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Supporting rape survivors through the Criminal Injuries Compensation Scheme: An exploration of English and Welsh Independent Sexual Violence Advisors' experiences

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Supporting rape survivors through the Criminal Injuries Compensation Scheme: An exploration of English & Welsh Independent Sexual Violence Advisor's experiences.

English and Welsh responses to rape have long been critically examined, leading to many attempted improvements in the Criminal Justice System (Home Office, 2013). Despite this, little attention has been paid to the Criminal Injuries Compensation Scheme [CICS] and the difficulties applying it to rape. To begin addressing this gap, researchers interviewed three, and qualitatively surveyed twenty-two, Independent Sexual Violence Advisors. The findings suggest that CICS can reinforce rape myths and disadvantage vulnerable survivors, but can also be a source of validation and fulfil some of survivors' justice needs. The study, while exploratory in nature, therefore highlights the need for further discussion and research about rape survivor compensation.

About the authors

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Criminal justice responses to rape and sexual assault have been critiqued for decades in England and Wales (Home Office, 2013). For example, a cross-Governmental review in 2010 acknowledged that while improvements have been made, the criminal justice system [CJS] remains a hostile place for survivors (Stern, 2010). These sentiments are reflected in the extensive research on English and Welsh responses to rape; which has variously highlighted the prevalence of myths (Temkin & Krahe,

2008), ongoing use of sexual history evidence (Smith, 2014), and manipulative cross-examination in trials (Smith & Skinner, 2012). Given the magnitude of the literature, a full discussion of these problems is beyond the main scope of this article; however Brown & Walklate (2012), Horvath & Brown, (2009) and Westmarland (2015) all provide excellent summaries of the existing research.

While the English and Welsh CJS remains problematic when responding to rape, then, academics are aware of these problems and are working with Government to improve matters. For example, REFERENCE REMOVED recently suggested that rape myths are prevalent throughout trials because the underlying context of the CJS reinforces their use; so the Police and Crime Commissioner¹ for Northumbria, Vera Baird, implemented a court observer scheme to increase accountability at trial (Association of Police & Crime Commissioners, 2013). Similarly, the use of pre-recorded cross-examination videos has been trialed in three cities to begin addressing the intimidation experienced by young survivors going to court (Ministry of Justice, 2014). While there is undoubtedly still work to be done in relation to the mainstream CJS, it is also therefore useful to begin exploring the areas that have previously gone unexamined. One such area is that of the Criminal Injuries Compensation Scheme [CICS], a statutory arrangement for the financial redress of those experiencing violent crime (Ministry of Justice 2012a). This article, though tentative and preliminary, seeks to highlight the importance of research into the CICS and how it is applied to rape cases. As discussed later, the study used semi-structured interviews and a qualitative survey of Independent Sexual Violence Advisors in order to gain insight into the difficulties faced by rape survivors who seek State financial redress. The findings suggest that the structures of the scheme can reinforce rape myths and disadvantage survivors from more deprived backgrounds, but that it can also be an important way of accessing validation and may fulfil some survivor justice needs. Ultimately, the study argues that there is a need for debate and further research on survivor compensation and the CICS.

A brief outline of the English and Welsh context

In order to best examine CICS in rape cases, it is first useful to briefly outline the current context of CJS responses to rape in England and Wales. Research has tended to focus on police responses to sexual violence, at least partly because the high level of attrition occurring at this stage (Lea, Lanvers & Shaw, 2003). More recently, however, attention has turned towards the court system and the ongoing intimidation in trials (Smith & Skinner, 2012). As with the international literature, English and Welsh research has highlighted that survivors feel disempowered and ill-informed during the police and court stages; for example finding out about their offender's prison release through mutual friends (Skinner & Taylor, 2009). As part of an attempt to combat this, Independent Sexual Violence Advisors [ISVAs] were introduced in 2005, with an estimated 251 now working across the UK (Lea *et al*, 2015). While there are no statutory guidelines on the role, these advisors are based in police stations, Sexual Assault Referral Centres or voluntary organisations; and organise regular updates, support service referrals, practical help and information about the CJS process (Stern, 2010). In evaluations, ISVAs have been found to provide comprehensive support that is invaluable to survivors, making them a key tool in improving responses to rapeⁱⁱ (Robinson, 2009).

Another common theme running through almost all of the English and Welsh literature is that of rape myths. These myths, defined as “prescriptive or descriptive beliefs about rape that serve to deny, downplay or justify sexual violence” (Bohner *et al*, 1998:14), have been found to dictate the circumstances in which rape is taken seriously (Temkin & Krahé, 2008). Indeed, Burrowes (2013) argues that myths are used to criticise a survivor's actions; ignoring the role that fear, guilt and shock play in decision-making. Key examples of rape myths pertinent to this study include that false allegations of rape are common, that delayed reporting to police is suspicious, and that women involved in prostitution cannot be raped (Burrowes, 2013). These beliefs appear influential in the CJS (Dinos *et al*, 2014); for example survivors without visible injury are perceived by mock jurors as

not trying hard enough to prevent attack (Ellison & Munro, 2013). Similarly, Rose, Nadler & Clark (2006) found that delayed reporting, 'foolish behaviour', or inconsistencies in evidence were interpreted as meaning the survivor was lyingⁱⁱⁱ. Lawyers, judges and police officers have also been found to adhere to these myths (Temkin & Krahe, 2008). For example, Lovett *et al* (2007) and Ellison & Munro (2009) have shown that barristers routinely invoke myths to portray survivors as foolish for being in high-risk situations, undermining their credibility with the jury. REFERENCE REMOVED suggests that these myths reveal an entrenched focus on gendered ideas of 'rationality', and Rose *et al* (2006) argue that survivors must be one-dimensional 'ideal victims' in order to be believed.

There is debate about whether rape myths must be false in order to be called myths (Lonsway & Fitzgerald, 1994); however the key myths above are widely accepted as having been dispelled by research or analysis of the law (Burrowes, 2013). For example, Crown Prosecution Service (2013) analysis of all suspected false allegations over a 12 month period suggested they are very rare, despite other research showing a persistent belief by mock juries that such accusations are common (Ellison & Munro, 2013). The assumption that allegations are frequently false has led to survivors who seek compensation being treated with suspicion, as financial gain is considered a common motive for making accusations (Wheatcroft & Walklate, 2014). With this in mind, it is next useful to briefly outline the importance of financial redress in recognizing rape survivors' justice interests.

Financial Redress and Survivor Justice

Internationally, Herman (2005) has criticized traditional justice mechanisms as being unable to meet the needs of survivors because they do not offer meaningful participation or acknowledgement. Instead, Daly (2014) theorizes that survivor justice involves meeting a shifting set of needs that encompass participation, voice, validation, vindication, and offender accountability. In this, Daly (2014) argues that justice mechanisms should be measured by their ability to meet survivors' needs,

for example to provide affirmation and recognition of harm. As with McGlynn's (2015) similar concept of kaleidoscopic justice, this requires having a selection of justice mechanisms available in order to meet the different needs of different survivors (see also Henry, Flynn & Powell, 2015).

These alternative mechanisms have most commonly been discussed in relation to restorative justice, because it seeks to respond to crime in ways that prioritize respect, participation and dignity for those involved (Marshall, 2003). Approaches such as victim/offender mediation and community conferencing could therefore provide ways for survivors to feel heard and validated, addressing some of the criticisms of CJS responses to rape (Randall, 2013). Some have been wary of these approaches because restorative justice is perceived as being 'easy' on offenders and shifting sexual violence back into the private sphere^{iv} (Dignan, 2005). Morris (2003) rejects this, however, arguing that restorative approaches contain punitive elements and can maintain State involvement so that crime remains a public issue. For further discussion of these debates, see the excellent summary by Randall (2013).

Significantly, a sense of reparation has been repeatedly highlighted as important to survivors (Marshall, 2003). Reparation is the making up of harm and can occur in a variety of formats; such as apologies, community service or compensation (Doak, 2008). It is considered central to restorative approaches because of a belief that responses to crime should repair the harm caused, and is ideally done both by the offender and wider community (Zehr & Mika, 2003). While all aspects of reparation are thought to be useful, Baird & Radford (2011) identify financial redress as being particularly important because it combines validation with a sense of redistributive justice. This reflects Ristovski & Werthein's (2005) findings that Australian survivors were significantly more satisfied with case outcomes when they received some form of compensation, regardless of the source of this money.

Financial reparation can be drawn from three main avenues: civil (tort) law, offender compensation,

and state compensation. Godden (2012) has examined the benefits and limitations of tort law in sexual offences, noting that the lower standard of proof required in civil law can allow survivors greater chance of validation. In addition, she notes that survivors have their own representation in tort, meaning they have the participation and voice that can help regain a sense of control (Godden-Rasul, 2015). Indeed, Feldthusen, Hankivsky & Greaves (2000) found that most Canadian civil litigants felt they had been treated with dignity and respect, while over half of state compensation claimants felt the opposite. In addition, although there are few civil law protections against questions about bad character and sexual history, Godden (2012) argues that the CJS restrictions on such evidence could easily be translated into tort. Significantly, the awards received are also much higher than in other forms of financial redress: Feldthusen *et al* (2000) found the average Canadian tort award was \$200,000 compared to the state compensation standard of \$5,000-10,000.

Despite holding potential for reparation and validation, though, tort cannot be the only route for financial redress because extensive costs in bringing a case mean only wealthy survivors would have access to reparation (Godden-Rasul, 2015). Similarly, the redress depends not only on the offender being identified and brought to court, but also having the financial means to pay for awards (Godden, 2012). Godden-Rasul (2015) has highlighted further concerns, for example that civil law may feel like a return to the private sphere and that rich offenders may effectively buy rape, committing violence and paying the civil costs later. This is reflected in Feldthusen *et al's* (2000) finding that many survivors felt an unexpected sense of being 'paid for services rendered', despite choosing civil law precisely because it was the offender who would have to pay (and so be punished). While tort can be a useful option in some circumstances, then, it must remain one option among many.

Offender-paid compensation within the CJS is another source of financial redress that provides the opportunity to acknowledge the harms caused. In England and Wales, policy guidance asks judges to

prioritize the use of compensation over fines when sentencing offenders (*Criminal Justice Act 2003*). This has not been put into practice, however, and survivors continue to miss out on compensation while the offender pays a fine to the Government^v (Cavadino, Dignan & Mair, 2013). This may partly be because judges are reluctant to award compensation where the amount may appear derisory, but most offenders are not able to pay for higher level awards (see Flood-Page & Mackie, 1998). While offender-paid compensation can be helpful for survivors, it cannot therefore be the sole route to financial redress. This is especially true because in England and Wales, offender-paid compensation occurs after conviction; however only around 7.6% of adult rape cases reported to police end this way (Walby, Armstrong & Strid, 2010).

Despite the usefulness of other forms of reparation, it is therefore clear that state compensation must also be examined as a route to financial redress. The importance of state compensation lies in the fact it does not rely on wealthy offenders who are identified and convicted (Godden, 2012). In addition, the statutory nature of the schemes are significant given the feminist critique that individualised reparation symbolically returns sexual violence to the 'private' sphere (see Braithwaite, 2003). Statutory compensation is therefore a key way in which a country can validate the experiences of survivors and acknowledge that their victimization is of societal importance (see Council of Europe's 2012 Istanbul Convention for more). While the smaller awards available mean that state compensation provides only tokenistic recognition of harm rather than full redress (Godden-Rasul, 2015), it is therefore useful for showing solidarity with survivors (Miers, 2016).

State Compensation for Violent Crime

Internationally, nation states have resisted the idea of a *right* to compensation, but it is frequently discussed as a way of making amends for the failure to protect citizens from violent crime (Miers, 2016). State compensation for violent crime emerged in the 1950s after Margery Fry highlighted the

CJS's limited use for victims (Walklate, 1989). New Zealand became the first country to introduce a state compensation scheme in 1964, with the UK following in the same year. By the mid-1970s, many countries had introduced similar schemes and they are now relatively common (Forster, 2005); for example the Council of Europe (2004) now expects its member states to provide compensation for violent crime victims even if they are citizens of another member country.

A detailed comparison of compensation schemes around the world is set out by the Thomson Reuters Foundation (TRF, 2015). In general, though, these schemes offer compensation for the physical and mental injuries sustained as a direct result of violent crime^{vi}. Most offer this compensation on the basis of the actual loss suffered, for example medical expenses or loss of earnings^{vii}; but excluding costs that may be dealt with by insurance, for example loss of property (TRF, 2015). New Zealand is the most comprehensive of these, allowing claims for social and vocational rehabilitation, as well as child care and property losses (New Zealand Government, 2016). Other schemes base compensation on the nature of the harm^{viii} and may include payments for 'pain and suffering'. In the UK^{ix}, the CICS is a combination of these, with a tariff system based on the nature of the crime which is then 'topped up' with actual losses where applicable (Ministry of Justice, 2012a).

The UK Criminal Injuries Compensation Scheme

In the UK, the CICS is open to all victims of violent crime as long as they have reported it to the police^x (Ministry of Justice, 2012a). Once an application has been made, awards are determined by the Criminal Injuries Compensation Authority [CICA] board; taking into account a set tariff for each injury and any factors that increase or decrease the amount given (Ministry of Justice, 2014). The current tariff for a single perpetrator rape is £11,000, rising to £13,500 if there are two or more offenders. Additional payments are made for further harm, such as pregnancy or sexually transmitted infection, but it is noteworthy that the CICS will not pay for more than three injuries (Ministry of

Justice, 2012a). Despite this, the English and Welsh awards are some of the most generous in the world (Brienen & Hoegen, 2000); with countries such as Canada awarding closer to \$5,000-10,000, or £3,500-7,000, and Finland awarding a maximum of EUR 8,800, or £6,858 (TRF, 2015).

There is little systematic research on CICS, especially in relation to sexual violence, but there is much to be learned from the reviews that have discussed the issue. Baird and Radford (2011), for example, accused CICA of finding any possible reason to lower the awards given to survivors and criticized the narrow eligibility criteria described below. This project by Baird and Radford (2011) involved interviewing Victim Support and Crown Prosecution Service employees who had a role in survivor decisions to claim compensation. Only preliminary findings are available, however, because Vera Baird was elected as a Police and Crime Commissioner before the main fieldwork could occur. Payne (2009) also touched upon compensation in her review of survivor justice, noting that many women were frustrated with the scheme. This was unpacked further in the Stern (2010) review of responses to rape, where it was recommended that CICA reflect on its policies due to the controversial rules. These include that survivors who have criminal convictions or who did not report to police within 48 hours can have their award rejected or reduced (Baird & Radford, 2011). In its response to Stern, the UK Government (2011) reaffirmed its belief that a survivor's previous convictions should impact on an award because it meant they had previously caused expense to society. However, such an argument appears unsatisfactory given that previous convictions do not exclude survivors from other state benefits, for example jobseekers allowance.^{xi}

A 2012 review of CICA practices *did* lead to greater discretion on delayed reporting in rape cases, though.^{xii} For example there is now provision to allow a full award if the survivor delays reporting to police but has a 'reasonable' explanation because of their age or the effect of the crime (Ministry of Justice 2012a). As argued later, however, this does not appear to be consistently upheld. Significantly,

the internal guidance of CICA (n.d.) also states that ‘fear of reprisals’, ‘not recognizing the assailant’ and ‘saw no point in reporting it’ will not be considered legitimate reasons for not reporting to the police. Research has shown these to be common reasons for delayed reporting in rape (The Havens, 2010) and so the guidance may be disproportionately impacting on survivors of sexual violence. In addition, the 2012 review cemented the belief that only reporting to police would be acceptable when considering an application, making the eligibility narrower than it had previously been (Miers, 2013). Similar critiques have been made internationally, with Langevin (2010) arguing that survivors should have longer to claim compensation in Quebec, where there is a one year statute of limitations. Indeed, it may be useful to adopt a similar approach to Australia, where there is a ten year period for compensation claims in sexual offences, and no limit if the offence occurred before the age of 18 (TRF, 2015). It is also notable that New Zealand operates a ‘no-fault’ scheme, meaning survivors can claim even if they did not report to police immediately (New Zealand Government, 2016).

The 2012 review also tightened the refusal or reduction of awards for applicants with criminal convictions^{xiii} or ‘questionable character’^{xiv} (Ministry of Justice, 2012a). This can negatively impact victims of all crime (Miers, 2016), but arguably holds special significance in rape because of the rape myths that survivors encounter elsewhere (Stern, 2010). The idea of reductions because of bad character also tie into public discourses about ‘deserving’ and ‘undeserving’ victims, meaning that a survivor must be considered ‘blameless’ in order to access support (Miers, 2013; Rose *et al*, 2006). Indeed, this is explicitly acknowledged by the Ministry of Justice (2012b: 4) in its statement that the eligibility requirements “will ensure that where payments are made they are to blameless victims”. Such wording reflects the civil law principle that injury compensation should be in proportion to the culpability of the injured party, despite the CICS moving away from civil law principles in other areas (Miers, 2014). In fact, Miers (2014) argues that the principle of deserving victims is held much more stringently in relation to CICS than civil law when comparing similar case appeals. This focus on

blame creates a hierarchy of victims that is likely to reinforce the stigma and shame known to arise in the aftermath of rape (Weiss, 2010); as well as ignoring the now widely accepted overlap between victims and offenders (Cops & Pleysier, 2014). In addition, CICA is clear that the scheme is not about replacing offender compensation, but rather provides recognition of harm (Miers, 2014). It is subsequently difficult to justify the removal or reduction of awards from some survivors, as holding previous convictions does not change the harm experienced. While showing solidarity with some survivors, state compensation can therefore stigmatize and judge others (Buck, 2005).

Internationally, similar restrictions are present in many schemes; with reductions or rejections being common where the claimant is deemed to be partly responsible for the crime, for not cooperating with the CJS, or for displaying 'bad character' (Miers, 2016). It therefore appears that state compensation reflects a key tension in criminology: the tendency to empathize with some victims and blame others. This links back to origins of victimology and the positivist focus on categorizing victims according to their level of 'culpability' (Daigle, 2013). Mendelsohn (1956) was one of the most prominent in this, creating six categories that ranged from 'completely innocent' where victims were children, to 'imaginary victim', where the allegation was actually false. Walklate (1989) highlights the controversy around these categorizations; arguing that while Fattah (1979, cited in Walklate, 1989) said they should just be used to better understand why crime occurs, categorizations almost always involve normative judgements about the victim. Such debates led Christie (1986) to create the concept of 'ideal victims', noting that some are more readily given the label of legitimate victim than others. For Christie (1986), 'ideal victims' were weak in relation to the offender, targeted by a 'big bad offender' while going about respectable business, and had the right balance of power to be given a voice without threatening the status quo. Hall (2013) notes that these 'ideal victims' are given public sympathy and resources, but are actually the exception to the norm. This is especially important in sexual violence, since Canadian research suggests that the notion of 'ideal victims' are

central to understandings of rape and link to the rape myths described above (Randall, 2010).

This is also significant for state compensation given the focus on displaying solidarity with victims of crime. Social solidarity is a key justification for state compensation, for example the UK Ministry of Justice (2012b) repeatedly says it compensates victims because 'it is right to do so'. This links to Durkheim's argument that the legal system organizes our moral sentiment, with Boutellier (2000) arguing that victims have become a rare moral commonality in pluralized society. Feldthusen *et al's* (2000) work suggests this solidarity is what matters most to survivors: Almost all claimants were primarily motivated by the desire to feel heard and believed. This came above financial motivations and suggests that the central benefit to state compensation is the societal validation it symbolizes (Feldthusen *et al*, 2000). In focusing on deserving and undeserving victims, Buck (2005) therefore critiques the idea that state compensation shows solidarity; and distinguishing between victims in this way arguably exacerbates inequality by reinforcing the hierarchies inherent in Christie's (1989) conceptualization of ideal victims.

Such judgments about survivors should not automatically disbar them from compensation, however. New Zealand allows claimants to access redress regardless of whether or not they contributed to the offence or have previous convictions (TRF, 2015). This is despite newspaper rhetoric at the time drawing upon discourses of fraudulent claims and fears that women would lie about rape to receive 'a free ride' (Frewin *et al*, 2009). Indeed, the counter-debate that arose in the media then highlighted the humanitarian need to tackle a real problem of sexual violence, meaning that the scheme opened debate about how to address the wider issues (Frewin *et al*, 2009). Seear & Fraser's (2014) work on addiction in Australian compensation also reveals the importance of framing. While some judges interpreted addiction as meaning that claimants should not receive compensation, others argued that addiction is a social problem and should therefore be addressed using societal-level compensation

(Seear & Fraser, 2014). While Seear & Fraser (2014) critique both views as framing addiction pathologically, this demonstrates that claimants with 'bad character' should not automatically be excluded, since reframing of the problem can create an imperative for the state to act.

Finally, the English and Welsh CICS rules have been criticized for excluding offences committed before 1st October 1979 if the perpetrator was a member of the survivor's household (Ministry of Justice, 2012a). This excludes survivors of historic familial sexual abuse from compensation- all the more potent because of the ongoing revelations in the UK press about the endemic nature of child sexual abuse in the 1970s (see Alibhai-Brown, 2014). Similar difficulties are experienced by survivors in Quebec, where Langevin (2010) criticizes the time limits on applications and notes that some survivors are in the strange position of being able to make civil claims, but being ineligible for state compensation. Given the controversy surrounding CICS eligibility, as well as the move to providing individual discretion in these cases, it is therefore useful to explore what actually happens when survivors apply for compensation and whether the concerns noted above are still relevant.

Methodology

This research focused on the experiences of ISVAs, as these professionals regularly support survivors to claim compensation and lobby for change on their behalf. It is recognized that speaking directly to survivors would have provided more accurate data^{xv}; however given the short timeframe, drawing upon the ISVA sample provided insights into a higher volume of survivors' experiences than would otherwise have been possible. A further study is now underway and will involve survivors directly.

First, semi-structured interviews were conducted with three ISVAs in order to identify key issues for discussion in the qualitative survey. Using open coding and thematic analysis, an online questionnaire was then created to examine topics ranging from the decision to apply through to

perceptions of client satisfaction. These questions began by asking about the ISVA's caseload and how many clients made CICA claims, as well as how long they had been in the role. The survey then moved on to open-ended questions about awareness of the CICS among clients and reasons for applying or not applying. Further open-ended questions were asked about the claims process, for example about positive and negative experiences with claiming, as well as whether their clients identified any areas for improvement. The final section asked about typical case outcomes and whether clients tended to be satisfied or not. The questions were designed to elicit information about survivor experiences of the process and the meaning they derived from compensation awards in an exploratory manner. The results of the survey were once again analyzed using open and thematic coding, before being compared with the coding of the interviews (which were also reanalyzed in light of the survey results). The key themes that emerged in both the surveys and interviews were: Stigma versus validation in applying for compensation, narrow eligibility rules that reinforced shame, lengthy waiting times, and a contradiction between CJS advice and CICS timeframes for an application.

Sampling occurred opportunistically, with the three initial interviewees being selected because they worked in an area close to the researcher. Similarly, the survey sample was opportunistic in that the researchers contacted 100 ISVAs whose details were publically available and the twenty-two participants then self-selected. This holds potential for bias, as those who did not join the research may hold different views to those who chose to take part (Bryman, 2012). The findings should therefore be considered tentative. In addition, the small sample size means that the findings cannot be generalized in the statistical sense (Curtis *et al*, 2000). Despite this, Gobo (2007) has highlighted the importance of research with small samples but which qualitatively explore processes that could be applied in other contexts. This study is therefore meant as a pilot to more extensive research, initiating discussion and highlighting potential issues rather than making universal claims. The sample was made up of ISVAs from across England, although there was a small bias towards the

Midlands. It also represented a range of experiences, from three months to over ten years in the role, with the mean length of time in the role being five years. The sample had supported an average of 559 survivors each, although the true average may be higher because one respondent could not estimate the number of clients but said their service had dealt with over 1,600 cases in the past year. It is apparent, then, that while the sample is small it captures extensive expertise.

Exploratory Findings: Before, During and After the Application

The themes that arose in both the interviews and survey were remarkably consistent given the exploratory nature of the study. Financial burdens and a sense of reparation were found to be the main reasons for applying, narrow eligibility was found to impact on more vulnerable survivors, and the awarded money was noted as sometimes leading to reduced state benefits. Despite this, survivors tended to express satisfaction upon receiving an award because of the validation this provided. The remainder of this article will unpack and discuss these findings in relation to the existing literature.

Before the Application: Decisions about Claiming Compensation

The findings showed that decisions to apply or not apply for compensation were complex, revealing tensions between seeking validation and fear of being stigmatised.

Reasons for not applying to CICS

The data suggested that survivors initially had very little, if any, information about the compensation scheme. For example, only three of the twenty-five ISVAs said it was 'often' the survivor who initiated conversations about compensation, with the majority saying it was almost always up to themselves. Indeed, ISVA 9^{xvi} noted that it was "the exception to the rule that they are aware of the scheme" and this sentiment was reflected in many other comments. It may therefore be unsurprising that only a small proportion of the ISVA's clients applied for compensation- an estimated average of 16%^{xvii}.

Notably, this is a larger proportion of claimants than the Committee of Public Accounts' (2008) estimate that only 5% of violent crime victims applied to the CICS in 2006. Other countries appear to have a similar uptake, with the US estimating a 5% application rate; although some countries do have higher rates of claims, for example the Netherlands sees approximately 20% of eligible victims apply (Kunst, Koster & van Heughten, 2015). At 16%, the rate of applications is therefore higher than the average for violent crime victims in the UK. It is unclear why this might be, but could be related to having ISVAs who provide information and support, especially in light of clients' limited knowledge of the scheme before the ISVA raised the idea of compensation. This limited knowledge of the scheme arguably counters the myth that false allegations of rape are commonly made for financial gain (see Wheatcroft & Walklate, 2014). It also demonstrates that ISVAs must routinely introduce the CICS to clients, because they may be the only service to notify survivors of their right to compensation. Coy, Kelly & Foord (2009) have previously highlighted national inconsistencies in service provision and so if more systematic standards are implemented (as Lea *et al*, 2015 recommend) it is essential that knowledge of CICS is embedded in the ISVA role.

Where survivors were aware of compensation, they were often misinformed. In particular, survivors sometimes thought that the money was paid by the perpetrator (ISVA 3; ISVA 7; ISVA 18), which put them off applying: "[they] do not want to claim if it comes from there (sic) perpetrator" (ISVA 10) ^{xviii}. Additionally, respondents commented that the vast majority of survivors do not pursue compensation because of a perceived stigma surrounding it. For example, two interviewees noted:

"[There is] a lot of shame and guilt involved with rape generally, [so survivors] maybe feel slightly ashamed that they would want to claim compensation." (ISVA A)

"People aren't ready to talk about it [compensation], it feels selfish, it feels wrong, you know it's not but it feels opportunistic." (ISVA B)

Survey respondents reflected these sentiments, with words like 'dirty' and 'tainted' being used to describe the money awarded; and one ISVA explained that "some people feel that compensation is not appropriate for this type of crime" (ISVA 1). Fear of being judged by others was therefore noted as a significant reason for not pursuing financial redress (ISVA 18). Given the aforementioned belief that false allegations are often made for money, these concerns may not be unfounded (indeed, awareness of such myths may be the reason for scepticism about compensation).

It is also clear that ISVAs were aware of the risk that compensation would be raised in cross-examination if the case reached trial. For example, one interviewee recalled a survivor being warned by police not to claim compensation until after the trial so she could not be accused of lying for money (ISVA C). Such advice was reflected in the survey data, with many repeating this warning:

"Defence lawyers use CICA claims of victims against them at trial... police advise victims not to claim until after the trial." (ISVA 11)

The stigma surrounding the use of compensation to help survivor recovery shows an apparent double standard for rape survivors compared to those experiencing other crimes. Indeed, Kelly (2010) has compared rape to theft, where far from being treated with suspicion despite the relatively high level of false reports, victims are *expected* to claim money back from insurance companies. A plethora of literature has already established the sense of shame that can be experienced in the aftermath of rape (Weiss, 2010). This shame can make the public's suspicion of compensation more pronounced for survivors, and Turvey & McGrath (2011) have shown that police do treat interest in restitution as a 'red flag'. It is therefore unsurprising that survivors feel guilty at the prospect of accessing financial aid and it is important to remember the CICS exists in order to aid recovery rather than being some form of 'silver lining'. Until rape myths about false allegations are tackled, then, it seems that the majority of survivors will not access the redress to which they are entitled.

Reasons for applying to CICS

For those survivors who did apply for compensation, the ISVAs noted that financial burdens and a sense of reparation were two driving factors in the decision. For example:

“The woman has incurred significant debt because of the emotional trauma that she has experienced over a long period of time... [Survivors have] usually lost money through loss of work or mental health problems that have followed.” (ISVA A)

This highlights the financial consequences that can arise from long-term trauma; something reflected by the survey respondents, who commented that “[a] lot of our clients have suffered financial difficulties due to the abuse” (ISVA 14), including loss of earnings (ISVA 7). This was noted by one respondent as especially important if compensation could then help survivors move away from the accommodation in which they were abused (ISVA 14). Furthermore, it was frequently recognised that the clients supported were in “financially dire straits” and so were claiming compensation for the sake of dependent children rather than themselves (ISVA B). Although sexual violence does not discriminate between economic classes (Brown & Horvarth, 2009), research has suggested that economically disadvantaged women are particularly at risk of being victimised (Renzetti, 2009). These less financially stable survivors may face pressure to return to work rather than focusing on their emotional needs in the aftermath of rape (Jordan, 2008). Compensation can therefore play a vital role in protecting survivors against further disadvantage by alleviating some of these financial pressures and enabling survivors to focus on their recovery. Despite its limitations, then, CICS has the potential to improve access to justice for those most vulnerable.

Another key reason for applying to the CICS was a sense of reparation, especially where their case had not resulted in a criminal prosecution or conviction. As ISVA A noted, being awarded money can be “recognition people believe them enough that they would compensate them”. Indeed, ISVA B

argued that some survivors chose to apply “out of pure anger... they didn’t get a court outcome at all so [compensation] was a way of closure”. This sentiment was widely reflected in the survey responses, for example one commented that:

“Most people I work with want to apply for compensation because they feel let down by the legal system and feel it’s another chance to be believed.” (ISVA 1)

These views confirm that survivors are often more concerned about being acknowledged than getting a conviction (Feldthusen *et al*, 2000; Stern, 2010). Jordan (2012) has already highlighted how survivors can feel silenced within the CJS, which is overwhelmingly out of their control. By contrast, compensation (at its best) can be a way to acknowledge the trauma caused and any resultant money enables survivors to take control over their future. Showing social solidarity with survivors is recognised as a key role for compensation internationally (Buck, 2005), and this highlights the importance of CICS within survivor justice. Funding must therefore be protected despite the climate of budget cuts in order to continue improving responses to rape^{xix}.

During the Application: Narrow Eligibility & Decision Timeframes

Despite the positive elements of the CICS described above, the findings also highlighted difficulties with narrow eligibility and long waits for CICA decisions.

Narrow Eligibility

A key theme to arise out of the interviews was that many survivors had experienced obstacles in applying for compensation. Indeed, ISVA 7 argued that “in my opinion it is set up so that they can find any excuse possible not to compensate”. The survey therefore asked respondents whether their service users had experienced any difficulties, and 20 of the 22 ISVAs said that they had. In particular, the reduction or rejection of claims where survivors had unspent convictions was perceived as

“flawed in thinking and it really stigmatises women” (ISVA A). Almost half of the ISVAs said that their service users had experienced difficulty in gaining compensation because of previous convictions, even where the defendant had been found guilty. This was often because survivors were involved in sex work (ISVA 2; ISVA 17) and so those most at risk of victimisation were paradoxically the least likely to be given help. Such exclusion is likely to exacerbate the stigma already highlighted in the aftermath of rape (Weiss, 2010) and so needs strong justification.

In its response to the Stern (2010) review, the Government (2011) argued that it would be unacceptable to award public money to those who had previously caused societal distress^{xx}. Despite this, a 2012 review of the CICA guidelines appeared to relax the rules by giving CICA officers discretion in cases where the survivor did not receive a custodial or community sentence (Ministry of Justice, 2012a). Minor offences, like solicitation or shoplifting, should not therefore automatically be used to reject claims; but the respondents in this research suggested it was still regularly the case. Journalists have also challenged the Ministry of Justice’s (2012b) assertion that motoring offences and other low level convictions are not considered in sexual offence claims (see Mullin, 2015). For example, Pettifor (2015) reports that rape survivors have received partial awards on the basis of non-payment of a television license, using a mobile phone whilst driving, and breaching the peace. The low level of these offences may suggest that the Government’s concern for public distress is not relevant: It is questionable whether they cause enough inconvenience to justify withholding support to survivors of rape. Moreover, Acierno *et al* (2003) note that rape survivors regularly use alcohol or illicit drugs as a coping mechanism, but this can then be used as evidence of a ‘questionable’ character. Indeed, these exclusions ignore the strong criminological link between victimisation and offending, continuing a cycle of crime that could be alleviated (see Walklate, 1989; Seear & Fraser, 2014). The New Zealand approach, which does not exclude based on perceived culpability or bad character, demonstrates that it is possible to hold such policies without excessive public outrage. In

addition, Taiwan's scheme does not penalise claimants with negligible convictions (TRF, 2015). While the Government argues that only certain victims deserve social solidarity, Seear & Fraser's (2014) research can also be seen as evidence that 'bad character' exclusions can be reframed as a need for *greater* social solidarity. On a European level, it is also arguable that charters such as the Istanbul Convention, which the UK has signed but not ratified, suggest a legal requirement to provide adequate redress for *all* survivors of sexual violence (Council of Europe, 2011).

The findings also suggest that the time restrictions on applying for compensation are problematic. Survivors needed to make a claim within two years of the offence, but this was repeatedly noted as inappropriate for sexual offences:

"A client applied at 2 years 3 weeks and was turned down. She had mental health and physical problems and didn't want to apply until after the police decision to charge in case it was thought she only reported 'for the money'". (ISVA 9)

This appears significant given the previously discussed advice that survivors wait until after the CJS conclusion of their case. In fact, almost all of the survey respondents commented that survivors were advised not to claim until after trial, but the slow-running CJS meant this put applications outside the two year deadline. ISVAs noted that the police were sometimes aware of the tensions this created, with one officer writing a letter of support to CICA:

"I even got a signed letter from the OIC [Officer in Chief] advising that the case had to be adjourned twice due to no fault of the victim and he has specifically told the victim not to apply until the case was over to prevent this being brought up in court." (ISVA 7)

Despite this forward-thinking, the claim was rejected even after review and the survivor did not feel able to put forward an appeal.

Another difficulty with the timeframe for applications was that of historical child abuse:

“In historical child abuse, if the victim was living with the perpetrator as members of the same family, they are not eligible.” (ISVA 4)

This is reflected in the rule that offences committed before 1st October 1979 are exempt from compensation if the perpetrator was a member of the survivor’s family or household (Ministry of Justice, 2012a). ISVA 16 recalled another recent application that had been rejected for this reason and waited a long time for an appeal, only to have the appeals panel apologize that they could not change the decision because it was in law. Additionally, ISVA 21 noted that this was a “very unfair law” and gave an example of a client in her 30s who had reported abuse aged six but was not eligible, while her brother reported at 23 and received compensation. She summarized this succinctly, saying: “Same crime, same court appearance, different compensation outcome. Very unjust.” (ISVA 21).

On a positive note, one ISVA commented that exclusion because of delay in reporting historic abuse was now rare; although she then went on to describe cases in which this had happened (ISVA 7). Indeed the majority of ISVAs stated that the CICS rules were a significant barrier for adult survivors of child sexual abuse, suggesting there may be inconsistencies in the application of the rules. It is now frequently recognised that survivors of sexual violence are likely to hide their victimisation much longer than for other crimes (Felson & Paré, 2005). Upholding the two year time limits can therefore be problematic; especially given the Ministry of Justice (2014) advice that applicants wait until the full extent of their injuries are apparent before making a claim. Recognizing and naming the psychological impact of child sexual abuse is widely accepted as a long term process (Sanderson, 2006); so this advice appears to contradict the strict adherence to a two year limit.

It is perhaps for this reason that the CICA (n.d.) internal guidance now gives officers discretion about whether time limits should be applied, stating that the emotional impact of the crime can be a reason to extend the timeframe. Despite this discretion, our findings suggest that allowances for long-term trauma are not being consistently made. Moreover, the CICA (n.d.) state that 'fear of reprisals', 'not recognising the assailant' and 'saw no point' cannot be taken as valid reasons for a delay in reporting to police. This disadvantages survivors of sexual violence, especially historic child abuse, as research has shown them to be reasons that many survivors do not go to the police (Home Office, 2013). Given the increasing recognition of historic child abuse since the 'Savile Scandal' (see Alibhai-Brown, 2014), such exclusions feel outdated and in need of renegotiation. Langevin (2010) has argued that similar problems in the Quebec compensation scheme mean survivors of sexual violence should be given additional time in which to apply, since discretion alone cannot guarantee they receive fair consideration. This seems like a simple solution, although it may be better to remove the need for a timeframe in cases of sexual offences at all. Australia's removal of time limits on child sexual offences is a useful example that the UK could follow in this regard (see TRF, 2015).

Long Waits for a Decision

In contrast to the strict time limits on when an application can be made, the survey respondents commented that a significant difficulty with the CICS was the long time it took to receive a decision. While the Ministry of Justice (2014) website warns applicants to expect to wait up to one year for a decision, the ISVAs in this research noted that it could be much longer. One interviewee (ISVA B) had recently left the role after two years and said she had still not heard decisions from early applications. This was reflected in the surveys, for example ISVA 11 noted:

“CICA state that claims take one year to process, we are working with multiple claimants that are still waiting after 18 months”.

Indeed, one respondent commented that their last case had taken five years to settle (ISVA 8). Such delays were highlighted as problematic because of the role that compensation played in survivors seeking closure. While the decision was outstanding, then, survivors were noted as finding it difficult to move forward with their lives (ISVA 21). For this reason, ISVA 3 argued that:

“Sexual offences applications [should be] dealt with as a priority as the psychological effect of this claim ‘hanging over them’ means they struggle to put closure to the case.”

This reflects the recent findings of Kunst *et al* (2015), who surveyed compensation claimants and found that there was strong dissatisfaction with how long it took to process claims. They argue that this highlights a need to manage claimant expectations at the start of the process (Kunst *et al*, 2015).

Significantly, several of the survey comments also highlighted the extent to which applications are only successful after a lengthy appeals process:

“We have reviewed many decisions on behalf of clients and have been to appeal tribunal on 3 occasions all have resulted in successful outcomes in terms of compensation being paid. The client however has had to endure an initial refusal and a lengthy frustrating and painful wait for the decision. Considerable time and expense must be incurred by CICA.” (ISVA 10)

One ISVA noted that this was particularly dependent on the time of year:

“[Claims] made towards the end of the financial year often get turned down and then accepted on review request in April of the next year.” (ISVA 11)

Although only mentioned once, this is worrying as it suggests eligible applications could be tactically rejected for budgetary reasons. Such rejections may later be successful, but this relies on claimants being informed enough to review, and feeling that they have enough energy to continue with the process. Further research is now needed to establish whether such events are happening regularly.

After the Application: Survivor Satisfaction and Impacts on Benefits

The survey respondents were asked what proportion of clients they estimated to be successful in claiming compensation and the responses were positive. While one respondent said that none of their applications had been successful, the rest said that almost all claims ended in some form of award. In fact, five ISVAs estimated that over 90% of applications were successful, with another two saying that all claims had been awarded (ISVAs 4; 8; 9; 16; 17; 21; 22). The findings also suggest good news in relation to the satisfaction that survivors feel after the compensation process, outlined below. Despite this, there were some ongoing concerns about the negative impact that compensation awards could have on any state benefits received by the survivor.

Survivor Satisfaction with the CICS

ISVAs, despite having misgivings about the application process, noted that survivors tended to be satisfied with the CICS outcome. In fact, seventeen of the twenty-five ISVAs said that survivors tended to be satisfied with the compensation they received. It was argued that this was because:

“They’re just grateful to get any compensation! Usually we have to appeal to get it” (ISVA 2).

Others stated that “the amount of money is something they can use for something positive” (ISVA 4) and that “they usually can’t believe the amount they are given” (ISVA 13). A notable exception to this were claims for ‘less serious’ sexual offences, which receive far less money and often end in dissatisfaction because of the perceived trivialisation (ISVA 7). While it was not possible to establish clear data on the amounts received by survivors, the standard tariff for rape by a single perpetrator is £11,000 (Ministry of Justice, 2014) and so is a significant amount of money, especially for those from economically unstable backgrounds.

Another reason that was repeatedly suggested for the high levels of survivor satisfaction was that of validation. For example, one respondent argued that:

“In [two] cases the investigations were no further actioned by police so to receive compensation was a huge affirmation that they had been believed.” (ISVA 18)

Similarly, ISVA 1 stated that “service users who have been awarded the compensation feel believed even if there was a not guilty outcome at court or an NFA [‘No further action’ decision]”. This supports the previous assertion that CICS can play an important role in survivor justice, providing a sense of acknowledgement as well as being a form of redress. Survivors are clearly looking for alternatives to the legal system, which is so often a source of disappointment rather than justice (see Feldthusen *et al*, 2000; Jordan, 2012). Despite the problems outlined in this article, then, the CICS can be a powerful tool for reparation and should be protected from budget cuts. It was noted by respondents, though, that this satisfaction only applied to claimants who were successful and it is important to recognise the potential negative impact on survivors who do not receive an award.

Impact on Benefits

The findings also highlighted a potential side effect of receiving compensation that deserves consideration. In the initial interviews, one ISVA criticised the way in which awarded money could mean state benefits were reduced or even rescinded:

“Depending on... how diligent and proactive the local benefits authority are, they can reasonably say, “well you have savings of x amount and we expect that you provide for yourself”. (ISVA B)

This was noted as especially troublesome because ISVA B found that most of her service users did receive some form of financial aid. In order to explore this issue further, survey respondents were asked if they had experienced similar issues, and eight ISVAs stated they had. While this is a minority,

it is a significant minority, and these impacts warrant discussion considering their potential influence on how useful compensation may actually be. All eight respondents noted that unemployment benefits were at risk because of the award.^{xxi}, for example:

“Job centre required one client to evidence all spending of the money awarded by the CICS”.
(ISVA 14)

Another ISVA (17) recalled service users having their benefit payments stopped all together, and two noted that clients had gifted the award to family members to avoid this eventuality (ISVA 4; ISVA 7). Indeed ISVA B recalled helping particularly vulnerable clients to set up a Bare Trust, which allows personal injury compensation to be paid to survivors without being considered part of their savings, so that they would not be left ‘out of pocket’. It has already been established that survivors of sexual violence often experience economic hardships (Renzetti, 2009). The money awarded by CICA is designed to alleviate the harm caused, for example by allowing funds for counselling or to help survivors move on from accommodation in which the attack occurred. It is therefore severely questionable as to why the money awarded justifies taking away long-term support, especially given the one-off nature of the payment. Further research is now being conducted on this issue, as well as the creation of template applications for Bare Trusts in order to make this process easier.

Improving the CICS for Rape Survivors?

Given both the successes and challenges highlighted by this research, it is worth briefly asking whether CICS can further improve its responses to rape survivors. All except one survey respondent felt that CICS could be adapted to better serve their clients. When prompted to expand on this, many ISVAs reiterated that the time restrictions on applications should be lifted:

“Change the 2 year ruling or have something in place that allows a victim going through court case to delay an application without fear this will affect their eligibility.” (ISVA 18)

Other aspects of the eligibility rules were also highlighted as in need of change; for example ISVA 2 argued that the rules need to be reconsidered in order to support those already disadvantaged, such as sex workers. Several calls were made to rescind the restriction on pre-1979 offences, saying that “a victim of sexual violence should not be refused compensation because a crime happened [a long time ago]” (ISVA 21). It therefore appears important to gain further clarification from the Government about why this restriction exists and has not been reconsidered despite increasing recognition of past failures surrounding child sexual abuse.

Fifteen of the twenty-five ISVAs felt there should be a separate branch of the CICS to deal specifically with sexual violence, noting that sexual offences are often of a different nature to other violence and so the CICS eligibility rules are often inappropriate:

“The impact and trauma is very specific, therefore less [sic] requests for proof of formal therapy would be helpful.” (ISVA 1)

“[The] nature of the crime often means victims delay in reporting, which is different to any other crime.” (ISVA 18)

The significance of sexual violence has already been recognised by CICA in their decision to protect funding for sex offence awards despite budget cuts since 2012 (Miers, 2014). Perhaps this lays the groundwork for specialised rules too, although a minority of respondents called for more training within the existing CICS rather than creating a separate one. Regardless, all were clear that rape survivors should be exempt from the narrow eligibility requirements, summed up in the following quote from ISVA 2: “No matter what your background, why should they be denied CICA”?

Concluding Remarks

This preliminary study has begun to explore ISVA perspectives of the CICS process, making tentative

observations about the successes and limitations of the scheme. The UK scheme holds similar benefits and limitations to those in the rest of the world, providing opportunities for social solidarity and yet also stigmatising vulnerable survivors with normative eligibility rules (Miers, 2016). Our findings suggest that financial burdens and a sense of reparation were the main reasons for applying, that the narrow eligibility impacted on more vulnerable survivors, and that the awarded money sometimes led to reduced unemployment benefits. Despite this, we found that survivors tended to express satisfaction if they received an award because of the validation and opportunities this provided. This reflects research in other parts of the world, which show that the social solidarity provided by state compensation is the key factor in applying (Feldthusen *et al*, 2000). It therefore appears that financial redress is a significant part of a State's ability to provide survivor justice in rape, but that a renewed discussion of the CICS criteria is needed. This is because there is apparent ongoing stigmatization that occurs through the assumption of high false allegations and the need for 'blameless victims'. Whether as part of a separate scheme or within the current system, it is suggested that CICA must now grapple with the unique trauma and stigma that surrounds rape in order to maximize its successes in this area.

While policy recommendations from a small project must be tentative, this research echoes previous calls for either a separate sexual violence compensation scheme or clear exemptions from the narrow eligibility rules on delay, cooperation with the CJS, and 'bad character'. The researchers would hope for such focus on 'deserving' and 'undeserving' victims to be removed from the CICS as a whole, but recognize that the impact on those experiencing sexual offences is of particular concern and must be addressed as a priority. It is also suggested that information about the scheme and what to expect from the process should be given to all survivors upon making a report.

Ultimately, the findings in this research suggest that state financial redress for survivors of sexual violence is an important area of future research. Although the problems that survivors of sexual violence face in the CJS have come to be recognised more widely (Horvarth & Brown, 2009), there remains a need to understand how survivors move beyond this and rebuild their lives. It is hoped that the current article will act as a catalyst to further research on this issue and that the potential of CICS to be either a force for validation or further stigma is taken seriously by academics and policy-makers alike. In particular, further projects are planned to explore survivors' experiences directly, as well as expanding the ISVA knowledge discussed here to a more generalizable sample size. Additionally, it is hoped that researchers will be able to interview CICA case officers about their decision-making process, but only time will tell how open the Scheme will be.

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- ⁱ The Police and Crime Commissioner [PCC] is an elected role that sets the policing priorities in each area, as well as holding the police service to account and commissioning victim services.
- ⁱⁱ They can also provide valuable insights into the experiences of the many survivors they support, making ISVAs an important resource for research like the current project.
- ⁱⁱⁱ Although some mock juries penalise victim/survivors for being too coherent, so there is a narrow margin of 'appropriate' consistency (Munro & Kelly, 2009).
- ^{iv} Historically, sexual violence was considered a private matter and trivialised as something that was not a societal problem (Westmarland, 2015). Through feminist activism and the rise in human rights discourse, violence against women has now been recognised as a public issue that should be dealt with at all levels of society (Council of Europe, 2012). Anything that appears to erode societal responsibility is understandably treated with caution for fear of trivialising the problem once again.
- ^v Although the *Domestic Violence, Crime & Victims Act 2004* introduced a £15 Victims Surcharge in 2007, which is paid by offenders in addition to fines in order to finance support services and state compensation. It was extended in 2012 to provide an extra £50 million funding (Hall, 2013).
- ^{vi} While there are provisions for those indirectly harmed by the witnessing of violent crime (in the UK, as well as New South Wales), these tend to be restricted and mostly apply only to the family of deceased victims.
- ^{vii} Schemes on this basis include Germany, Finland, Japan, South Korea and the USA (TRF, 2015).
- ^{viii} For example Hong Kong and Alberta (TRF, 2015).
- ^{ix} Despite differences in the criminal justice systems within the UK, the Criminal Injuries Compensation Scheme is applied to England, Northern Ireland, Scotland and Wales alike. This research used a sample of English ISVAs and so has focused on literature about the English and Welsh CJS, but it is notable that the problems of the scheme apply to the whole of the UK.
- ^x From the outset, this disadvantages the majority of rape survivors since crime survey data suggest only 15% of rapes are reported to police (Home Office, 2013). This requires further research attention.

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- ^{xi} In addition, prisoners can claim compensation for some harms experienced in UK prisons, showing that holding a conviction does not automatically disqualify someone from access to public funds.
- ^{xii} For a useful discussion of this review, albeit not specific to rape, please see Miers (2013).
- ^{xiii} Since 2012, any unspent convictions that would result in a custodial or community order should now be rejected rather than reduced. This removes case officer discretion and tightens eligibility criteria.
- ^{xiv} This is determined by consideration of any illicit drug use or perceived anti-social behaviour
- ^{xv} By talking to ISVAS we introduced another layer of risk of interpretation bias; since we are relying on them to accurately interpret and communicate the experiences of survivors. Despite this, ISVAs often advocate for survivors and so are well placed for such interpretation and communication.
- ^{xvi} To protect anonymity, survey respondents are referred to as ISVA 1, ISVA 2, and so on; while interview respondents will be ISVA A, ISVA B, and ISVA C.
- ^{xvii} Although this hid dramatic variations. Those with the highest workloads often had the fewest applicants.
- ^{xviii} This is significant in light of the Ministry of Justice (2012b) suggestion that offenders should pay more of the compensation, as these data suggest that the offender's money would not be welcome.
- ^{xix} The 2012 CICS review aimed to save 25% of its annual budget, and there are ongoing attempts at reducing the CICS budget each year (Miers, 2013).
- ^{xx} Paradoxically, though, the Government also acknowledges the potential for public outrage that rape survivors are excluded for having low level previous convictions (Ministry of Justice, 2012b).
- ^{xxi} Rules state that savings over £6000 will be taken into consideration when deciding unemployment benefits (Department for Work & Pensions, 2015).