

CRIMINAL INJURIES COMPENSATION APPEALS PANEL FOR NORTHERN IRELAND (CICAP)

Nature of the Role – CICAP Adjudicator (Legal Member)

CICAP was established under the provisions of the Criminal Injuries Compensation (NI) Order 2002. Its purpose is to support the victims of violent crime by determining promptly, impartially, fairly and independently, appeals against review decisions made by Compensation Services, Northern Ireland in accordance with the Northern Ireland Criminal Injuries Compensation Scheme(s) of 2002 and 2009, and by virtue of Article 6 of the European Convention on Human Rights.

Volume of work

Appeals to the CICAP occur on an ad hoc basis with approximately 400 cases being dealt with each year. CICAP is independent of both Compensation Services and the appellant.

Subject to the workload of the Panel an Adjudicator will be required to attend at least 12 hearing days per annum and will work closely with the CICAP staff in identifying what days s/he is available to attend hearings.

Thorough preparation for hearings is an essential part of this role. Prior to attending a hearing Adjudicators receive the case papers supplemented by the appeal documentation from CICAPNI – usually to their home address. These must be reviewed thoroughly before attending a hearing. The bundle typically consists of the application, Compensation Services' decision and any witness statements, medical, psychiatric/psychological reports and full GP/hospital notes and records. Police reports, transcripts of interviews, criminal records and details of relevant penalty points may also be provided. It is quite normal for the documentation for any given case to run into several hundred pages.

A typical hearing day consists of four to five listed cases, although the number listed for any particular day depends largely on their complexity. Some may take a half or even a full day to complete.

Hearings, which are heard in the Tribunals Centre at the Royal Courts of Justice in Belfast, commence at 10am with the Panel meeting for approximately 30 minutes – 1 hour beforehand to discuss their preliminary views on the listed cases.

A typical hearing may last a few hours but, again, this depends on the complexity of the case, the volume of evidence and the number of witnesses attending the

hearing. It would be rare but not impossible for any single case to last more than a full day.

Panel

A CICAP Panel consists of three people – a legally qualified Chairman, a medical member and a lay member.

On the day, appellants may have legal representation (counsel, solicitor or both), be supported by an organisation such as Victim Support Northern Ireland or, indeed, may represent themselves.

Both sides have an opportunity to present their case for and against the appeal and witnesses – for example, police officers or eye witnesses – will often attend hearings to give evidence in support of or against the appeal.

Interpreters are used where those attending the hearing do not have English as their first language.

After hearing all the evidence, the Panel will retire briefly to deliberate on the evidence and arrive at a conclusion before returning to inform those present of the decision.

Unless there is a good reason to adjourn proceedings (for example, a key witness has failed to turn up or some important evidence has been introduced at a late stage) the parties are usually informed of the Panel's decision the same day.

Parties have a right to request written reasons for the decision of the Panel and, as a result you will find that the Panel Members make a lot of notes during proceedings.

These notes will form the basis of the written decision with the Legal Member of the panel taking the lead in drafting the written reasons and sending them to the other members of that panel.

Panel Members work closely with each other in their spare time over the telephone and email in agreeing the exact wording of the written decision. This particular exercise usually takes a number of hours to complete. The nature of this written decision is the basis of any potential judicial review proceedings and the Panel Members notes and deliberations will come under close judicial scrutiny if such proceedings are brought.

Injuries and Compensation

As a result of the Court of Appeal decision in re Hoy, the diagnosis of a disabling mental illness must be made by a Consultant Psychiatrist or Clinical Psychologist who will determine for how long that mental illness was or is likely to be disabling. That said, the Panel have a discretion to accept a psychiatric opinion or to seek a further expert opinion on a particular case in question.

The range of injuries which the Panel is asked to consider varies greatly but the common factor is that they were allegedly brought about as a result of a crime of violence.

Typical injuries include occasioned by assaults, robberies, domestic violence, tiger kidnappings or where people have been killed and a relative or witnesses are seeking compensation for the physical and/or mental injuries they have suffered as a result.

As part of the final decision making process, Panel Members may have to consider financial loss and figures will be suggested by one or both parties to the appeal.

This can be quite a complicated area of work as the full range of income sources, benefits and private insurance cover needs to be analysed and made part of the final award, which in turn must also reflect the Injury Tariff.

Training

The Adjudicator will undertake initial and refresher training in connection with her/his work on the Panel.

The Adjudicator will be expected to liaise with the Chairman of CICAP to identify training needs and contribute to training days.

The Adjudicator will also be required to keep abreast of changes to relevant legislation and other relevant provisions and may be asked to attend training courses and Panel meetings from time to time to discuss current procedures and practice as appropriate.

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