you can view / download information via the Agency website: [www.compensationni.gov.uk](http://www.compensationni.gov.uk)

## Part 2 – Should you apply for compensation

- 2.1 The main rules of the Scheme are listed below. The list does not, however, cover all the circumstances that can arise, and you should read or seek advice on the sections of the guide and the Scheme which you think are relevant to your situation. The Agency will be happy to provide advice.
- 2.2 We are unable to consider your application under this Scheme if:
- (a) You were injured before 1 April 2009 (except in child sexual abuse cases - Ask for separate leaflet "Child Abuse and the Criminal Injuries Compensation Scheme 2009);
  - (b) You have already received compensation in respect of the same criminal injury under this or any other scheme operating in Northern Ireland (Paragraph 7 2009 Scheme);
- 2.3 For your application to be considered you must have been:
- (a) A victim of a crime of violence (including arson or act of poisoning), or injured in some other way covered by the Scheme (see Part 7 of this guide);
  - (b) Physically and/or mentally injured as a result;
  - (c) In Northern Ireland at the time when the injury was sustained; and
  - (d) Injured seriously enough to qualify for at least the minimum award available under the Scheme (the tariff levels are set out in full at the end of this guide); or
  - (e) A dependant or relative of a victim of a crime of violence who has since died, or who has had a close relationship of love and affection with the victim (see parts 4.17 - 4.19 of this guide).
- 2.4 Unless there are good reasons, you should also:
- (a) Have reported the incident personally to the police as soon as possible after it happened (but see also Part 8 of this guide);
  - (b) Send your application so that we receive it as soon as possible after the incident and within 2 years from the date of the incident causing the injury (but see also parts 7.2 - 7.5 of this guide).

### Part 3 – How and when to apply

- 3.1 Information packs, including application forms and related guides are obtainable from our office at the address at the beginning of this guide, VSNI and from the police.
- 3.2 Personal Injury - if you have been injured, please ask for and complete a personal injury application form.
- 3.3 Fatal injury - if you intend to apply following the death of a victim of a crime of violence, please ask for and complete a fatal injury application form.
- 3.4 Time limit - completed applications should be sent to us as soon as possible, and must be received at our office no later than **2 years** after the incident for which a claim is made. In the case of a “minor” the time limit is 18 years plus 2 years. (Paragraph 19 of the 2009 Scheme). This time limit may, however, be waived if we consider that there is a good reason for the delay and it is in the interests of justice to do so. For an application to proceed there must be enough information still available for us to assess your claim (see also parts 7.2 - 7.5 of this guide).
- 3.5 Consent for enquiries - we need your consent to approach the police, hospital, doctor, your employer or anyone else who can help to verify your claim. There is a place on the application form for you to sign to allow us to make these enquiries, which are dealt with in strict confidence.
- 3.6 Photographs - please do not send photographs of your injury unless we ask you to.

### Applications on behalf of Children

- 3.7 If the application is in respect of child abuse, ask us for the separate leaflet ‘Child Abuse and the Criminal Injuries Compensation Scheme’. Please note that if the criminal injury was sustained before 1 July 1988 and the victim and the assailant were living together at the time as members of the same family then no compensation will be paid. (Paragraph 7 2009 Scheme.) More generally, if you are applying on behalf of someone under the age of 18 you should normally be an adult with parental responsibility for the child (ie, the natural parent, adoptive parent or another person with legal parental responsibility). If your surname is different to that of the child, a full, original birth certificate must be provided, unless you are acting on behalf of a Local Authority or Health and Personal Social Services.

If the child is in care, we will expect the application to be made by the Local Authority if they have assumed parental responsibility. The application will then be signed by a responsible officer on the Local Authority's behalf. In other cases we will expect the application to be made and signed by the person having parental responsibility for the child for the time being.

- 3.8 Where there is no one legally entitled to act for a child, help should be sought from:

The Official Solicitor for Northern Ireland  
Royal Courts of Justice  
Chichester Street  
Belfast BT1 3JY

Wherever possible all necessary formalities should be completed on the child's behalf before an application is made so that delays do not occur at later stages. If the incident for which the claim is made occurred some time ago, you should not delay the application but send it to us as quickly as possible.

- 3.9 If you are unsure about parental responsibility, you should seek advice, for example from your local Victim Support office.

#### **Adults unable to manage their own affairs**

- 3.10 If you are applying on behalf of an adult who is legally incapable of managing his/her own affairs, you must be properly authorised to do so and provide us with proof of attorney. Provided that we consider you to be a suitable person we may appoint you to act as the applicant's representative for the purpose of the Scheme. This will enable you to authorise all our enquiries and to decide on the applicant's behalf whether to accept the award, to ask for a review or to appeal to the Criminal Injuries Compensation Appeals Panel for Northern Ireland (CICAPNI). Before we take this step, we will require medical evidence that the applicant is 'incapable by reasons of mental disorder as defined in the Mental Health Act of 1986 of managing and administering his/her property and affairs'.

## Part 4 – How we deal with your application

### Acknowledgement and enquiries

- 4.1 We will acknowledge your application and give you a personal reference number which you should use if you need to contact us – it helps us find your claim quickly. Letters from the Agency will have a name and contact number and this person will be able to help with any queries you may have in relation to your claim for compensation.
- 4.2 We will then make enquiries with the police and other relevant bodies to enable your claim to be assessed. If eligibility is established we will then seek information from treating medical practitioners regarding injuries sustained.
- 4.3 It is important that you give all reasonable help to us in connection with your application (Paragraph 14(c) of the 2009 Scheme).

### Assessment of your application

- 4.4 Caseworkers within the Compensation Agency are responsible for deciding in accordance with the Scheme what awards (if any) should be made in individual cases, and how they should be paid.
- 4.5 As soon as we have the information we need, we will first decide whether your application is acceptable within the rules in Paragraphs 6 to 13, and 38 to 39 (fatal cases) of the 2009 Scheme. These are explained in some detail in parts 7-9 of this guide but, amongst other factors, we will need to consider whether an award should be withheld or reduced under any of the provisions of Paragraphs 14 to 18 of the Scheme.

### Personal injury

- 4.6 If your application is acceptable, we will then assess whether or not your injury is serious enough to qualify for at least the minimum award payable under the tariff (Paragraph 25 of the 2009 Scheme, Note 9 in the General Notes to Tariff of Injuries; see also part 7.6 of this guide).
- 4.7 We will identify the tariff level into which your injury falls (Paragraphs 27 to 30 of the 2009 Scheme and Tariff of Awards). To help us do that, we may ask you to attend a centre as near as possible to your home to have the injury examined by a doctor nominated by us (Paragraph 22 of the 2009 Scheme). We will pay reasonable travelling expenses for this purpose (covering, where appropriate, both your and a carer's expenses).

- 4.8 Where you suffer more than one qualifying injury, the tariff award will be that for the highest rated injury plus, where the other injuries are separate from the highest rated injury and from one another, 30% of the tariff value for the second most serious injury, 15% of the tariff value for the third most serious injury and 10% of tariff value for any remaining injuries (paragraph 28 of the 2009 Scheme). This means, for example, that where the injuries are a depressed fracture of the skull (single tariff payment £4400), loss of 2 front teeth (£4400) and an undisplaced fracture of nasal bones (£1,000), the combined award would be £4400 (100%) + £1320 (30%) + £150 (15%) totalling £5870.
- 4.9 The tariff includes an element of compensation for the degree of mental injury which a victim in normal circumstances would experience as a result of an incident resulting in physical injury, or any sexual offence. If the mental injury (as defined in Note 2 in the General Notes to Tariff of Injuries) is such that it would attract an award on its own, then the award will be calculated as shown in Paragraph 4.8 above.
- 4.10 An award will be reduced by the full amount of any payment of compensation or damages received in respect of the same injuries from another source (Paragraph 49 of the 2009 Scheme).
- 4.11 If we make an award and you subsequently receive compensation or damages as described in Paragraph 49 of the 2009 Scheme, you will be required to pay to us the full amount of the other payment up to the level of our award of compensation.
- 4.12 If we make an award and you neither return the signed Form of Acceptance (see 4.23 of the guide) nor seek a review within the 90 day period (see part 5 of the guide) the Agency may withdraw the award. (Paragraph 52 of the 2009 Scheme.)

#### **Compensation for loss of earnings (Paragraphs 31-35)**

- 4.13 If your injury has caused you to lose or is likely to cause you to lose earnings or earning capacity for longer than 28 full weeks you may be eligible for additional compensation for this financial loss. If so, we will ask you for details of your loss and send you a separate guide on how it is calculated.
- 4.14 **Please note that compensation for financial loss is not payable for the first 28 full weeks of lost earnings or earning capacity.**

#### **Compensation for special expenses (Paragraphs 36-37)**

- 4.15 You may be considered for an additional amount of compensation if, as a direct result of the injury you have been incapacitated or are likely

to be incapacitated for longer than 28 full weeks and have incurred special expenses for medical/dental/optical treatment, related equipment and care. You do not have to be employed to be considered for compensation for special expenses which, provided you meet the time condition, are payable from the date of the injury. We will ask you for details and send you a separate guide.

- 4.16 If, after completing the personal injury application form, your circumstances change and you think you may be eligible within the terms of the Scheme to apply for additional compensation for loss of earnings and/or special expenses you should write to us quoting your reference number and give details of the change in your circumstances.

### Fatal cases (Paragraphs 38-45)

- 4.17. Those who may be eligible to apply are dependants or relatives (as shown in the next paragraph) of someone who died as a result of a criminal injury (see part 4.18), or who was criminally injured but died from some other cause (see part 4.19).

- 4.18 A dependant or relative is someone who at the time of the deceased's death was the deceased's:

- (a) Husband, wife or civil partner;
- (b) Unmarried but long term partner including same sex who had been living together 2 years before the death;
- (c) Parent;
- (d) \*Child (son/daughter of any age); or
- (e) Former husband or wife who was financially supported by the deceased.

\*both natural and adopted.

### Death as a result of a criminal injury

- 4.19 If you fall into any category at part 4.17 and the deceased died as a result of the criminal injury, we will assess your eligibility for compensation in the form of a Bereavement Support payment and/or a dependency award and/or an award for loss of parental services (Paragraphs 39-43 of the 2009 Scheme). An application may be made even if an award had been made to the victim for the injury before death (Paragraph 44 of the 2009 Scheme). Please also note part 3.3 of this guide

## Death following, but not as a result of a criminal injury

- 4.20 Where the victim dies prior to the completion of their claim for compensation and their death is not the result of the criminal injury then you may be eligible to apply for supplementary compensation (Paragraph 45 of the 2009 Scheme). Supplementary compensation is intended to cover loss of earnings and special expenses incurred by the victim before death as a result of the crime of violence. **Please note that supplementary compensation for loss of earnings is not payable for the first 28 full weeks of lost earnings or earning capacity.** Payment of a tariff injury award cannot be made.

## General eligibility for Fatal Cases

- 4.21 Consideration of applications for compensation in respect of fatal cases is subject to the main eligibility requirements of the Scheme. These apply to **both** the applicant and the deceased (Paragraph 16 of the 2009 Scheme).

## Funeral expenses

- 4.22 Where the victim dies as a result of a criminal injury, an application will be considered for reimbursement of **reasonable** funeral expenses, even where the person bearing the cost of the funeral is otherwise ineligible to claim under the Scheme (Paragraph 38 of the 2009 Scheme). In calculating the expenses to be reimbursed, we will take account of the religious and cultural background of the victim and his/her family, as well as any payments made by the Social Security towards the expenses.

## Notification of our decision

- 4.23 You will be told of our decision in writing and, in cases where an award has been reduced or withheld, you will be given reasons. Any award made by us may be subject to directions and arrangements considered by us to be appropriate, taking into account the circumstances of the case as well as considerations of public policy (Paragraph 52 of the 2009 Scheme).

## Payment

- 4.24 Wherever possible, we will try to resolve your application by a single payment of compensation (a final award) but to do this the medical/pecuniary loss situation needs to be clear. However, in some cases there can be a delay and if, in all respects, you are eligible for compensation, we may make one or more interim awards. (Paragraph 53 of the 2009 Scheme). We have discretion to reconsider a decision to make

a final award at any time before it is actually paid (Paragraph 56 of the 2009 Scheme). Awards in excess of £500,000 may have a staged payment arrangement, applied. (Paragraph 26 of the 2009 Scheme).

### Payment to a Minor

- 4.25 If the applicant is a minor, any award made payable will be held in trust by the Department of Justice until the applicant attains the age of 18 (Paragraph 55 of the 2009 Scheme).

There is general presumption that the award will be held in its entirety until the child reaches 18. However, an advance may be made from an award at the discretion of the Agency where it can be clearly shown that the funds advanced will be used **solely for the advancement, education or long-term benefit of the minor**. Advance requests must be submitted to the Chief Executive of the Compensation Agency

### Annuities

- 4.26 Where it is likely that a high value award will be made, you may opt for payment through the purchase of an annuity or annuities. These can provide index linked, tax-free payments. We will take your or your representative's instructions as to which annuity to purchase. Any expenses incurred will be met from your award. (Paragraph 54 of the 2009 Scheme).

### Reopening of cases (Paragraphs 59-60 of the Scheme)

- 4.27 We have discretion to re-open a case after a final decision has been made if the medical condition caused by the injury has deteriorated to such an extent that an injustice would occur if the original compensation assessment were allowed to stand. The following are examples of circumstances in which we may re-open a case:

- Where the injuries have subsequently become serious enough to qualify for an award;
- Where the victim would now qualify for an award from a higher tariff injury level;
- Where the victim's medical condition has deteriorated to such an extent that he/she is no longer able to pursue his/her occupation.

If any of these factors apply you should write to us asking for the case to be re-opened. You must supply medical evidence to support this application. If the application is made more than 2 years after the date of the final decision we will only consider re-opening if we are satisfied that it would not involve the need for further extensive enquiries.

## Part 5 – Review of decisions (paragraphs 61-63)

- 5.1 If you consider that you have grounds to disagree with our decision, you may apply for it to be reviewed. **If you decide to do this, the Compensation Agency MUST receive your written request, (full details / supporting documentation to be provided), within 90 days from the date on our letter giving you notice of our original decision.** In exceptional circumstances this time limit can be extended providing it is in the interests of justice to do so and the **extension of time request is received within 90 days from the date on our letter giving you notice of our original decision** Your case will then be considered afresh by a Reviewing Officer entirely independent from the officer who made the original decision. Both eligibility for and the amount of any award will be reviewed and a fresh decision, with reasons, will be sent to you (see part 4.23). On review of the decision, a Reviewing Officer may increase, reduce or withhold an award.
- 5.2 We will send you an application for review and a guide to review procedures when we issue our original decision.

## Part 6 – Appeals to the Criminal Injuries Compensation Appeals Panel for Northern Ireland – (CICAPNI) (paragraphs 64-85)

- 6.1 If you consider that there are grounds for contesting the result of the review, you may appeal to the Criminal Injuries Compensation Appeals Panel for Northern Ireland (CICAPNI). **Your appeal must be received by the Appeals Panel within 90 days from the date on our letter giving you notice of our review decision. In exceptional circumstances the appeal time limit can be extended providing it is in the interests of justice to do so and the extension of time request is received within 90 days from the date on our letter giving you notice of our Review decision** The members and staff of this panel are **entirely independent** from the Compensation Agency and have wide powers within the terms of the Scheme to consider afresh your original application and any further information you may wish to provide. On consideration of an appeal, the Appeals Panel may increase, reduce or withhold an award. A decision made by the Panel, whether at an oral hearing of your case or otherwise, is final.

- 6.2 We will send you an application for appeal and a guide to appeal procedures when we issue our review decision. Further information regarding the Appeals Process can be obtained from:

The Criminal Injuries Compensation Appeals Panel for NI  
The Corn Exchange Building  
Gordon Street  
Belfast  
BT1 2LG

Tel: 028 9092 4400

Fax: 028 9092 4420

[www.cicapni.org.uk](http://www.cicapni.org.uk)

## Part 7 – Further information on the scope of the scheme

### Where did the incident happen?

- 7.1 The injury must have been sustained within Northern Ireland. However, if the injury arises out of an incident close to the border and it cannot be established if the injury was sustained in Northern Ireland or the Republic of Ireland then it will be deemed to have been sustained in Northern Ireland providing the person who sustained the injury was residing in Northern Ireland at the time the injury was sustained. (Paragraph 9 of the 2009 Scheme). Injuries sustained elsewhere, for example on holiday abroad, are not eligible although there could be a remedy under a similar scheme in force in the country concerned. If the injury was sustained in Great Britain (England, Scotland or Wales), you are not eligible to apply under this Scheme. Great Britain has its own scheme and you should seek details from:

Criminal Injuries Compensation Authority  
Tay House  
300 Bath Street  
GLASGOW G2 4LN  
Tel: 0141 331 5579  
Fax No: 0141 331 2287

### Time Limit

- 7.2 Do not delay in making your application. It should be made within **2 years** of the date of the incident giving rise to the injury. We will not consider applications outside this period unless it is considered that in the particular circumstances of the case it is reasonable and in the interests of justice to do so.
- 7.3 The 2 year time limit is necessary because of the difficulties involved in investigating and substantiating late claims. We are often unable to obtain reliable evidence of police involvement and medical treatment given at the time, because records are no longer available.
- 7.4 We will sympathetically consider late applications from and on behalf of victims whose ability to help themselves is or was impaired, and from those who were under the age of 18 at the time of the incident, provided the application is received within 2 years of the victim reaching 18.
- 7.5 We will also give careful consideration to your application if your injuries become apparent only some time after the incident which caused them, provided the application is made as soon as possible after discovering the cause and we can investigate and verify the details of the incident.

## Criminal (personal) injury

- 7.6 To qualify for an award of compensation, you must have suffered a physical and/or mental injury, sufficiently serious to be classified in one of the tariff bands attached to the Scheme. Minor injuries such as scratches or bruises alone will not qualify for an award but, if you have suffered a combination of at least three minor injuries (as shown in Note 9 in the Tariff of Awards) and which caused you to visit your doctor at least twice during that 6-week period, you may qualify. However you will want to note that no award will be paid unless one of the minor injuries sustained will have had significant residual effects 6 weeks post incident.
- 7.7 To qualify for an award in respect of mental injury alone, we must be satisfied that you were put in reasonable fear of immediate physical harm to yourself, or that you had a close relationship of love and affection with another person who sustained a physical or mental injury and either witnessed the incident or were closely involved in the giving of assistance in the immediate aftermath of the incident (Paragraph 10 of the 2009 Scheme).

## Directly attributable

- 7.8 You will be compensated only for injuries directly resulting from a crime of violence or threat of violence. This means that we must satisfy ourselves, on the basis of all the available facts, that not only was the incident in which you were injured a crime of violence, but also that the incident was the substantial cause of your injury. You will not qualify for an award if your only injury is shock resulting from the loss of possessions following a crime which did not involve personal violence.

## Crime of violence

- 7.9 There is no legal definition of the term but crimes of violence usually involve a physical attack on the person, for example assaults, wounding and sexual offences. This is not always so, however, and we judge every case on the basis of its circumstances. For example, the threat of violence may, in some circumstances, be considered a crime of violence.
- 7.10 You may be eligible for compensation even if the injuries were caused by someone who could not be held responsible under criminal law, for example, because they were too young or insane (Paragraph 11 of the 2009 Scheme).
- 7.11 The following types of incident may in certain circumstances be regarded as crimes of violence for the purpose of the Scheme.

## Accidental injury

- 7.12 As a general rule, you will not be entitled to compensation if you were injured accidentally. There are some exceptions. If your injuries were sustained as a result of your involvement (whether intentional or not) in the prevention of an offence you may be eligible. Please read the paragraphs on Prevention of an Offence and Exceptional Risk (Para 7.13 and 7.15 below).

## Prevention of an offence

- 7.13 If you were injured whilst you yourself were attempting to catch an offender or a suspected offender, or were helping a police officer to catch an offender, you may be entitled to an award (see also Exceptional risk and Accidental injury). You may also be entitled to an award if you were injured during the course of such an action, even though you were not yourself taking part in it. If you were, for example, an innocent bystander and were knocked over and injured by the offender or the pursuer, you could be entitled to an award. These conditions apply even if the suspected offence was not a crime of violence.

## Arson

- 7.14 If you have suffered an injury as a direct result of a crime of arson, you may be entitled to an award. If you were accidentally injured whilst fighting a fire resulting from an arson attack, or remedying the consequences of such an attack, you may qualify if you were taking an exceptional risk. If you are a fire fighter attending a fire resulting from an arson attack and you trip over a hose, you are unlikely to be compensated. But if, for example, your injuries are sustained in hazardous circumstances inside a burning building, this may be considered to be an exceptional risk. (See Paragraph 7.15 of the guide).

## Exceptional risk

- 7.15 In assessing whether or not you were taking an exceptional risk, we will look at all the facts to decide whether the risk you took was exceptional and justified in all the circumstances. In general terms, if you are a police officer who had tripped in the street in broad daylight when running to apprehend an offender you are unlikely to be compensated. Similarly, climbing over a wall or a fence would not usually be considered an exceptional risk. However, an action which we would not consider to be an exceptional risk in daylight might be so in darkness.

7.16 If you are a member of the public who was injured in similar circumstances whilst attempting to apprehend an offender or assisting a police officer, we may, however, take a different view. Police officers, or, for example, firefighters because of their training and experience should be in a better position to assess the consequences of their actions and we believe that it would be unjust to apply the same tests to 'civilians'. Police officers injured in traffic accidents occurring during the course of car chases are not normally considered to be eligible for compensation unless there was some exceptionally risky additional factor, such as severe adverse weather conditions.

### Poisoning

7.17 If you have suffered an injury as a direct result of a crime of poisoning, you may be entitled to an award.

### Injuries caused by animals

7.18 This type of injury often results from an attack by a dog, but whilst such attacks can be savage and very distressing, we have to be satisfied that the attack amounted to a crime of violence before we can consider making an award.

7.19 There are generally 2 main circumstances in which we would consider making an award:

- (a) If the person in charge of the dog deliberately set it on you;
- (b) If the attack was a result of the dog owner's failure to control an animal which was known to be vicious towards humans and the lack of control could be shown to amount to recklessness. If, for example, a dog with a previous history of vicious behaviour was allowed out without adequate restraint or was in the charge of a child, this might amount to recklessness.

## Injuries caused by motor vehicles

- 7.20 If your injuries were caused by a motor vehicle, we can award compensation only if the vehicle was, in effect, used as a weapon. We have to be satisfied that the driver of the vehicle deliberately drove it at you in an attempt to cause you injury. The general rule is that compensation is not payable under the Scheme for injuries caused as the result of traffic offences on a public highway. In such cases, your remedy is through the driver's insurance company or, if the driver was uninsured or unidentified, through the Motor Insurers' Bureau (MIB). The address of the Motor Insurers' Bureau is:

Linford Wood House  
6-12 Capital Drive  
Linford Wood  
Milton Keynes  
MK14 6XT

## Children playing dangerous games

- 7.21 These cases present two main problems. We must first of all be satisfied that a crime of violence has been committed and the fact that a game was dangerous will not in itself be sufficient. Secondly, even if a crime of violence is established, we will not make an award where there is little to choose between the conduct of the child who inflicted the injury and conduct of the victim. To do so would merely be compensating the loser. In a case, for example, where 11 and 12 year old boys fired stones from catapults at each other, and one boy received a serious eye injury, this would technically be an assault and therefore a crime of violence. The application would, however, be rejected. In cases where the children are of different age groups or take unequal parts in the game, a full or reduced award may be made depending on the degree of participation and understanding of the risks involved.

## An offence of trespass on a railway

- 7.22 If someone trespasses on to a railway and is subsequently knocked down by an oncoming train then, under the terms of the 2009 Scheme, it will be deemed that a crime of violence has been committed. Subsequently the driver of the train or anyone else who witnessed the incident or was closely involved in the immediate aftermath may receive an award. (Paragraphs 8(b) and 10(d) of the 2009 Scheme)

## Part 8 – Eligibility to receive compensation (Paragraphs 14a-e)

- 8.1 Payment of compensation for injury as a result of a crime of violence is intended to be an expression of public sympathy and support for innocent victims. Previous schemes envisaged that it would be inappropriate for those with significant criminal records or those whose own conduct led to their being injured, to receive compensation from public funds. It was also felt that people who failed to co-operate in bringing the offender to justice should not benefit from such payments. These provisions continue in this Scheme.
- 8.2 Accordingly, we have the discretion to withhold or reduce an award which might otherwise be granted if one or more of the reasons which are set out in Paragraphs 14 (a)-(e) of the Scheme apply to your claim. These are explained below in parts 8.3 to 8.17.

### Informing the police (Paragraph 14a)

- 8.3 It is not necessary for an offender to have been convicted before an award can be made. Some offenders are never found. However, we attach great importance to the duty of every victim of crime to inform the police of all the circumstances without delay and to co-operate with their enquiries and any subsequent prosecution.
- 8.4 It is particularly important that the incident should have been reported without delay, since it is our main safeguard against fraud. This also enables the police investigation to commence at the earliest possible opportunity increasing the prospect of apprehension and conviction of assailants. This also assists police in the prevention of further offences against others. If you have not reported the circumstances of the injury to the police, and can offer no reasonable explanation for not doing so, you should assume that any application for compensation will be rejected. Failure to inform the police is unlikely to be excused on the grounds that you feared reprisals, or did not recognise your assailant, or saw no point in reporting it.
- 8.5 It is for you to report the incident personally unless you are prevented from doing so because of the nature of your injuries. In this case, it is then your duty to contact the police as soon as possible and co-operate with their enquiries. It is not sufficient to assume that the incident will have been reported by someone else because, even if it has, that person may not have known the full circumstances. Reports by friends, relatives or workmates will not be sufficient unless there was a good reason for your not informing the police as well.

- 8.6 **You must report all the relevant circumstances.** If you deliberately leave out any important information or otherwise mislead the police, an application for compensation will normally be rejected.
- 8.7 **You should report to the police at the earliest possible opportunity.** Failure to inform them promptly can make further enquiries very difficult to pursue. Every case is nevertheless treated on its merits and we will take a sympathetic view where the delay in reporting the incident to the police is clearly attributable to youth, old age, or to some physical or mental incapacity or psychological effects of the crime. The requirement may also be waived if, for example, you were unaware that your injury was due to a crime of violence, or only discovered there was a connection long after the event.
- 8.8 If, however, you fail to report the incident immediately and only do so later just to make a claim for compensation, your application is likely to be rejected.

#### Informing other organisations or someone else in authority

- 8.9 Crimes of violence must be reported to the police. We will not normally accept reports made for example to employers, Trade Union officials or Social Workers as sufficient. Exceptions may be made, however, in the case of injuries sustained, for example, in mental hospitals and prisons where a prompt report to the appropriate person in authority represents a willingness that the matter should be formally investigated. The 'appropriate authority' in the case of a child will often be the child's parents, whose failure to inform the police will not prevent the child's claim from proceeding if it would have been unreasonable to expect the child to take the matter any further. It should, however, be borne in mind that to consider any application we need to be able to investigate and substantiate any incident giving rise to a claim for compensation. Therefore if an incident involving a child is not reported by a parent/guardian to someone in authority it is unlikely the application will succeed. There may be cases involving children where it might not necessarily be appropriate to involve the police. Relatively minor incidents at school are examples of this. It might be in the best interest of the child in such cases for disciplinary action to be taken within the school and, in that type of case, we would accept a report to the school authorities as satisfactory.

#### Helping the police to prosecute (Paragraph 14(b))

- 8.10 If the incident has been promptly reported to the police we have discretion to reduce or withhold compensation if you subsequently fail to co-operate in bringing the alleged offender to justice.

8.11 We make a distinction between 2 situations:

- (a) Where you refuse to co-operate with the police, for example by refusing to make a statement, or by refusing to press charges against the person who caused the injury, or to attend court, or by making a statement which you later withdraw, we will normally make no award.
- (b) Where you were willing to co-operate but in the particular circumstances, it was decided by the police or the prosecuting authority that no further action should be taken or prosecution brought, an award may be made, assuming that no other issues of eligibility are in question.

8.12 As with non-reporting, fear of reprisals will not generally be an excuse. If you at first refused to co-operate with the police but subsequently changed your mind and assisted them in all respects, then we may consider whether a reduction of the award in respect of the initial failure or refusal to co-operate is appropriate.

#### **Failure to co-operate with the Compensation Agency (Paragraph 14(c))**

8.13 We may withhold or reduce payment of an award if you persistently fail to comply with requests for information or otherwise fail to give all reasonable assistance to us or any other relevant authority in connection with your application. This will include failure to attend medical examinations necessary to help us to reach a decision in your case.

#### **Conduct before, during or after the event. Fighting/provocation/abuse of alcohol/illicit drugs (Paragraph 14(d) and Paragraph 15)**

8.14 In this context, 'conduct' means something which can fairly be described as bad conduct or misconduct and includes provocative behaviour and offensive language. Closely linked to the conduct issue is the impact of excessive alcohol consumption or use of illicit drugs. Some examples of the kind of conduct that we can take into consideration are shown below.

An award may be reduced or withheld in the following circumstances:

- (a) If your injury was caused in a fight in which you had voluntarily agreed to take part. This is so even if the consequences of such an agreement go far beyond what you expected. If you invited someone 'outside' for a fist-fight, we will not usually award compensation even if you ended up with the more serious injury. The fact that the offender went further and used a weapon will not normally make a difference;

- (b) If without reasonable cause you struck the first blow, regardless of the degree of retaliation or the consequence;
- (c) If the incident in which you were injured formed part of a pattern of violence in which you were a voluntary participant; for example, if there was a history of assaults involving both parties where you had previously been the assailant;
- (d) Where you were injured whilst attempting to obtain revenge against the assailant;
- (e) If you used offensive language or behaved in an aggressive or threatening manner which led to the attack which caused your injuries;
- (f) Where your excessive consumption of alcohol or use of illicit drugs contributed to the attack which caused your injuries.

### **Criminal convictions (paragraph 14(e))**

- 8.15 Paragraph 14(e) of the 2009 Scheme provides that an award may be withheld or reduced on account of a victim's character as shown by his/her criminal convictions (excluding convictions which are spent under the terms of the Rehabilitation of Offenders (NI) Order 1978). Paragraph 15 (2) of the 2009 Scheme confirms that the impact of unspent criminal convictions **MUST** be reflected in the assessment of character under paragraph 14(e) of the 2009 Scheme. This is because a person who has committed criminal offences has probably caused distress and loss and injury to other persons, and has certainly caused considerable expense to society by reason of court appearances and the cost of supervising sentences, even when they have been non-custodial, and the victims may themselves have sought compensation, which is another charge on society. Even though a victim may be blameless in the incident in which the injury was sustained, Parliament has provided in the Scheme that convictions which are not spent under the Rehabilitation of Offenders (NI) Order 1978 should be taken into account.
- 8.16 The following scale of penalty points is an indicator of the extent to which any unspent convictions may count against an award. These points, which are based on the type and/or length of sentence imposed by the courts together with the time between the date of the sentence and receipt of the claim, are a guide to the gravity of a criminal record in relation to a claim. Any sentence imposed after the claim has been received will also be taken into account.

<b>Sentence of the court</b>	<b>Period between date of sentence and receipt of application by Compensation Agency*</b>	<b>Penalty points</b>
1. Imprisonment for more than 30 months	a. Period of sentence or less	10
	b. More than period of sentence but less than sentence + 5 years	9
	c. More than sentence + 5 years but less than sentence + 10 years	7
	d. More than sentence + 10 years	5
2. Imprisonment for more than 6 months but not more than 30 months	a. Period of sentence or less	10
	b. More than period of sentence but less than sentence + 3 years	7
	c. More than sentence + 3 years but less than sentence + 7 years	5
	d. More than sentence + 7 years	2
3. Imprisonment for 6 months or less	a. Period of sentence or less	10
	b. More than period of sentence but less than sentence + 2 years	5
	c. More than sentence + 2 years	2
4. Fine Community Service Order Probation or Supervision Order Combination Order Attendance Centre Order Bind Over Conditional Discharge Compensation Order	a. Less than 2 years	2
	b. 2 years or more	1
5. Absolute Discharge Admonishment	a. Less than 6 months	1
	b. 6 months or more	0

\* Sentences imposed after the date of receipt of your application will be treated as if they had occurred on the day before the application was received.

The percentage reductions attracted by various levels of penalty points are as follows:

<b>Penalty Points</b>	<b>Percentage Reduction</b>
0-2	0%
3-5	25%
6-7	50%
8-9	75%
10 or more	100%

## Notes

1. *Imprisonment, whether suspended or not, means the sentence imposed by the court, not the time spent in prison.*
  2. *Imprisonment includes a sentence of detention in a young offenders institution or borstal/borstal training or other 'custodial' sentence.*
  3. *Sentences 'spent' under the Rehabilitation of Offenders (NI) Order 1978 do not attract penalty points.*
  4. *Other sentences will be placed into one of the above 5 categories by the Compensation Agency according to their comparative seriousness as measured by the rehabilitation period(s) they attract under the Rehabilitation of Offenders (NI) Order 1978.*
- 8.17 The scale of penalty points is not binding at any stage whether on decisions made by the Compensation Agency or a determination made by the Criminal Injuries Compensation Appeals Panel for Northern Ireland. It is intended to provide a readily understood guide to the significance of the claimant's criminal record. The convictions recorded in any individual case and the points attributable to them will be assessed within the context of the particular circumstances of the claim and other related factors. For example, a points total which indicates a reduction or refusal of an award may be mitigated where the injury resulted from the applicant's assistance to the police in upholding the law or from genuinely helping someone under attack. Or there may be evidence of rehabilitation not otherwise indicated by the points system which may be taken into account. Conversely, a low points score is no guarantee that an award will be made where, for example, the record contains offences of violence or sexual offences, or certain drug related offences.

## Part 9 – Violence, including sexual offences, within the family

### General

- 9.1 It is a general condition of the Scheme that any person who causes an injury (whether or not the victim is a member of the same family) must not benefit from an award payable to the victim (Paragraph 17(a) of the 2009 Scheme).
- 9.2 We also need to be satisfied in all cases where the application is made by or on behalf of a child that it would not be against the child's interest to make an award (Paragraph 17(b) of the 2009 Scheme).
- 9.3 Those considerations, while they apply to all cases, are particularly relevant to the situation where the victim and the offender were living in the same household as members of the same family (Paragraph 18 of the 2009 Scheme).

### Adults

- 9.4 If you and the person who injured you were living in the same household at the time of the incident, we will not award compensation unless:
  - (a) The person who injured you has been prosecuted (or there are good reasons why this could not happen); and
  - (b) You and the person who injured you have permanently stopped living together.

A man and woman living together as husband and wife, or single sex partners are treated as members of the same family.

### Children

- 9.5 If it was a child who was injured, condition Paragraph 18(b) of the 2009 Scheme does not apply but, as explained at 9.1 and 9.2 above, we must be satisfied that the offender does not benefit, and that it would not be against the child's interest to make an award. **Ask for the separate leaflet 'Child Abuse and the Criminal Injuries Compensation Scheme'.**

## Part 10 – What standards of service can you expect to receive from the Compensation Agency

- 10.1 You can expect us to deal with your application courteously and confidentially, and to write to you with our decision as quickly as the time taken by other organisations to reply to our enquiries allows.
- 10.2 In particular, it is our aim:
- (a) To acknowledge receipt of your application and send out all routine enquiry forms to police or other organisations within 3 days of receipt;
  - (b) To advise you of the name and direct telephone number of the person responsible for processing your compensation claim on all letters from the Agency;
  - (c) To issue you with either an offer of award or denial notification following all enquiries with police, medical authorities and any other relevant source;
  - (d) If you decide to ask for a review of our decision, to acknowledge your application for review within 3 days of receipt; and
  - (e) To respond to all correspondence needing a reply within 2 weeks of receipt.

**Note:** Annual targets set by the Agency are contained within the Business Plan which can be obtained directly from the Agency, or alternatively from their web site – [www.compensationni.gov.uk](http://www.compensationni.gov.uk)

## Part 11 – Complaints

- 11.1 If you are dissatisfied with the decision in your case you may apply for a review and, if that is not successful, an appeal as outlined in this guide. Once your application has been considered at both these stages the decision will be final and there is no further action we can take.
- 11.2 If on the other hand you are dissatisfied with the way in which your application has been dealt with and wish to make a formal complaint, you should put your complaint in writing and send it to:-

The Complaints Officer  
Compensation Agency  
Royston House  
34 Upper Queen Street  
Belfast  
BT1 6FD

You should clearly mark both your envelope and your letter 'complaint' in the top left hand corner in order to ensure that its purpose is identified on receipt.

- 11.3 All complaints will be considered by a senior member of staff who will reply to you in writing within 10 days of receipt.
- 11.4 Our activities also fall within the jurisdiction of the Parliamentary Ombudsman for Northern Ireland. The purpose of the Office of the Ombudsman is to provide an independent, effective and free system for investigating complaints from people who claim to have suffered injustice through maladministration by Northern Ireland government departments, agencies and local bodies including the Health and Personal Social Services. You should be aware, however, that complaints must be put to him through a Member of Parliament, or a Member of the Legislative Assembly.

# Northern Ireland Criminal Injuries Compensation Scheme

## Levels of compensation

Level 1	£1,000
Level 2	£1,250
Level 3	£1,500
Level 4	£1,750
Level 5	£2,000
Level 6	£2,500
Level 7	£3,300
Level 8	£3,800
Level 9	£4,400
Level 10	£5,500
Level 11	£6,600
Level 12	£8,200
Level 13	£11,000
Level 14	£13,500
Level 15	£16,500
Level 16	£19,000
Level 17	£22,000
Level 18	£27,000
Level 19	£33,000
Level 20	£44,000
Level 21	£55,000
Level 22	£82,000
Level 23	£110,000
Level 24	£175,000
Level 25	£250,000

## General Notes to Tariff of Injuries

1. Where an injury description does not appear, the provisions of paragraphs 29 and 30 of the Scheme will apply.
2. When a person suffers both a physical and a mental injury, and the tariff amount for the physical injury is higher than that for the mental injury, the applicant will be entitled only to the tariff amount for the physical injury.

When a person suffers both a physical injury and a mental injury, and the tariff amount for the mental injury is the same as or higher than that for the physical injury, the applicant will be entitled to awards for the separate injuries in accordance with paragraph 28 of the Scheme (the serious multiple injury formula).

When a person is a victim of a sexual offence and also suffers a mental injury, the applicant will be entitled only to whichever is the higher of the two tariff amounts.

3. Mental illness includes conditions attributed to post-traumatic stress disorder, depression and similar generic terms within which there may be:
  - (a) such psychological symptoms as anxiety, tension, insomnia, irritability, loss of confidence, agoraphobia and preoccupation with thoughts of guilt or self-harm; and
  - (b) related physical symptoms such as alopecia, asthma, eczema, enuresis and psoriasis.
4. "Psychiatric diagnosis/prognosis" means that the disabling mental illness has been diagnosed or the prognosis made by a psychiatrist or clinical psychologist.
5. A mental illness is disabling if it significantly impairs a person's functioning in some important aspect of that person's life e.g. impaired work or school performance or significant adverse effects on social relationships or sexual dysfunction.
6. Surgery resulting in scarring, due to a criminal injury, will be subject to the serious multiple injuries formula.
7. There is a specific tariff for burns affecting multiple areas of body covering over 25% of skin area, with significant scarring, for other burn injuries see under individual parts of the body.

8. The tariff relating to infection with HIV/Hepatitis B/Hepatitis C is not subject to the multiple injuries formula and may be paid in addition to other awards.
9. Minor multiple physical injuries will qualify for compensation only where the applicant has sustained at least 3 separate physical injuries of the type illustrated below, at least one of which must still have had significant residual effects 6 weeks after the incident. The injuries must also have necessitated at least 2 visits to or by a medical practitioner within that 6-week period. Examples of qualifying injuries are:
  - (a) grazing, cuts, lacerations (no permanent scarring)
  - (b) severe and widespread bruising
  - (c) severe soft tissue injury (no permanent disability)
  - (d) black eye(s)
  - (e) bloody nose
  - (f) hair pulled from scalp
  - (g) loss of fingernail
10. In the case of adult applicants where there has been a series of assaults (sexual and/or physical) over a period of time, it may be that an applicant will qualify for compensation only for the single most recent incident, if in relation to the earlier incidents the applicant failed to report them to the police without delay and/or failed to co-operate with the police in bringing the assailant to justice. Where the applicant is entitled to compensation for the series of assaults, the applicant will qualify for an award as the victim of a pattern of abuse, rather than for a separate award for each incident.
11. Note 10 applies in relation to sexual offence where victim is any age (if not already compensated as a child) too.
12. A brain injury can cause physical and/or mental damage, resulting in, for example, spasticity, loss of balance, incontinence, or impairment of concentration, memory, motivation or personality. It can also commonly cause epilepsy, to a greater or lesser extent. Where the cause of any injury is brain damage there will not be additional awards for separate injuries but the seriousness of the combined effects will be measured together.
13. In relation to very serious brain injury, applications otherwise within level 25 fall into level 24 if life expectance is greatly reduced and/or there is little or no insight as in a persistent vegetative state

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## Tariff of Injuries

Description of injury	Level	Standard Amount £
<b>General</b>		
<b>Fatal injury</b>		
One qualifying claimant	13	11,000
Each qualifying claimant	10	5,500
<b>Burns</b>		
Affecting multiple areas of body covering over 25% of skin area, with significant scarring	19	33,000
<b>Infection with HIV/Hepatitis B/Hepatitis C</b>		
Infection with HIV/Hepatitis B/Hepatitis C	17	22,000
<b>Loss of foetus</b>	10	5,500
<b>Major Paralysis</b>		
Hemiplegia (paralysis of one side of the body)	21	55,000
Paraplegia (paralysis of the lower limbs)	24	175,000
Quadriplegia/tetraplegia (paralysis of all four limbs)	25	250,000
<b>Medically recognised illness/condition - not mental illness</b>		
Moderately disabling disorder where the symptoms and disability persist for more than 6 weeks from the incident/date of onset		
– lasting 6 to 13 weeks	1	1,000
– lasting up to 28 weeks	5	2,000
– lasting over 28 weeks		
- not permanent	7	3,300
- permanent	12	8,200
Seriously disabling disorder where the symptoms and disability persist for more than 6 weeks from the incident/date of onset		
– lasting 6 to 13 weeks	5	2,000
– lasting up to 28 weeks	9	4,400
– lasting over 28 weeks		
- not permanent	12	8,200
- permanent	17	22,000

## GENERAL

Description of injury	Level	Standard Amount £
Mental illness (see notes 2,3,4 & 5 page 27)		
Disabling mental illness, confirmed by psychiatric diagnosis:		
– lasting up to 28 weeks	6	2,500
– lasting over 28 weeks to 2 years	9	4,400
– lasting 2 years to 5 years	12	8,200
– lasting over 5 years but not permanent	14	13,500
Permanent mental illness, confirmed by psychiatric prognosis		
– moderately disabling	16	19,000
– seriously disabling	18	27,000

## GENERAL

### Minor injuries: multiple

Minor injuries: multiple	1	1,000
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### Peripheral sensory nerve damage

– lasting more than 13 weeks		
- substantial recovery expected	3	1,500
– permanent disability		
- minor loss	3	1,500
- significant loss (eg loss of sensation in large area of leg)	7	3,300
- serious loss (eg loss of sensation of hand)	12	8,200

### Peripheral motor nerve damage not otherwise compensated for

– lasting more than 13 weeks		
- substantial recovery expected	5	2,000
– permanent disability		
- minor (eg paralysis or equivalent functional loss of finger/toe)	6	2,500
- significant (eg paralysis or equivalent loss of handgrip/foot movement)	12	8,200

## GENERAL

Description of injury	Level	Standard Amount £
<b>Physical abuse of adults</b>		
Serious abuse		
– intermittent physical assaults resulting in an accumulation of healed wounds, burns or scalds, but with no appreciable disfigurement	5	2,000
Severe abuse		
– pattern of repetitive violence resulting in minor disfigurement	10	5,500
- Persistent pattern of severe abuse over a period exceeding 3 years	12	8,200
<b>Physical abuse of children</b>		
Minor abuse		
– isolated or intermittent assault(s) resulting in weals, hair pulled from scalp etc.	1	1,000
Serious abuse		
– intermittent physical assaults resulting in an accumulation of healed wounds, burns or scalds, but with no appreciable disfigurement	5	2,000
Severe abuse		
– persistent pattern of repetitive violence resulting in:		
- moderate multiple injuries (eg bruising and minor fractures) and/or minor disfigurement	10	5,500
- significant multiple injuries	12	8,200
- severe multiple injuries	14	13,500

## GENERAL

Description of injury	Level	Standard Amount £
Sexual offence where victim is any age (if not already compensated as a child)		
Sexual assault		
– minor - non-penetrative sexual physical act or acts over clothing	1	1,000
– serious - non-penetrative sexual physical act or acts under clothing	5	2,000
– severe - non-penile penetrative and or oral-genital act or acts	7	3,300
– pattern of repetitive frequent severe abuse (whether by one or more offenders) over a period		
- up to 3 years	11	6,600
- exceeding 3 years	12	8,200
– resulting in serious internal bodily injuries	17	22,000
– resulting in permanently disabling mental illness confirmed by psychiatric prognosis	18	27,000
Non-consensual penile penetration of the vagina and/or anus and/or mouth		
– by one attacker	13	11,000
– by two or more attackers	14	13,500
– resulting in serious internal bodily injuries	17	22,000
– resulting in permanently disabling mental illness confirmed by psychiatric prognosis		
- moderate mental illness	17	22,000
- severe mental illness	18	27,000
– resulting in serious internal bodily injury with permanent disabling mental illness confirmed by psychiatric prognosis		
- moderate mental illness	19	33,000
- severe mental illness	20	44,000
– pattern of repetitive incidents (whether by one or more attackers) over a period		
- up to 3 years	15	16,500
- exceeding 3 years	17	22,000

## GENERAL

Description of injury	Level	Standard Amount £
Sexual offence where victim is a child (under age of 18 at time or commencement of offence) or an adult who by reason of mental incapacity is incapable of giving consent		
Sexual assault		
– minor - non penetrative sexual physical act or acts over clothing	1	1,000
– minor - non penetrative frequent sexual physical act or acts over clothing	3	1,500
– serious - non penetrative sexual physical act or acts under clothing	5	2,000
– serious - pattern of repetitive non-penetrative sexual physical acts under clothing	7	3,300
Sexual assault		
– non-penile penetrative and/or oral genital act/or acts		
- one incident	7	3,300
- two or more isolated incidents	9	4,400
– pattern of repetitive, frequent incidents		
- over a period up to 3 years	11	6,600
- over a period exceeding 3 years	12	8,200
- resulting in serious internal bodily injuries	17	22,000
– resulting in permanently disabling mental illness confirmed by psychiatric prognosis		
- moderate mental illness	17	22,000
- severe mental illness	18	27,000

Description of injury	Level	Standard Amount £
Non-consensual penile penetration of the vagina and/or anus and/or mouth		
– one incident	13	11,000
– one incident involving two or more attackers	14	13,500
– repeated incidents over a period		
- up to 3 years	15	16,500
- exceeding 3 years	17	22,000
– resulting in serious internal bodily injuries	17	22,000
– resulting in permanently disabling mental illness confirmed by psychiatric prognosis		
- moderate mental illness	17	22,000
- severe mental illness	18	27,000
– resulting in serious internal bodily injury with permanent disabling mental illness confirmed by psychiatric prognosis		
- moderate mental illness	19	33,000
- severe mental illness	20	44,000

## GENERAL

Sexual offences - additional awards where the following are directly attributable to a sexual offence (whether victim is an adult or a child) - not subject to the multiple injuries formula and may be paid in addition to other awards

Pregnancy	10	5,500
Sexually transmitted disease other than HIV/Hepatitis B/Hepatitis C		
– substantial recovery	10	5,500
– permanent disability	13	11,000
Infection with HIV/Hepatitis B/Hepatitis C	17	22,000

Description of injury	Level	Standard Amount £
<b>HEAD &amp; NECK</b>		
<b>Burns</b>		
Head		
– minor visible disfigurement	5	2,000
– moderate	9	4,400
– severe	15	16,500
Face		
– minor disfigurement	5	2,000
– moderate	10	5,500
– severe	18	27,000
Neck		
– minor disfigurement	3	1,500
– moderate	9	4,400
– severe	15	16,500
<b>Scarring</b>		
Head		
– minor visible disfigurement	3	1,500
– significant disfigurement	7	3,300
– serious disfigurement	10	5,500
Face		
– minor disfigurement	3	1,500
– significant disfigurement	9	4,400
– serious disfigurement	13	11,000
Neck		
– minor disfigurement	3	1,500
– significant disfigurement	7	3,300
– serious disfigurement	11	6,600

Description of injury	Level	Standard Amount £
<b>Brain Damage</b>		
Minor head injury		
Brain injury, if any, minimal. Concussion impairment of balance/headaches		
– lasting 6 to 28 weeks	3	1,500
– lasting over 28 weeks	7	3,300
– permanent	12	8,200
<b>Minor brain damage</b>		
Good recovery, able to socialise and return to work but persisting problems with concentration, memory, disinhibition of mood affecting lifestyle, leisure activities, future work prospects		
– slight and short lived (6 months)	12	8,200
– moderate and medium term (2 years)	15	16,500
– significant and long lasting (more than 2 years)	17	22,000
<b>Moderate brain damage</b>		
Some dependence on others, intellectual deficit, personality change, ability to work reduced, some effect on the senses		
– slight	18	27,000
– moderate	21	55,000
– significant	22	82,000
<b>Moderately severe brain damage</b>		
Serious disablement of physical or mental faculties requiring substantial dependence on professional or other care, with marked impairment of intellect and personality, abnormal behaviour and poor communication.		
	23	110,000

Description of injury	Level	Standard Amount £
<p><b>Very serious brain injury</b> Severe physical limitation, significant effect on the senses with little insight and/or significant reduction in life expectancy. Little or no response to the environment, little or no language function, double incontinence and need for full-time/all day and some night nursing care.</p>	24	175,000
<p>No useful physical movement, significant effect on the senses and with some degree of insight. Little or no meaningful response to the environment, little or no language function, double incontinence and need for full-time nursing care.</p>	25	250,000
<p><b>Epilepsy</b></p>		
<p>– post-traumatic epileptic fits - substantial recovery</p>	5	2,000
<p>– well controlled on medication</p>	12	8,200
<p>– partially controlled on medication</p>	14	13,500
<p>– uncontrolled despite medication</p>	20	44,000

Description of injury	Level	Standard Amount £
<b>HEAD &amp; NECK</b>		
<b>Ear</b>		
Fractured mastoid	1	1,000
Deafness		
– temporary partial deafness		
– lasting 6 to 13 weeks	1	1,000
– lasting more than 13 weeks	3	1,500
– partial deafness (remaining hearing socially useful, with hearing aid if necessary)		
– one ear	8	3,800
– both ears	12	8,200
– total deafness		
– one ear	15	16,500
– in only hearing ear	19	33,000
– both ears	20	44,000
Loss of ear		
– partial loss of ear(s)	9	4,400
– loss of ear	13	11,000
– loss of both ears	16	19,000
Perforated ear drum		
– one ear	4	1,750
– both ears	6	2,500
Tinnitus (ringing noise in ear(s))		
– lasting 6 to 13 weeks	1	1,000
– lasting more than 13 weeks	7	3,300
– permanent		
– other than very severe	12	8,200

Description of injury	Level	Standard Amount £
– very severe	15	16,500
Vestibular damage (causing giddiness)		
– lasting 6 to 28 weeks	3	1,500
– lasting over 28 weeks - recovery expected	7	3,300
– permanent	12	8,200
<b>Eye</b>		
Blow out or other fracture of orbital bone cavity containing eyeball		
– no operation	7	3,300
– requiring operation	9	4,400
Blurred or double vision		
– temporary		
- lasting 6 to 13 weeks	1	1,000
- lasting more than 13 weeks - recovery expected	4	1,750
– permanent		
- slight	9	4,400
- moderate	12	8,200
- serious	14	13,500
Cataracts		
– one eye		
- requiring operation	7	3,300
- permanent/inoperable	12	8,200
– both eyes		
- requiring operation	12	8,200
- permanent/inoperable	16	19,000

Description of injury	Level	Standard Amount £
Corneal abrasions	5	2,000
Permanent loss of visual field		
– slight	6	2,500
– moderate	10	5,500
– serious	20	44,000
Dislocation of lens		
– one eye	10	5,500
– both eyes	14	13,500
Glaucoma	6	2,500
Hyphaema requiring operation		
– one eye	3	1,500
– both eyes	6	2,500
Loss of eye		
– one eye	18	27,000
– both eyes	23	110,000
Loss of sight		
– one eye	17	22,000
– one eye, where the sight in the uninjured eye cannot be corrected to better than 6/36	19	33,000
– one eye, where the uninjured eye is already totally blind	22	82,000
– both eyes	23	110,000

Description of injury	Level	Standard Amount £
Partial loss of vision when corrected by glasses or contact lenses or other means eg laser surgery better than 6/12	6	2,500
– 6/12	11	6,600
– 6/18	12	8,200
– 6/24	14	13,500
– 6/36	15	16,500
– 6/60	16	19,000
substantial loss of vision (both eyes) at least 6/36 in each eye or worse	21	55,000
Residual central floater(s) affecting vision	7	3,300
Retina		
– damage not involving detachment		
- one eye	6	2,500
- both eyes	10	5,500
– detached		
- one eye	10	5,500
- both eyes	14	13,500
Significant penetrating injury		
– one eye	6	2,500
– both eyes	11	6,600
Traumatic angle recession	6	2,500

Description of injury	Level	Standard Amount £
<b>Face</b>		
Clicking jaw		
– temporary		
- lasting 6 to 13 weeks	1	1,000
- lasting more than 13 weeks	3	1,500
– permanent	10	5,500
Dislocated jaw		
– substantial recovery	5	2,000
– continuing significant disability	10	5,500
Fractured ethmoid		
– no operation	5	2,000
– operation required	9	4,400
Fractured zygoma (malar/cheek bone)		
– no operation		
- substantial recovery	5	2,000
- continuing significant disability	9	4,400
– operation required		
- substantial recovery	6	2,500
- continuing significant disability	10	5,500
Fractured mandible and/or maxilla (jaw bones)		
– no operation		
- substantial recovery	7	3,300
- continuing significant disability	10	5,500
– operation required		
- substantial recovery	8	3,800

Description of injury	Level	Standard Amount £
- continuing significant disability	12	8,200
Multiple fractures to face (e.g. Le Fort fractures types 2 & 3)	13	11,000
Numbness/loss of feeling		
- temporary lasting more than 13 weeks recovery expected	3	1,500
- permanent		
- moderate eg cheek, forehead	7	3,300
- severe eg lip interfering with function	9	4,400
Neck		
Fractured hyoid (bone in windpipe)	1	1,000
Strained neck or whiplash injury		
- disabling		
- for 6 to 13 weeks	1	1,000
- for more than 13 weeks	6	2,500
- seriously disabling		
- not permanent	10	5,500
- permanent	13	11,000

Description of injury	Level	Standard Amount £
<b>Nose</b>		
Deviated nasal septum		
– no operation	1	1,000
– requiring septoplasty	5	2,000
Fracture of nasal bones		
– undisplaced	1	1,000
– displaced	3	1,500
- requiring manipulation	5	2,000
- requiring rhinoplasty	5	2,000
- requiring turbinectomy	5	2,000
Loss of smell/taste		
– partial loss of smell and/or taste	10	5,500
– total loss of smell or taste	13	11,000
– loss of smell and taste	15	16,500
Partial loss of nose (at least 10%)	9	4,400
<b>Skull</b>		
Fracture		
– simple		
- no operation	6	2,500
- requiring operation	10	5,500
– depressed		
- no operation	9	4,400
- requiring operation	11	6,600

Description of injury	Level	Standard Amount £
<b>Teeth</b>		
Damage to:		
– tooth/teeth requiring root-canal treatment	5	2,000
– front tooth/teeth requiring crown(s)	6	2,500
Fractured/chipped tooth/teeth requiring treatment	5	2,000
Fractured tooth/teeth requiring apicectomy (surgery to gum to reach root - root resection)	8	3,800
Loss of:		
– crowns	6	2,500
– front tooth/teeth (incisor or canine)		
– one front tooth	7	3,300
– two or three front teeth	9	4,400
– four or more front teeth	10	5,500
– tooth/teeth other than front		
– one tooth	5	2,000
– two or more teeth	7	3,300
Slackening of teeth requiring dental treatment	5	2,000
<b>Tongue</b>		
Impaired speech		
– slight	5	2,000
– moderate	10	5,500
– serious	13	11,000
– severe	16	19,000
Loss of speech - permanent	19	33,000
Loss of tongue	20	44,000

Description of injury	Level	Standard Amount £
<b>UPPER LIMBS</b>		
<b>Burns</b>		
Minor 3		1,500
Moderate	9	4,400
Severe 13		11,000
<b>Scarring</b>		
Minor disfigurement	2	1,250
Significant disfigurement	6	2,500
Serious disfigurement	10	5,500
<b>Arm</b>		
Loss of:		
– one non-dominant arm	19	33,000
– one dominant arm	21	55,000
– one arm where there is no remaining arm hand with any useful function	22	82,000
– both arms	23	110,000
Paralysis of or equivalent loss of function of:		
– one non-dominant arm	18	27,000
– one dominant arm	20	40,000
– total loss of function of one arm where there is no remaining arm/hand with any useful function	22	82,000
– both arms	22	82,000

Description of injury	Level	Standard Amount £
<b>Elbow</b>		
Dislocated/fractured		
– one elbow		
- substantial recovery	7	3,300
- continuing significant disability	12	8,200
– both elbows		
- substantial recovery	12	8,200
- continuing significant disability	13	11,000
<b>Finger and Thumb</b>		
Fracture/dislocation of:		
– thumb		
- one hand		
- substantial recovery	5	2,000
- continuing significant disability	9	4,400
- both hands		
- substantial recovery	10	5,500
- continuing significant disability	12	8,200
– index finger		
- one hand		
- substantial recovery	4	1,750
- continuing significant disability	8	3,800
- both hands		
- substantial recovery	9	4,400
- continuing significant disability	11	6,600
– one finger other than index finger		
- one hand		
- substantial recovery	1	1,000
- continuing significant disability	5	2,000

Description of injury	Level	Standard Amount £
- both hands		
- substantial recovery	4	1,750
- continuing significant disability	9	4,400
- two or more fingers other than index finger		
- one hand		
- substantial recovery	2	1,250
- continuing significant disability	6	2,500
- both hands		
- substantial recovery	7	3,300
- continuing significant disability	11	6,600

Loss of:

- finger other than index finger	10	5,500
- two or more fingers	13	11,000
- index finger	12	8,200
- both index fingers	15	16,500
- thumb	15	16,500
- both thumbs	21	55,000

Partial loss of:

- finger other than thumb or index finger	6	2,500
- two or more fingers other than index finger or thumb	10	5,500
- thumb or index finger	9	4,400
- thumb or index finger - both hands	12	8,200
- thumb and index finger - one hand	12	8,200
- thumb and index finger - both hands	15	16,500

Description of injury	Level	Standard Amount £
<b>Hand</b>		
Fractured hand		
– one hand		
- substantial recovery	5	2,000
- continuing significant disability	10	5,500
– both hands		
- substantial recovery	8	3,800
- continuing significant disability	12	8,200
Loss of, or equivalent loss of function of:		
– one non-dominant hand	19	33,000
– one dominant hand	21	55,000
– loss of, or total loss of function of one hand where there is no remaining hand/arm with any useful function	22	82,000
– both hands	23	110,000
Permanently & seriously impaired grip		
– one hand	12	8,200
– both hands	15	16,500
<b>Humerus (upper arm bone)</b>		
Fractured		
– one arm		
- substantial recovery	7	3,300
- continuing significant disability	10	5,500
– both arms		
- substantial recovery	12	8,200
- continuing significant disability	13	11,000

Description of injury	Level	Standard Amount £
<b>Radius (a forearm bone)</b>		
Fractured		
– one arm		
- substantial recovery	7	3,300
- continuing significant disability	10	5,500
– both arms		
- substantial recovery	12	8,200
- continuing significant disability	13	11,000
<b>Shoulder</b>		
Dislocated		
– one shoulder		
- substantial recovery	4	1,750
- continuing significant disability	10	5,500
– both shoulders		
- substantial recovery	8	3,800
- continuing significant disability	12	8,200
Frozen		
– one shoulder		
- substantial recovery	5	2,000
- continuing significant disability	10	5,500
– both shoulders		
- substantial recovery	7	3,300
- continuing significant disability	12	8,200
Arthroscopy – where the shoulder is not dislocated, frozen or otherwise provided for	5	2,000

Description of injury	Level	Standard Amount £
<b>Tendon and/or Ligament and/or Cartilage</b>		
Minor damage		
– one arm		
- substantial recovery	1	1,000
- continuing significant disability	6	2,500
– both arms		
- substantial recovery	5	2,000
- continuing significant disability	9	4,400
Moderate damage		
– one arm		
- substantial recovery	5	2,000
- continuing significant disability	9	4,400
– both arms		
- substantial recovery	9	4,400
- continuing significant disability	12	8,200
Severely damaged		
– one arm		
- substantial recovery	7	3,300
- continuing significant disability	10	5,500
– both arms		
- substantial recovery	11	6,600
- continuing significant disability	13	11,000

Description of injury	Level	£	Standard Amount
<b>Ulna (a forearm bone)</b>			
Fractured			
– one arm			
- substantial recovery		7	3,300
- continuing significant disability		10	5,500
– both arms			
- substantial recovery		12	8,200
- continuing significant disability		13	11,000
<b>Wrist</b>			
Fractured - colles type or equivalent fracture displacement of distal radius			
– one wrist			
- substantial recovery		9	4,400
- continuing significant disability		12	8,200
– both wrists			
- substantial recovery		12	8,200
- continuing significant disability		13	11,000

Description of injury	Level	Standard Amount £
Fractured/dislocated – including scaphoid fracture		
– one wrist		
- substantial recovery	9	4,400
- continuing significant disability	12	8,200
– both wrists		
- substantial recovery	12	8,200
- continuing significant disability	13	11,000
Sprained		
– one wrist		
- disabling for 6 to 13 weeks	1	1,000
- disabling for more than 13 weeks	6	2,500
– both wrists		
- disabling for 6 to 13 weeks	5	2,000
- disabling for more than 13 weeks	8	3,800

Description of injury		Level	Standard Amount £
<b>TORSO</b>			
<b>Burns</b>			
Minor	3	1,500	
Moderate		9	4,400
Severe	13	11,000	
<b>Scarring</b>			
Minor disfigurement		2	1,250
Significant disfigurement		6	2,500
Serious disfigurement		10	5,500
<b>Abdomen</b>			
Injury requiring laparoscopy – including no repair or repair of one organ		5	2,000
Injury requiring laparotomy – including no repair or repair of one organ		8	3,800
Injury requiring laparotomy/laparoscopy			
- including repair of two organs		10	5,500
- including repair of three or more organs		12	8,200
Laparotomy with colostomy and/or ileostomy and/or ureterostomy lasting more than 14 weeks but not permanent		10	5,500
Laparotomy with permanent colostomy and/or ileostomy and/or ureterostomy		14	13,500

Description of injury	Level	Standard Amount £
<b>Back</b>		
Fracture of vertebra		
– one vertebra - substantial Recovery	6	2,500
- continuing significant disability	10	5,500
- more than one vertebra		
- substantial recovery	9	4,400
- continuing significant disability	12	8,200
Prolapsed intervertebral disc(s)		
– seriously disabling		
- not permanent	10	5,500
- permanent	12	8,200
Ruptured intervertebral disc(s) - requiring surgical removal	13	11,000
Strained		
– disabling		
- for 6 to 13 weeks	1	1,000
- for more than 13 weeks	6	2,500
– seriously disabling		
- not permanent	10	5,500
- permanent	13	11,000

Description of injury	Level	Standard Amount £
<b>Chest</b>		
Injury requiring thoracotomy	12	8,200
Injury requiring thoracotomy with removal/extensive repair of organ or organs	15	16,500
<b>Clavicle (collar bone)</b>		
Dislocated acromioclavicular joint	5	2,000
<b>Fractured</b>		
– one clavicle		
- substantial recovery	5	2,000
- continuing significant disability	9	4,400
– two clavicles		
- substantial recovery	9	4,400
- continuing significant disability	11	6,600
<b>Coccyx (tail bone)</b>		
Fractured	6	2,500
<b>Genitalia</b>		
Injury requiring medical treatment		
– no significant permanent damage	4	1,750
– permanent damage		
- moderate	10	5,500
- severe	13	11,000

Description of injury	Level	Standard Amount £
Loss of fertility	21	55,000
<b>Hernia</b>		
– hernia	8	3,800
– hernias	10	5,500
<b>Kidney</b>		
Loss of kidney	13	11,000
Serious and permanent damage to or loss of both or only functioning kidney	21	55,000
<b>Lung</b>		
Punctured		
– one lung	7	3,300
– both lungs	11	6,600
Collapsed		
– one lung	8	3,800
– both lungs	12	8,200
Permanent and disabling damage to lungs from smoke or chemical inhalation	13	11,000
<b>Pancreas</b>		
Loss of pancreas	15	16,500
<b>Pelvis</b>		
Fractured		
– substantial recovery	9	4,400
– continuing significant disability	13	11,000
<b>Penetrating injury not otherwise compensated</b>		
– symptoms persisting for at least a week	1	1,000

Description of injury	Level	Standard Amount £
<b>Rib</b>		
Fractured (or bruised where significant pain lasts more than 6 weeks)		
– one rib	1	1,000
– two or more	3	1,500
<b>Scapula (shoulder blade)</b>		
Fractured		
– one scapula		
- substantial recovery	6	2,500
- continuing significant disability	9	4,400
– both scapulas		
- substantial recovery	9	4,400
- continuing significant disability	11	6,600
<b>Spleen</b>		
Loss of spleen	13	11,000
<b>Sternum (breast bone)</b>		
Fractured		
– substantial recovery	6	2,500
– continuing significant disability	10	5,500

Description of injury	Level	Standard Amount £
<b>LOWER LIMBS</b>		
<b>Burns</b>		
Minor	3	1,500
Moderate	9	4,400
Severe	13	11,000
<b>Scarring</b>		
Minor disfigurement	2	1,250
Significant disfigurement	6	2,500
Serious disfigurement	10	5,500
<b>Ankle</b>		
Fractured or Dislocated		
– one ankle		
- substantial recovery	9	4,400
- continuing significant disability	13	11,000
– both ankles		
- substantial recovery	12	8,200
- continuing significant disability	15	16,500
<b>Sprained</b>		
– one ankle		
- disabling for at least 6 to 13 weeks	1	1,000
- disabling for more than 13 weeks	6	2,500
– both ankles		
- disabling for at least 6 to 13 weeks	5	2,000
- disabling for more than 13 weeks	8	3,800

Description of injury	Level	Standard Amount £
<b>Femur (thigh bone)</b>		
Fractured		
– one leg		
- substantial recovery	8	3,800
- continuing significant disability	11	6,600
– both legs		
- substantial recovery	10	5,500
- continuing significant disability	13	11,000
<b>Fibula (slender bone from knee to ankle)</b>		
Fractured		
– one leg		
- substantial recovery	6	2,500
- continuing significant disability	8	3,800
– both legs		
- substantial recovery	7	3,300
- continuing significant disability	10	5,500
<b>Foot</b>		
Fractured metatarsal bones		
– one foot		
- substantial recovery	6	2,500
- continuing significant disability	8	3,800
– both feet		
- substantial recovery	7	3,300
- continuing significant disability	10	5,500

Description of injury	Level	Standard Amount £
Fractured tarsal bones		
– one foot		
- substantial recovery	7	3,300
- continuing significant disability	12	8,200
– both feet		
- substantial recovery	10	5,500
- continuing significant disability	14	13,500
<b>Heel</b>		
Fractured heel bone		
– one foot		
- substantial recovery	7	3,300
- continuing significant disability	12	8,200
– both feet		
- substantial recovery	10	5,500
- continuing significant disability	14	13,500
<b>Hip</b>		
Fractured/Dislocated		
– one hip		
- substantial recovery	9	4,400
- continuing significant disability	13	11,000
– both hips		
- substantial recovery	12	8,200
- continuing significant disability	15	16,500

Description of injury	Level	Standard Amount £
<b>Knee</b>		
Arthroscopy (investigative surgery/ repair to knee) – no fracture	5	2,000
<b>Patella (knee cap)</b>		
– dislocated		
- one knee		
- substantial recovery	1	1,000
- continuing significant disability	10	5,500
- both knees		
- substantial recovery	6	2,500
- continuing significant disability	12	8,200
– fractured		
- one knee		
- substantial recovery	6	2,500
- continuing significant disability	10	5,500
- both knees		
- substantial recovery	9	4,400
- continuing significant disability	12	8,200
– removal of:		
- one knee	8	3,800
- both knees	10	5,500
<b>Leg</b>		
Loss of:		
– one leg		
- below knee	19	33,000
- above knee	20	44,000
– loss of, or total loss of function of one leg where there is no remaining leg with useful function	22	82,000
– both legs, whether below or above knee	23	110,000
Paralysis of leg (see also major paralysis (paraplegia))	18	27,000

Description of injury	Level	Standard Amount £
<b>Tendon and/or Ligament and/or Cartilage</b>		
Minor damage		
– one leg		
- substantial recovery	1	1,000
- continuing significant disability	7	3,300
– both legs		
- substantial recovery	5	2,000
- continuing significant disability	10	5,500
Moderate damage		
– one leg		
- substantial recovery	5	2,000
- continuing significant disability	10	5,500
– both legs		
- substantial recovery	9	4,400
- continuing significant disability	13	11,000
Severe damage		
– one leg		
- substantial recovery	7	3,300
- continuing significant disability	12	8,200
– both legs		
- substantial recovery	11	6,600
- continuing significant disability	15	16,500
<b>Tibia (shin bone)</b>		
Fractured		
– one leg		
- substantial recovery	8	3,800
- continuing significant disability	11	6,600
– both legs		
- substantial recovery	10	5,500
- continuing significant disability	13	11,000

Description of injury	Level	Standard Amount £
<b>LOWER LIMBS</b>		
<b>Toe</b>		
<b>Fractured</b>		
– great toe		
- one foot		
- substantial recovery	6	2,500
- continuing significant disability	12	8,200
- both feet		
- substantial recovery	8	3,800
- continuing significant disability	14	13,500
– two or more toes		
- one foot		
- substantial recovery	1	1,000
- continuing significant disability	6	2,500
- both feet		
- substantial recovery	3	1,500
- continuing significant disability	9	4,400
<b>Loss of:</b>		
– great toe	12	8,200
– both great toes	14	13,500
– one toe (other than great toe)	1	1,000
– two or more toes	9	4,400
<b>Partial loss of:</b>		
– great toe	6	2,500
– both great toes	10	5,500





