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State compensation as rape justice: are public attitudes a legitimate foundation for reform of the UK's Criminal Injuries Compensation Scheme?

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State Compensation as Rape Justice: Are Public Attitudes a Legitimate Foundation for Reform of the UK's Criminal Injuries Compensation Scheme?

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Abstract:	The State's mechanism for compensating victim-survivors of sexual offences has been critiqued as retraumatising. However, a recent review preliminarily rejected calls to loosen the eligibility rules, stating that the current criteria reflect public attitudes. This article outlines the first empirical study of public opinion on the Criminal Injuries Compensation Scheme [CICS], drawing on data from over 2000 survey participants. The findings show ambivalence among members of the public, but also reveal the current rules are not strongly supported and are in some cases highly unpopular. The article then examines some difficulties with relying on public opinion for criminal justice reform, and ultimately argues that there are stronger justifications for reforming the CICS than popularity with the public. Specifically, loosening the eligibility criteria would create more legitimate policy through the protection of core societal values such as fairness and dignity.
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Conflicts of Interest Please declare any possible conflicts of interest, or state 'The Author(s) declare(s) that there is no conflict of interest' if there are none. Further information about conflicts of interest can be found in our Ethical Guidelines.	The Author(s) declare(s) that there is no conflict of interest.
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6999 words

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Compensation; Rape & sexual violence; Justice & reparation; Public opinion

Key Messages

- Contrary to the Ministry of Justice's rhetoric, there is not strong public support for the current eligibility rules on the Criminal Injuries Compensation Scheme [CICS] for sexual offence victim-survivors.
- Women and younger people are more critical of the current CICS eligibility rules, but social grade did not impact public opinions.
- Relying on public opinion for CICS reform is problematic, as widening the eligibility is justifiable regardless of lay popularity.

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Introduction

In the UK, critique of police and court responses to sexual offending has led some victim-survivors to seek validation beyond the traditional criminal justice system. Private personal injury claims can offer validation and reparation, but only for victim-survivors with the resources to fund legal action and whose perpetrator has sufficient money (Godden-Rasul 2015). Additionally, Feldthusen et al. (2000) found that Canadian victim-survivors were uncomfortable with the sense of being 'paid for services rendered' in civil cases. State compensation can therefore be a powerful alternative source of justice that is available to all victim-survivors without involving the perpetrator (Miers 2019).

The UK Criminal Injuries Compensation Scheme [CICS] is the State's mechanism for compensating victims of violent crime, including victim-survivors of rape and sexual assault. Previous research demonstrates that the CICS offers validation, voice, and vindication for successful claimants (Smith & Galey 2017). However, successive media reports since 2016 have criticised the CICS as having narrow eligibility rules that lead to claims being withheld or

reduced. For example, Sammy Woodhouse became a prominent campaigner in 2017 after being denied compensation for sexual offences relating to a large grooming operation in Rotherham. Sammy's letter from the Criminal Injuries Compensation Authority [CICA] stated that compensation was denied because they were "not satisfied that your consent was falsely given as a result of being groomed by the offender…", despite being only 14 when the abuse started and her abusers being criminally convicted (Halliday 2017).

In response to concerns, then Victims' Commissioner, Baroness Newlove, examined the CICS and concluded that it was fundamental to victim justice but could re-traumatise claimants because of the victim-blaming rules (Office of the Victims' Commissioner 2019). The Ministry of Justice (2020) subsequently reviewed CICA but its preliminary report argued that widening eligibility would be unpopular with taxpayers. There is currently no evidence-base on public opinion of the CICS, or the perceived popularity of restrictions on compensation, so the present research surveyed 2,007 members of the public. The article first outlines the CICS and controversies around eligibility, as well as the role of public opinion in legitimising social policy, before introducing the present research. The survey demonstrates inconsistent opinions but general support for widening CICS eligibility in rape and sexual assault, particularly amongst women and younger respondents. However, there are difficulties with relying on public attitudes to inform justice policies because research demonstrates widespread myths about rape (e.g., Willmott et al. 2018) and criminal justice (e.g., Garland 2001). This article therefore ultimately turns to the question of whether public opinion on the CICS can provide a legitimate foundation for its reform.

State Compensation for Sexual Violence

The Criminal Injuries Compensation Scheme (CICS) is a mostly tariff-based system[i] of compensation for 'blameless' victims of violent crime in England, Scotland, and Wales. It was introduced in 1964 as part of an international trend towards increased victim-survivor support (Hall 2017) and has undergone several iterations, most recently in 2012. The 2012 amendments sought to reduce costs by narrowing eligibility criteria and cutting compensation for less serious harms (Miers 2014). The changes appear successful, as applications have steadily declined, and in 2018/19 there were 31,008 new applications compared with 58,195 in 2011/12 (CICA 2019). Similarly, the annual budget has reduced significantly since the newest scheme came into place: In 2018/19, CICA paid out only £130m compared with £449m in 2011/12 (CICA 2019).

Compensation is available for victim-survivors of rape and sexual assault so long as the offence occurred in Great Britain, was reported to police, and the claimant was either granted asylum or was a citizen / close relative of a citizen of Britain or any other signatory state to the Council of Europe's Convention on the Compensation of Victims of Violent Crimes (Ministry of Justice 2012). Subject to discretion, CICA case officers may withhold or reduce claims where: (i) the offence was not reported to police as soon as reasonably practicable, (ii) the claimant did not cooperate in bringing the assailant to justice, (iii) the claimant's character or conduct before, during, or after the incident makes compensation inappropriate,[ii] or (iv) the claim was made more than two years after the police report[iii] (Ministry of Justice, 2012). Additionally, case officers *must* reduce or withhold claims where (v) the applicant has unspent criminal convictions or (vi) it is perceived that no violent crime took place because the

claimant 'consented in fact' where they lacked the capacity to consent in law (Ministry of Justice 2012). The scope and eligibility of the CICS remains under review, but the preliminary consultation did not propose any changes to these rules (Ministry of Justice 2020).

Research Evidence on State Compensation

There is little existing research on the CICS, particularly around sexual offences, but Payne's (2009) review found that victim-survivors were frustrated by the process. Stern (2010) recommended more inclusive eligibility rules, particularly around previous convictions, but this was rejected on the basis that the public would disapprove of compensating someone who had caused public expense (UK Government 2011). Hester & Lilley (2017) interviewed four victim-survivors who made compensation claims as part of a wider study on rape justice. All four claims were rejected due to time lapse or evidential problems outside the victim-survivors' control. These rejections had significant mental health impacts and were described as "another slap in the face", especially where the criminal case also had an adverse outcome (Hester & Lilley 2017: 321). Smith and Galey (2017) found that victim-survivor support workers were concerned about the retraumatising nature of the CICS, as rules compound existing self-blame. Finally, the Office of the Victims' Commissioner (2019) found that many victim-survivors felt stigmatised by the CICS criteria and found it difficult to navigate.

There is more research internationally, though not exclusive to sexual offences. In Canada, Feldthusen et al. (2000) found that state compensation offered high levels of satisfaction when successful because of the validation and social solidarity provided (see also Buck 2005). However, Dutch studies demonstrated low uptake (Kunst, Koster & van Heughten 2017) and

claim decisions related more to case officers' sympathy for the victim-survivor than legally relevant factors (Kunst & Schiltkamp 2020). Similarly, Swedish research highlighted secondary victimisation when awards were reduced because of victim-survivors' perceived moral standing and culpability (Goss, 2019). Of the research on sexual offences, an analysis of Australian compensation decisions also found bias against female victim-survivors, particularly in cases that featured rape myths (Daly & Holder 2019).

Compensation and Notions of Deservingness

Miers (2019) argued that eligibility rules give legitimacy to state compensation, but that the focus on 'blamelessness' also draws on cultural representations of who 'deserves' help. These representations, as seen in Christie's (1986) 'ideal victim', Fattah's (1979) 'legitimate victim', and Graham's (2006) 'credible victim', compare victims with a comparison 'other' group (Charman 2019). Such normative judgements are exacerbated for victim-survivors of sexual offences (Randall 2010) because there are a plethora of myths surrounding how rape happens and how people react (Willmott et al. 2018). These categorisations also ignore that people with vulnerabilities, a history of offending, and/or 'chaotic' lives are at particular risk of victimisation (Hall 2017). Seear and Fraser (2014) noted that while some Australian judges framed addiction as meaning claims should be rejected, others reframed it as a social problem that required socially funded compensation. In this way, adopting an individual versus social framework on victimology can lead to the refusal of support or, conversely, a moral imperative for action.

State compensation as a moral imperative is contentious, but the CICS is rooted in a sense of ethical responsibility. For example, compensation recognises the state's duty to protect the wellbeing of its citizens, and that this duty is failed by the experience of violent victimisation (Buck, 2005). While the UK Government denies that compensation equates to a recognition of liability for crime, it is notable that reforms tend to follow attention on State failings for certain groups of victim-survivors (Hall, 2017). Indeed, tax-funded compensation represents a form of social solidarity and is part of the state response to crime, in the same way that perpetrators are not left to private interests but rather are dealt with through a formal justice system (Buck 2005). State compensation can therefore be viewed as a type of social insurance, with a humanitarian rationale that draws on collective compassion and a need to provide a minimum standard of dignity and care to fellow citizens (Miers 2019). Finally, state compensation is linked to moral duty because it is a means to encourage participation in the justice process. The justice system relies on victim-survivors reporting an offence, but this can come with significant costs in terms of time and emotional wellbeing, especially for victim-survivors of rape and sexual assault (Gillen 2019). The availability of compensation is therefore meant as recognition that the claimant has performed a difficult civic duty (Young & Stein 2004).

Research Design

In light of ongoing discussion about reforming CICS eligibility, our aim was to create an evidence-base from which public opinion could feed into reform debates. Given the limited existing evidence, we did not formulate specific hypotheses and instead answered two broad research questions:

RQ1: Do members of the public support existing Criminal Injuries Compensation Scheme (CICS) eligibility rules?

RQ2: Is the level of support for existing CICS rules influenced by gender, age, and/or socio-economic status?

Data and methods

The research surveyed 2,007 people living in Great Britain on 14-15 May 2019, although not all participants responded to every question and so the *n* varied. Respondents were identified using YouGov's Omnibus, which comprises a panel of more than 800,000 individuals who have agreed to take part in surveys. Panellists received an e-mail or app notification inviting them to contribute to a survey and the responding sample was weighted to make it representative of the adult population of Great Britain.[iv]

Participants for YouGov panel surveys provide information on their personal characteristics in advance, e.g. age, gender, and National Readership Society social grade (based on the occupation of the chief income earner in each household). Details of race and ethnicity were not available for this study. See Table 1 for a breakdown of the sample by gender, NRS social grade, and age.

Table 1 here

Survey participants were asked whether they thought it was acceptable or unacceptable to withhold / reduce CICS claims for rape or sexual assault based on six eligibility rules:

i. The incident must be reported to police as soon as reasonably practicable,
ii. The claimant must have co-operated fully with the investigation into the crime and any prosecution that followed,
iii. The claimant's character or conduct must be 'appropriate' up to the date of the application (e.g. there must not be a history of violence between the victim and assailant, voluntary intoxication must not play a direct role in the incident, the victim must not be aggressive towards police),
iv. The application must not be made later than two years after the incident is reported to the police,
v. The claimant must not have a criminal record,
vi. The claimant must not have consented in any way, regardless of their capacity in law.

Additionally, respondents were given three examples of the eligibility rules in the real world and asked whether these claims should or should not be denied. All three claims had indeed been withheld or reduced, but survey respondents were not told these outcomes. The example cases were described as:

- Individual A was sexually abused as a child by a family member. They applied for a claim for compensation when they were an adult. They had a conviction for drink driving when they applied for compensation. The individual was suffering from alcohol

dependency they developed as a result of both the abuse and ongoing consequences of that abuse.

- Individual B was 14 when they were groomed by a group of sexual abusers who were convicted and sentenced to a total of 35 years in prison. The Criminal Injuries Compensation Scheme (CICS) believe that she had consented 'in fact' even if she could not consent by law (i.e. because she was under the age of 16).
- Individual C was a victim of a sexual offence. They were asked by the police not to apply for compensation until after the trial. Due to delays in the trial, they were unable to apply until 2 years and 3 weeks after they had reported the offence. The Criminal Injuries Compensation Scheme (CICS) states that it will not provide compensation if the claim is made 2 years after the offence was originally reported to the police.

Coding and Analytical Procedures

Demographic information was coded prior to analysis. Age was recorded as a categorical variable: 18-34 (1), 35-54 (2), 55+ (3). Gender and social grade were binary coded as (0) female, (1) male; and (0) lower social grade, or CD2E, (1) higher social grade, or ABC1. Outcome variables to the CICS questions were binary coded based on endorsement or agreement: (0) disagree / should not deny claim / rule is unacceptable, (1) agree / should deny claim / rule is acceptable.

Frequencies, descriptive statistics, and binary logistic regression analyses were calculated using SPSS 26. Binary logistic regression analyses were conducted to establish whether demographic variables were associated with dichotomous respondent decisions regarding

each question. Preliminary analyses conducted displayed no violation of the assumptions of multicollinearity.

Limitations

YouGov categorised gender in a binary manner and due to resource constraints, the survey did not access data on ethnicity or other theoretically relevant variables such as political preferences. In addition, participants were only given three example case studies, limiting the extent to which attitudes towards applied rules can be generalised. In addition, analyses were limited by the way that YouGov data were provided, as the responses of individual participants could not be identified and so interactions between variables could not be analysed.

Results: Ambivalence but Broad Support for Reform

When stated in general terms, the six CICS eligibility rules were neither consistently supported nor rejected (see Table 2). Descriptive analyses revealed a significant minority (18-30%) of respondents were uncertain about whether exclusions were acceptable or unacceptable. The strongest opinions were in support of the claimant needing to fully co-operate with criminal justice interventions (rule ii: 61% agreed), and against penalising claimants with a criminal record (rule v: 66% disagreed). This means that the rule enforced most strongly by CICA, with no discretion for case officers on unspent convictions, is the least popular among members of the public.

Table 2 here

Table 2 suggests some differences across gender and age, where women and younger people tended to be less supportive of the eligibility rules. In terms of gender, the largest disparity was about approval for exclusions based on 'consent in fact' (9-percentage points difference between male and female respondents) and 'appropriate conduct' (7-percentage points gender difference). Approval for the exclusions varied across the three age ranges, but support tended to increase among older respondents. This is with the exception of the 'consent in fact' rule, where more younger respondents supported eligibility exclusions. In contrast, opinions across social grades appeared fairly consistent.

When the rules were applied to real-world examples, public opinion shifted dramatically. Support for the rules in general terms ranged from 14% for previous conviction exclusions (rule v) to 45% for a two-year time limit within which to make applications (rule iv) (Table 2). In contrast, Table 3 shows that support for the rules in the specific examples dropped to 5% (two-year limit), 6% (previous convictions), and 8% ('consent in fact'). There was also lower uncertainty among respondents, with only between 6% (two-year limit) and 12% ('consent in fact') of respondents stating they were unsure about the best outcome.

Table 3 here

The support for eligibility rules was more consistent across gender, social grade, and age when applied to case studies, although some differences did remain (see Table 3). In addition, fewer older people agreed with Individual A being refused compensation due to an unspent driving

conviction (4-percentage point difference from those aged 18-34). The changing level of support for the eligibility rules in general terms versus in specific examples was consistent across men and women, and both social grades (a mean 25-percentage point decrease in support across the three topics). Slightly more people in the 55+ age category changed their mind (with approval dropping a mean of 30-percentage points in the three case studies).

Binary Logistic Regression

Binary Logistic regression analyses were performed to examine whether demographic characteristics (gender, social grade, age) were significantly associated with public attitudes to CICS rules in the abstract and when within specific case examples. Analyses were performed separately for each of six rules and three individual case examples where all but one model were statistically significant (see Table 4).

Table 4 here

In relation to rule i (claimant must report to police as soon as reasonably practicable), all demographic variables made a unique statistically significant contribution to the model. Gender figures (OR = 1.33 $p < .01$, $d = .16$) indicate male respondents were more likely than females to believe that delayed reporting was an acceptable basis for a CICS claim to be refused or reduced. Social grade (OR = .67, $p < .001$, $d = .22$) results displayed that respondents of higher social grade were less likely than respondents of lower social grade to believe that delayed reporting meant CICS claims should be refused or reduced. The greatest effects were

observed between age categories, where respondents aged 55 and above were more than twice as likely (OR = 2.16, $p < .001$, $d = .42$), and to a lesser extent respondents aged 35-54 were 1.5 times more likely (OR = 1.59, $p < .001$, $d = .26$), to believe that delayed reporting meant CICS claims should be refused or reduced, than younger respondents aged 18-34.

On rule ii (claimant must cooperate with the criminal justice system), Gender was the only predictor of respondent attitudes (OR = 1.33, $p < .05$, $d = .16$), with men were more likely that women to agree with CICS claims being refused or reduced where the victim-survivor did not fully co-operate the CJS. For rule iii (eligibility based on victim-survivor conduct) male respondents (OR = 1.59 $p < .01$, $d = .26$) and respondents of lower social grade (OR = .73, $p < .001$, $d = .17$) were more likely to believe that a victim-survivor's conduct should have a bearing on compensation outcomes. The greatest effects were observed between age categories, where respondents aged 55 and above were 1.75 times more likely (OR = 1.75, $p < .001$, $d = .42$) and to a lesser extent respondents aged 35-54 were 1.4 times more likely (OR = 1.40, $p < .001$, $d = .19$) to support rule iii than younger respondents aged 18-34. For rule iv (claim must be submitted within two years of reporting to police), respondents aged 55 and above were almost twice as likely as respondents aged 18-34 (OR =1.88, $p < .001$, $d = .35$) to believe that CICA claims should be refused or reduced when made beyond two years from the police report and for rule v (claimant must not have unspent criminal convictions) respondents of higher social status were less likely (OR = .71, $p < .05$, $d = .19$) to agree with exclusions on the basis of claimant's holding a criminal record. Finally, for rule vi (claimant must not have 'consented in fact' even if they had no legal capacity to consent), gender was

a significant predictor of respondent attitudes (OR = 1.43, p < .001, d = .20), displaying men were more likely to agree with the rule than their female counterparts.

Table 5 here

Respondents presented with three example scenarios were asked whether they felt the compensation claims should or should not be denied. For Individual A, who was sexually abused as a child by a family member and had a drink driving conviction at the time of her compensation claim, age was the only significant predictor of opinions. Results display respondents aged 55 and above were less likely (OR = .55, p < .05, d = .33), to state that the victim-survivor's compensation claim should be denied than younger respondents aged 18-34. For Individual B, who was sexually exploited as a child by a group of perpetrators later convicted for their offences but who was told they she 'consented in fact' even if not in law, gender was the only predictor of respondent attitudes (OR = 2.06, p < .001, d = .40) displaying that men were twice as likely to state the compensation claims should be denied than female respondents. Similarly, for Individual C, who applied for compensation three weeks after the two year CICS eligibility rule, gender was the only predictor of respondent attitudes (OR = 2.23, p < .001, d = .44) with men were twice as likely to state compensation claims should be denied than their female counterparts.

Discussion

Our data suggest that the public does not hold strong preferences on CICS eligibility when framed in general terms; but except for rule ii, only a minority of respondents supported the current criteria (approval ranged from 14-61%). However, respondents were consistent in rejecting the rules when framed as specific examples (approval dropped to 6-12%), highlighting inconsistent opinions on the same issue framed in abstract versus applied terms (see also, Thielo et al. 2016 on the impact of framing).

There were small (1-3% of variance) but significant effects based on gender, NRS social grade, and age category[v]. These effects were inconsistent, but in general women and younger respondents (aged 18-34) tended to be less supportive of the current CICS eligibility criteria; reflecting existing literature on social demographics and welfare spending (e.g. Zalman et al. 2012). This is significant because Reher (2018) found that men's preferences were almost twice as likely to be represented in social policy disputes as women's. Blumer (1948) argued that differing opinions should be used to critique the unequal platform given to some voices, which are presented as 'the' public opinion at the expense of others. It is also notable that women and non-binary people disproportionately experience rape and sexual assault, meaning their views provide useful insights as experts-by-experience (see Campbell 1955). The findings could therefore be used to argue for CICS reform on the basis that the 'public' most affected by the rules were least likely to support them, especially as no other population group showed majority support either.

The inconsistent opinions in our findings led us to a difficult question: What counts as 'popular' policy, and does that always equate to 'good' policy? After all, historic rape reforms were introduced to change public opinion on women and victimisation, rather than because those views were already prevalent (Roberts et al. 1996). Indeed, many now-fundamental social and civil rights were controversial when first implemented (Wallner 2008). Literature on criminal justice also shows that the public may favour ineffective policies. For example, 'popular punitivism' is the idea that the public under-estimate current severity in criminal justice and support extending crime control policies despite evidence that these are counter-productive[vi] (Hough & Roberts 2017).

Widespread misunderstandings about sexual violence also create unhelpful framing of reform discussions (Bohner et al. 2013, Willmott et al. 2018). Particularly relevant is the pervasive myth that false allegations are common (Kelly 2010), as financial gain from compensation could be perceived as a motive for making a complaint. Elsewhere, myths are shown to exist around consent, intoxication, and the relevance of long delays before reporting to police (see Dinos et al. 2015 for a more extensive overview of rape myths). Rape myths frequently position victim-survivors as being to blame for their experiences (Bohner et al. 2013), and perceived culpability is central to perceptions of deservingness (for more on models of deservingness in social welfare, see Meuleman, Roosma & Abts 2020). Similarly, rape myths tend to 'other' victim-survivors and are particularly supported by people who hold 'just world' beliefs, both of which have been related to perceptions of deservingness (Charman 2019). The welfare literature also highlights negative judgement of unemployed people (de Vries 2017), but the effects of trauma can mean that some victim-survivors are unable to hold paid

employment due to substance misuse and/or mental ill-health (see Smith et al. 2018). It is perhaps unsurprising, then, that Daly and Holder (2019) found sexual offence compensation decisions in Australia was related to rape myths and notions of 'ideal victimhood'. All of this means that while our survey data suggest a level of public support for reforming the CICS, this is not the main justification for change.

Creating legitimate public policy: Fairness, respect, and dignity

For the authors, CICS reform is justified not because of the survey results, but rather to protect the legitimacy of compensation policies. Beetham (2012) rejected the idea that legitimate policy was popular policy, instead advocating that it should be judged by its congruence with core societal values (see also Carvalho, Chemberlen & Frost 2019). Rather than reviewing the CICS based on popularity with the public alone, it is therefore better to build reform (or not) around wider societal goals (see Drakulich & Kirk 2016).

One common societal goal is that of fair treatment, via procedural and distributive fairness, which is strongly associated with increased legitimacy (Sunshine & Tyler 2003). The Equality Impact Assessment of the 2012 CICS highlighted that the six main eligibility rules may have a disproportionate impact on victim-survivors of sexual offences. For example, the Assessment stated a need to "look sensitively at the particular issues concerning the reporting of sexual abuse and rape" (para.366) because a substantial body of evidence demonstrates the difficulty in a) reporting sexual victimisation, and b) seeking support or redress. Even once a disclosure is made to police or support services, this does not mean that the victim-survivor is ready for other interventions (Ahrens et al. 2010). Both the requirement to report to police

as soon as practicable and the two-year time limit on applications therefore appear to contradict the principle of fair treatment.

Sexual victimisation is also linked to criminal activity, making the exclusions based on previous convictions unfair. Research shows that those involved in criminal activity, for example women involved in sex work or who are gang-affiliated, are at higher risk of sexual victimisation (Pitts 2013, Deering et al. 2014). It is also widely accepted that the trauma linked to sexual victimisation can trigger involvement in criminal activity (Hannan et al. 2017). Psychiatric research has also long-established the link between sexual victimisation and indirect risk factors for criminal offending, such as substance abuse, low self-esteem, and aggression (Browne & Finkelhor 1986). Appeals such as *RT v First Tier Tribunal* ([2016] UKUT 0306 (AAC)) have acknowledged that the long-term impact of sexual and domestic violence can amount to exceptional circumstances and mean that discretion should be used, as outlined in Annex D (4) para.26 of the CICS.

Away from compensation, the decision in *R v Secretary of State for the Home Department and another (Appellants)* ([2019] UKSC 3) asserted that it was disproportionate not to have discretion over the disclosure of previous criminal records. This suggests that the CICS should reinstate case officer discretion over the impact of convictions on award decisions. In addition, Article 1 Protocol 1 of the European Convention of Human Rights (right to peaceful enjoyment of property) when combined with Article 14 (non-discrimination) may suggest that withholding awards on the basis of offending linked to victimisation could be discriminatory. While the decision in *A and B v Criminal Injuries Compensation Authority and Secretary of*

State for Justice ([2018] EWCA Civ 1534) might seem to allow withdrawal of awards based on previous offending, it is notable that the convictions in these claims had pre-dated the victimization.

The inability for case workers even to use discretion to waive the eligibility rules may therefore perpetuate a cycle whereby victim-survivors are refused compensation due to convictions, but then continue to rely on substances or involvement in criminal activity as a coping mechanism for ongoing trauma. This compounds harm and is likely to result in further use of public resources for health, justice and welfare interventions. Such discrimination cannot be justified because victim-survivors with convictions have cost public money through their offending, as a criminal record does not act as an exemption from other social support, or compensation for harm incurred while in prison. It is also notably in contradiction with the Government's Victim's Strategy (2018: 8), which explicitly stated that victims will be supported "regardless of their circumstances or background".

Another commonly cited value of 'legitimate' social policy is that of meeting need and providing dignity to citizens (Mazepus 2018). Although sexual violence does not discriminate between economic classes (Brown & Horvath 2009), research does suggest that economically disadvantaged women are particularly at risk of victimisation (Breiding et al. 2017). These less financially stable victim-survivors may then face pressure to return to work rather than focusing on their emotional needs in the aftermath of rape (Jordan 2012). Compensation can therefore play a vital role in protecting victim-survivors against further disadvantage by alleviating some of these financial pressures and to allow focus on recovery. Peterson et al.

(2017) estimated that the lifetime cost of rape for a US victim-survivor was $122,461. Even in the UK, where mental health services are free at the point of use, spending cuts mean that many victim-survivors fund their own support to avoid two-year waiting lists for NHS counselling (see Matthews-King 2018). Victim-survivor reactions to trauma can manifest in complex ways, making specialist services especially important and adding to the potential costs (Wadsworth, Krahe & Allen 2020). It is therefore no surprise that the Home Office (Heeks et al. 2018) costed the consequences of rape and sexual offences at £9.7bn in England and Wales between 2015 and 2016. It is notable that criminal justice response costs are relatively small in comparison, at £2.2bn, and the victim services are only funded at £62m (Heeks et al. 2018). As Loya (2015) argued, increased spending that mitigates the emotional, physical, and psychological impact of sexual victimisation can therefore provide dignity for victim-survivors while saving money by reducing welfare demands.

This article has already established that the existing literature demonstrates a lack of dignified treatment within the CICS. The Victims Commissioner's (2019) review into compensation highlighted the negative impact of feeling unworthy of support, for example one interviewee commented that "it just made me feel like I was bothering people for something that they didn't think I should have" (p.98). This was not only re-traumatising in itself, but could also hinder therapeutic interventions for the initial trauma:

> "I set out initially with the injustice of the abuse happening in the first place and then and I've ended up with another injustice. They're looking to deal with the anxiety [the compensation is] causing me for now, hopefully get that out the [way] so that I can deal

> with the counselling for the abuse... that's getting in the way of getting the counselling for the problem in the first place" (Hester& Lilley 2017: 321)

Smith and Galey (2017) similarly noted that unsuccessful CICS claimants felt stigmatised by matter-of-fact rejection letters and having to pay for clinical diagnoses to 'legitimise' the harm they experienced. While state compensation policies have the potential to offer social solidarity and dignity to victim-survivors of sexual violence, this will require changes to the victim-blaming eligibility rules.

Conclusions

The Criminal Injuries Compensation Scheme [CICS] has been accused of victim-blaming rules on eligibility for claims, but a review of the scheme argued that the status quo reflects public opinion. Survey data from 2,007 members of the public in Great Britain provides the first empirical test of this claim, and the findings demonstrate inconsistent but broad support for expanding claimant eligibility. The participant's gender, age, and social grade had some small but statistically significant influences on opinion, with women and younger participants being generally less supportive of the current eligibility rules. When the rules were given as real-world examples, however, they became highly unpopular amongst all cohorts. Arguably, then, the public cannot be said to support current CICS policy.

Having embarked on this research, however, we began to question whether public opinion could and should be used as a simple gauge for reform. Various methodological and theoretical challenges with research on 'the' public make it a problematic basis for policy

decisions. Instead, we have argued that change is required whether it is popular with members of the public or not. Social policy is at its most legitimate when reflecting broad social values such as dignity, respect, and fairness. The CICS in its current state is failing on these principles, and so the ongoing review into future compensation arrangements should consider whether victim-blaming requirements can ever be appropriate in sexual offences.

References

A and B v Criminal Injuries Compensation Authority and Secretary of State for Justice ([2018] EWCA Civ 1534).

Ahrens, C.E., Stansell, J., and Jennings, A. (2010) 'To Tell or Not to Tell: The Impact of Disclosure on Sexual Assault Survivors' Recovery', *Violence and Victims,* 25(5): 631-648.

Beetham, D. (2012) *The Legitimation of Power* (2nd ed). Palgrave MacMillan.

Blumer, H. (1948) 'Public Opinion and Public Opinion Polling', *American Sociological Review*, 13(5): 542-549.

Bohner, G., Eysell, F,. Pina, A., Siebler, F., and Viki, T. (2013) 'Rape Myth Acceptance: Cognitive, Affective, and Behavioural Effects of Beliefs that Blame the Victim and Exonerate the Perpetrator', in M. Hovarth and J. Brown (eds) *Rape: Challenging contemporary thinking*. Willan, pp.17-45

Breiding, M.J., Basile, K.C., Klevens, J., and Smith, S.G. (2017) 'Economic Insecurity and Intimate Partner and Sexual Violence Victimization', *American Journal of Preventative Medicine,* 53(4):457-464.

Brown, J., and Hovarth, M. (2009) *Rape: Challenging Contemporary Thinking.* Willan.

Browne, A., and Finkelhor, D. (1986) 'Impact of child sexual abuse: A review of the research', *Psychological Bulletin,* 99(1): 66-77.

Buck, K. (2005) 'State Compensation to Crime Victims and the Principle of Social Solidarity', *European Journal of Crime, Criminal Law and Criminal Justice,* 13(2): 144-178.

Campbell, D. (1955) 'The Informant in Quantitative Research', *American Journal of Sociology*, 60(4): 339-342.

Carvalho, H., Chamberlen, A., and Lewis, R. (2019) 'Punitiveness Beyond Criminal Justice: Punishable and Punitive Subjects in an Era of Prevention, Antimigration and Austerity', *British Journal of Criminology,* 60(2): 1-20.

Charman, S. (2019) 'Making Sense of Policing Identities: the 'Deserving' and the 'Undeserving' in Policing Accounts of Victimisation', *Policing and Society*, 30(1): 81-97.

Christie, N. (1986) 'The Ideal Victim', in E.A. Fattah (ed), *From Crime Policy to Victim Policy.* Palgrave Macmillan, pp.17-30

Criminal Injuries Compensation Authority [CICA] (2019) *Annual Report & Accounts: 2018-19*. Ministry of Justice.

Daly, K., and Holder, R.L. (2019) 'State Payments to Victims of Violent Crime: Discretion and Bias in Awards for Sexual Offences', *The British Journal of Criminology,* 59(5): 1009-1018.

de Vries, R. (2017) 'Negative Attitudes towards Welfare Claimants: The importance of Unconscious Bias', in W. van Oorschot, F. Roosma, B. Meuleman & T. Reeskens (eds) *The Social Legitimacy of Targeted Welfare: Attitudes to welfare deservingness*. Edward Elgar Publishing, pp.93-110

Deering, K.N., Amin, A., Shoveller, J., Nesbitt, A., Gracia-Moreno, C., Duff, P., Argento, E., and Shannon, K. (2014) 'A Systematic Review of the Correlates of Violence against Sex Workers, *American Journal of Public Health*, 104(5): 42-54.

Dinos, S., Stevens, S., Serfarty, M., Weich, S., and King, M. (2014) 'Stigma: the Feelings and Experiences of 46 People with Mental Illness: Qualitative Study', *The British Journal of Psychiatry,* 184(2): 176-181.

Drakulich, K. and Kirk, E. (2016) 'Public opinion and criminal justice reform: Framing matters', *Criminology and Public Polic*y, 15(1): 171-178.

European Convention on Human Rights (1994) Council of Europe.

Fattah, E.A. (1986) *From Crime Policy to Victim Policy,* Palgrave Macmilllan.

Feldthusen, B., Hankivsky, O. and Greaves, L. (2000) 'Therapeutic Consequences of Civil Actions for Damages and Compensation Claims by Victims of Sexual Abuse', *Canadian Journal of Women and Law,* 12: 66-116.

Frost, N. (2010) 'Beyond Public Opinion Polls: Punitive Public Sentiment and Criminal Justice Policy', *Sociology Compass,* 4(3): 156-168.

Garland, D. (2001) *The Culture of Control: Crime and Social Order in Contemporary Society*. University of Chicago Press.

Gillen, J. (2019) *Gillen Review: Report into the law and procedures in serious sexual offences in Northern Ireland.* Department of Justice for Northern Ireland.

Godden-Rasul, N. (2015) 'Retribution, Redress and the Harms of Rape', in A. Powell, N. Henry, and A. Flynn (eds) *Rape Justice.* Palgrave Macmillan*,* pp.112-126.

Goss, J. (2019) *'Grasshoppers Rather than Ants? Ideal Victims, Just-World Belief and the Reduction of Victim Compensation in Swedish Law'*, Masters of Law Thesis, Lund University.

Graham, R. (2006) 'Male Rape and the Careful Construction of the Male Victim', *Social & Legal Studies*, 15(2): 187-208.

Hall, M. (2017) *Victims of Crime: Construction, Governance and Policy.* Springer Palgrave.

Halliday, J. (2017) 'Compensation Body told Rotherham Abuse Victim she Consented', *The Guardian,* 11 September. https://www.theguardian.com/society/2017/sep/11/compensation-body-told-rotherham-abuse-victim-she-consented

Hannan, S. M., Orcutt, H. K., Miron, L. R., and Thompson, K. L. (2017) 'Childhood Sexual Abuse and Later Alcohol-Related Problems: Investigating the Roles of Revictimization, PTSD, and Drinking Motivations Among College Women', *Journal of Interpersonal Violence*, 32(14): 2118-2138.

Heeks, M., Reeds, S., Tafsiri, M., and Prince, S. (2018) *The Economic and Social Costs of Crime: Second Edition Research Report 99.* Home Office.

Hester, M., and Lilley, S-J. (2016) 'Rape Investigation and Attrition in Acquaintance, Domestic Violence and Historical Rape Cases', *Journal of Investigative Psychology and Offender Profiling*, 17(2): 175-188.

Hough, M., and Roberts, J. V. (2017) 'Public Opinion, Crime and Criminal Justice', in A. Liebling, S. Maruna and L. McAra (eds) *The Oxford Handbook of Criminology (6th ed.).* Oxford University Press, pp.239-259.

Jennings, W., Farrall, S., Gray, E., and Hay, C. (2017) 'Penal Populism and the Public Thermostat: Crime, Public Punitiveness, and Public Policy', *Governance: An International Journal of Policy, Administration, and Institutions,* 30(3): 463-481.

Jordan, J. (2012) 'Silencing Rape, Silencing Women', in J. Brown and S. Walklate (eds) *Handbook on Sexual Violence.* Routledge, pp.253-286.

Kelly, L. (2010) 'The (in)credible Words of Women: False Allegations in European Rape Research', *Violence Against Women*, 16: 1345-1355.

Kunst, M., and Schiltkamp, S. (2020) 'Sympathy for the Applicant: Investigating its Role in Decisions about State Compensation for Violent Crime Victimization', *Psychiatry, Psychology and Law,* 27(1): 26-43.

Kunst, M., Koster, N., and van Heugten, J. (2017) 'Performance Evaluations and Victim Satisfaction with State Compensation for Violent Crime', *Journal of Interpersonal Violence*, 32(19), 3027-3044.

Loya, R. (2015) 'Rape as an Economic Crime: The Impact of Sexual Violence on Survivors' Employment and Economic Well-Being', *Journal of Interpersonal Violence*, 30(16): 2793-2813.

Matthews-King, A. (2018, 6 February) 'NHS Patients with Severe Mental Illness Waiting up to Two Years for Treatment, Report finds', *The Independent*. https://www.independent.co.uk/news/health/nhs-patients-mental-illness-waiting-times-treatment-report-health-bma-talking-therapies-iapt-a8195611.html. .

Mazepus, H. (2018) 'Does Political Legitimacy Matter for Policy Capacity?', in X. Wu, M. Howlett and M. Ramesh (eds.) *Policy Capacity and Governance*. Springer Palgrave, pp.229-242

Meuleman, B., Roosma, F., and Abts, K. (2020) 'Welfare Deservingness Opinions from Heuristic to Measurable Concept: The CARIN Deservingness Principles Scale', *Social Science Research,* 85: 1-15.

Miers, D. (2014) 'Compensating Deserving Victims of Crime: The 2012 Criminal Injuries Compensation Scheme', *Legal Studies*, 34(2): 242-278.

Miers, D. (2019) 'Victims, Criminal Justice and State Compensation', *Societies,* 9(2): 29-42.

Ministry of Justice (2012) *The Criminal Injuries Compensation Scheme 2012*. HM Stationery Office.

Office of the Victims Commissioner (2019) *Compensation without Re-traumatisation: The Victims' Commissioner's Review into Criminal Injuries Compensation,* Victims' Commissioner for England and Wales.

Payne, S. (2009) *Rape Victim Experience Review*. Home Office.

Peterson, C., DeGue, S., Florence, C., and Lokey, C. (2017) 'Lifetime Economic Burden of Rape Among U.S Adults', *American Journal of Preventative Medicine,* 52(6): pp.691-701.

Pitts, J. (2013) 'Drifting into Trouble: Sexual Exploitation and Gang Affiliation', in M. Melrose and J. Pearce, eds., *Critical Perspectives on Child Sexual Exploitation and Related Trafficking*. Palgrave Macmillan, pp.23-37

R v Secretary of State for the Home Department and another (Appellants) ([2019] UKSC 3).

Randall, M. (2010) 'Sexual Assault Law, Credibility, and "Ideal Victims": Consent, Resistance, and Victim Blaming', *Canadian Journal of Women and the Law,* 22(2): 397-433.

Reher, S. (2018) 'Gender and Opinion–Policy Congruence in Europe', *European Political Science Review*, 10(4): 613-35.

Roberts, J.V., Grossman, M.G., and Gebotys, R.J. (1996) 'Rape Reform in Canada: Public Knowledge and Opinion', *Journal of Family Violence,* 11: 133-148.

RT v First Tier Tribunal ([2016] UKUT 0306 (AAC)).

Seear, K., and Fraser, S. (2014) 'The Addict as Victim: Producing the "Problem" of Addiction in Australian Victims of Crime Compensation Laws', *International Journal of Drug Policy*, 25(5): 826-835.

Sims, B. and Johnston, E. (2004) 'Examining Public Opinion about Crime and Justice: A Statewide study', *Criminal Justice Policy Review*, 15(3): 270-293.

Smith, O. and Galey, J. (2017) 'Supporting Rape Survivors Through the Criminal Injuries Compensation Scheme: An Exploration of English and Welsh Independent Sexual Violence Advisors' Experiences', *Violence Against Women*, 24(9): 1091-1109.

Smith, S.G., Zhang, X., Basile, K.C., Merrick, M.T., Wang, J., Kresnow, M-J., and Chen, J. (2018) *The National Intimate Partner and Sexual Violence Survey: 2015 Data Brief – Updated Release*. Atlanta, GA: National Center for Injury Prevention and Control, Centers for Disease Control and Prevention

Stern, V. (2010) *The Stern review*. HM Stationary Office

Sunshine, J. and Tyler, T. (2003) 'Moral Solidarity, Identification with the Community, and the Importance of Procedural Justice: The Police as Prototypical Representatives of a Group's Moral Values', *Social Psychology Quarterly,* 66(2): 153-165.

Thielo, A. J., Cullen, F. T., Cohen, D. M., and Chouhy, C. (2016) 'Rehabilitation in a Red State: Public Support for Correctional Reform in Texas', *Criminology and Public Policy*, 15: 137-170.

UK Government (2011) *The Government Response to the Stern Review: An Independent Review into how Rape Complaints are Handled by Public Authorities,* Cabinet Office.

Wadsworth, P., Krahe, J.A.E., and Allen, E. (2020) 'Occupational Well-Being in Sexual Assault Victims and Survivors', *Journal of Holistic Nursing,* 38(2): 170-185.

Wallner, J. (2008) 'Legitimacy and Public Policy: Seeing Beyond Effectiveness, Efficiency, and Performance', *Policy Studies Journal,* 36(3): 421-443.

Willmott, D., Boduszek, D., Debowska, A., and Woodfield, R. (2018) 'Introduction and Validation of the Juror Decision Scale (JDS): An empirical investigation of the Story Model', *Journal of Criminal Justice,* 57: 26-34.

Young, M., and Stein, J. (2004) *The History of the Crime Victims' Movement in the United States*, National Organisation for Victim Assistance.

Zalman, M., Larson, M. J., and Smith, B. (2012) 'Citizens' Attitudes Toward Wrongful Convictions', *Criminal Justice Review*, 37(1): 51-69.

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[i] Most payments involve a tariff for each injury incurred. E.g., a single perpetrator rape receives £11,000, although this can increase significantly for child sexual abuse or where the offence resulted in long-term psychological damage. There is also scope for loss of earnings and special expenses payments. The maximum total payment is £500,000.

[ii] This should not include intoxication through alcohol or drugs to the extent that such intoxication made the claimant more vulnerable to victimisation.

[iii] Victim-survivors who report to police before 18 must claim before their 20th birthday.

[iv] Weighted data was only used for the descriptive analyses because of how data were provided by YouGov.

[v] Resources did not allow testing of other theoretically relevant factors, e.g. fear of crime (Jennings et al. 2017), previous victimisation (Frost, 2010), and demographic characteristics (Sims & Johnston 2004).

[vi] However, research also suggests that public punitiveness is over-estimated and opinion on justice policy is flexible and ambivalent (Carvalho et al. 2019).

Tables

Table 1.

Socio-demographic characteristics of survey respondents

	n (unweighted)	% sample (unweighted)	*n* (weighted)	% sample (weighted)
Gender				
Male	941	47%	973	48%
Female	1066	53%	1034	52%
Social Grade				
ABC1	1189	59%	1144	57%
C2DE	818	41%	863	43%
Age				
18-24	132	7%	223	11%
25-34	278	14%	283	14%
35-44	390	19%	389	19%
45-54	330	16%	310	16%
55+	877	44%	803	40%

Table 2.

Approval and disapproval frequency distributions of CICS eligibility rules.

Thinking about each of the following requirements the CICS need for a compensation claim following a sexual assault being successful… Do you think it is or is not acceptable for the CICS to refuse or reduce a claim if each of these requirements are not met?

	All Responses	**Gender**		**Social Grade**		**Age**		
		Female	Male	ABC1	C2DE	18 -34	35 -54	55+
i. The incident must be reported to police as soon as reasonably practicable								
Sample (*n*)	1855	964	891	1066	789	454	651	750
% Acceptable	50	47 *(-3)*	52 *(+2)*	48 *(-2)*	53 *(+3)*	38 *(-12)*	50 *(-)*	57 *(+7)*
% Not acceptable	32	34	30	36	26	39	32	27
% Uncertain	18	19	18	16	21	22	18	16
ii. The claimant must have co-operated fully with the investigation into the crime and any prosecution that followed								
Sample (n)	1858	966	893	1066	793	457	650	752
% Acceptable	61	59 *(-2)*	63 *(+2)*	61 *(-)*	62 *(+1)*	58 *(-3)*	60 *(-1)*	64 *(+3)*

% Not acceptable	18	20	17	20	16	20	18	17
% Uncertain	21	21	20	19	23	22	22	18
iii. The claimant's character or conduct must be 'appropriate' up to the date of the application								
Sample (n)	1851	961	890	1065	786	458	646	747
% Acceptable	33	30 *(-3)*	37 *(+4)*	32 *(-1)*	35 *(+2)*	28 *(-5)*	34 *(+1)*	36 *(+3)*
% Not acceptable	37	40	33	40	32	43	38	33
% Uncertain	30	30	30	28	33	30	29	31
iv. The application be made within two years after incident is reported to the police								
Sample (n)	1855	963	891	1062	792	454	650	751
% Acceptable	45	44 *(-1)*	46 *(+1)*	47 *(+2)*	43 (-2)	39 *(-6)*	42 *(-3)*	52 *(+7)*
% Not acceptable	34	36	33	36	32	40	37	29
% Uncertain	21	20	21	17	25	21	21	20
v. The claimant must not have a criminal record								
Sample (n)	1857	966	891	1069	788	458	648	752
% Acceptable	14	13 *(-1)*	14 *(-)*	12 *(-2)*	16 *(+2)*	13 *(-1)*	14 *(-)*	14 *(-)*
% Not acceptable	66	66	67	70	62	69	67	65
% Uncertain	20	21	19	18	23	19	19	21
vi. The claimant must not have consented in any way								
Sample (n)	1854	962	891	1067	786	456	646	750
% Acceptable	35	31 *(-4)*	40 *(+5)*	35 *(-)*	36 *(+1)*	34 *(-1)*	33 *(-2)*	38 *(+3)*
% Not acceptable	38	39	36	41	34	40	38	36
% Uncertain	27	29	24	25	30	26	29	26

Calculated with missing values excluded. Weighted data.

Table 3.

Approval and disapproval frequency distributions of CICS exclusions in real-world case studies

	All Responses	**Gender**		**Social Grade**		**Age**		
		Female	Male	ABC1	C2DE	18 -34	35 -54	55+
Individual A … Do you think their claim for compensation should or should not be denied because of their drink driving conviction?								
Sample (n)	1681	886	795	989	692	413	584	684
% Should deny	6	5 *(-1)*	7 *(+1)*	7 *(+1)*	5 *(-1)*	8 *(+2)*	6 *(-)*	4 *(-2)*
% Should not deny	86	88	84	87	86	82	88	88
% Uncertain	8	7	9	6	10	11	6	8

Individual B … Do you think their claim for compensation should or should not be denied because they were believed to have consented 'in fact'?								
Sample (n)	1683	888	795	987	696	411	586	686
% Should deny	8	6 *(-2)*	11 *(+3)*	8 *(-)*	9 *(+1)*	9 *(+1)*	*9* *(+1)*	7 *(-1)*
% Should not deny	80	83	76	81	78	78	79	82
% Uncertain	12	11	13	11	13	13	12	10
Individual C… Do you think their claim for compensation should or should not be denied because they had submitted their claim 2 years after the offence was originally reported?								
Sample (n)	1685	891	794	990	695	414	585	686
% Should deny	5	3 *(-2)*	6 *(+1)*	4 *(-1)*	5 *(-)*	4 *(-1)*	4 *(-1)*	4 *(-1)*
% Should not deny	90	91	89	92	87	90	89	90
% Uncertain	6	6	5	5	7	6	6	5

Calculated with missing values excluded. Weighted data.

Table 4.

Binary logistic regression models of demographic factors influencing attitudes towards CICA compensation and separately by specific claiming rules.

	Rule i: Report as soon as reasonably practicable	**Rule ii: Cooperate with the investigation**	**Rule iii: 'Appropriate' conduct**	**Rule iv: Application within two years**	**Rule v: No criminal record**	**Rule vi: Must not consent 'in fact'**
	(χ^2= 52.48, *df* = 4, *p* < .001; Cox and Snell^2 = 3.4%; Nagelkerke R^2 = 4.6%; Classification = 62.0%)	(χ^2= 9.76, *df* = 4, *p* < .05; Cox and Snell^2 = 0.6%; Nagelkerke R^2 = 1.0%; Classification = 77.0%)	(χ^2= 38.71, *df* = 4, *p* < .001; Cox and Snell^2 = 2.9%; Nagelkerke R^2 = 3.9%; Classification = 57.0%)	(χ2= 26.74, *df* = 4, *p* < .001; Cox and Snell^2 = 1.8%; Nagelkerke R^2 = 2.4%; Classification = 58.0%)	(χ2= 7.04, *df* = 4, *p* > .05; Cox and Snell^2 = 0.5%; Nagelkerke R^2 = 0.8%; Classification = 83.0%)	(χ2= 17.24, *df* = 4, *p* < .01; Cox and Snell^2 = 1.3%; Nagelkerke R^2 = 1.7%; Classification = 54.0%)
	OR (95% CI)	OR (95% CI)	OR (95% CI)	OR (95% CI)	OR (95% CI)	OR (95% CI)
Gender	1.33** (1.10/1.64)	1.33* (1.04/1.70)	1.59*** (1.27/1.98)	1.16 (.94/1.43)	1.04 (.79/1.37)	1.43*** (1.15/1.77)
Social Grade	.67*** (.54/.84)	.78 (.61/1.01)	.73** (.58/.91)	1.01 (.81/1.24)	.71* (.54/.94)	.81 (.65/1.01)
Age (1)	1.59*** (1.21 /2.10)	1.02 (.75/1.40)	1.40* (1.31 /1.85)	1.21 (.92/1.58)	1.10 (.76/1.56)	1.01 (.76/1.35)
Age (2)	2.16*** (1.65/2.83)	1.16 (.86/1.58)	1.75*** (1.31/2.33)	1.88*** (1.44/2.45)	1.17 (.82/1.66)	1.24 (.94/1.63)

* p < .05, ** p < .01, *** p < .001; Age (1) = 35-54; Age (2) = 55+; Age 18-34 = (reference category).

Table 5.

Binary logistic regression models of demographic factors influencing compensation claim denial decisions

	Scenario A: Convictions	**Scenario B: 'Consent'**	**Scenario C: Two-year limit**
	(χ^2= 11.18, *df* = 4, *p* < .05; Cox and Snell^2 = 0.7%; Nagelkerke R^2 = 1.9%; Classification = 94.0%)	(χ^2= 20.69, *df* = 4, *p* < .001; Cox and Snell^2 = 1.4%; Nagelkerke R^2 = 3.0%; Classification = 91.0%)	(χ^2= 13.28, *df* = 4, *p* < .05; Cox and Snell^2 = 0.8%; Nagelkerke R^2 = 2.6%; Classification = 95.0%)
	OR (95% CI)	OR (95% CI)	OR (95% CI)
Gender	1.46 (.96/2.20)	2.06*** (1.43/2.95)	2.23*** (1.37/3.64)
Social Grade	1.34 (.86/2.10)	.75 (.53/1.01)	.70 (.44/1.11)
Age (1)	.76 (.46/1.25)	1.06 (.68/1.66)	1.22 (.66/2.27)
Age (2)	.55* (.33/.92)	.77 (.49/1.22)	1.04 (.56/1.92)

* p < .05, ** p < .01, *** p < .001; Age (1) = 35-54; Age (2) = 55+; Age 18-34 = (reference category).