

Appealing against a review decision

This leaflet gives you information to help you decide whether to appeal against the decision we made when we reviewed your case, and how to do this. We, the Criminal Injuries Compensation Authority (CICA), made the review decision. If you want to appeal the review decision you will need to lodge an appeal with the First-tier Tribunal – Criminal Injuries Compensation who will decide your appeal.

This leaflet explains:

- when you can appeal;
- how to appeal;
- the appeal process; and
- how long your appeal will take.

Important

Keep your reference number safe. Give us this number every time you contact us or the Tribunal.

When you can appeal

If you are not happy with the review decision, you can lodge an appeal.

You can appeal against any review decision. There are two different types of review decision.

The first is where we turned down your review application because:

- you did not apply for compensation within two years of your injury;
- you did not ask for a review within 90 days of our first decision; or
- you asked us to re-open your case

because your medical condition has changed since the case was closed, but we decided not to do so.

The second is where:

- we have not awarded you compensation; or
- you are not happy with the amount of compensation we have offered you.

How to appeal

Whatever type of review decision you are appealing against, you must apply to the Tribunal. We have enclosed a form for you to use. It is also in a printable form on the Tribunal's website at www.cicap.gov.uk

You should:

- make sure you (or your representative) sign your application form;
- send a copy of the review decision letter with your application form;
- say why you think our decision is wrong;
- send any more information you want the Tribunal to consider; and
- make sure your application form and your reasons for an appeal arrives at the Tribunal within 90 days of the date of review decision letter.

If you require an extension to this time limit please write to the Tribunal giving your reasons.

The appeal process

What happens next?

Once the Tribunal admits your appeal they will send us a copy of the form and any

information you sent with the form. We will write to you with copies of all the documents relevant to your case that we have gathered. We will also send these to the Tribunal.

Your appeal form, and any further documents you provide will form the bundle of information on which the Tribunal will base its decision.

If you are appealing because:

- we refused to consider your case because of a time limit; or
- you asked us to open your case again because your medical condition had changed, but we refused to do so;

a Tribunal Member or Tribunal Judge will decide your appeal on the papers. Their decision is final.

In these cases, the Tribunal will not make the decision about whether you should receive compensation. Instead, if they agree with your appeal, they will send your case back to us to decide whether you should receive compensation.

If you are appealing because:

- we did not award you any compensation; or
- you are not happy with the amount of compensation we have offered you;

the Tribunal may decide to have an oral hearing (see 'The hearings process').

If the Tribunal decide not to hold a hearing, they will make a decision on the papers. They will let you know their decision in writing. If you disagree with that decision you may be entitled to apply for it to be reconsidered at a hearing. The Tribunal will advise you of this right.

In these cases the Tribunal will decide whether you should receive compensation and, if so, how much.

The hearing process

If the Tribunal decides your case should have a hearing they will write to tell you so. Once the Tribunal has all the appropriate documents you and we want to provide they will arrange a hearing. The Tribunal will give you at least 14 days notice of the hearing date and place. You should confirm in writing that you can go to the hearing. You should also let the Tribunal know about any witnesses you are bringing who are not listed in the documents sent to you.

Who will be at the hearing?

Your appeal will be decided by a panel of at least two members of the Tribunal. They will direct the hearing and give you an opportunity to present your case. There will be a Tribunal clerk who will greet you, explain the hearing process and deal with your travel expenses.

There may also be an Authority representative at the hearing. That person's job is to present the reasons for the Authority's decision. They will bring out all the relevant information and ask you, and any witnesses questions to test this information. You and the Tribunal will be able to question the Authority representative and any witnesses. The Tribunal will usually give their decision at the hearing.

Actual or accused offenders

One of the witnesses the Tribunal may

invite to the hearing is the person who caused, or is accused of causing, your injury. If this person disagrees about what happened, or about what led to the incident, they should have the chance to tell the Tribunal their version of what happened. Neither we nor the Tribunal will give them any of your details.

Actual or accused offenders do not often come to the hearing. The Tribunal will give them the date, time and place of the hearing only if they want to give evidence. If you want to be kept apart from them during the hearing, you should tell the Tribunal. They will do all they can to make sure this happens.

How long will my appeal take?

Appeals that do not need a hearing will usually take 3-4 months from receipt by the Tribunal to final decision. Appeals requiring a hearing will be usually be ready to list within 3-4 months from receipt by the Tribunal.

If you are representing yourself it is your responsibility to tell the Tribunal and us about any changes, for example to your health or your address. You should also let us and the Tribunal know if you appoint or change your representative.

You do not need to be represented. Neither the Authority or Tribunal will pay for representation.

If you are an appointed representative

If you are the appointed representative of someone making an appeal, it is your responsibility to tell the Tribunal and us about any changes. If you do not plan to

represent the person appealing at the hearing, you should let the Tribunal know immediately.

**First-tier Tribunal –
Criminal Injuries Compensation
Wellington House
134 - 136 Wellington Street
Glasgow
G2 2XL**

Phone: **0141 354 8555**

Website: www.cicap.gov.uk

**CICA
Tay House
300 Bath Street
Glasgow
G2 4LN**

Freephone: **0800 358 3601**

Website: www.cica.gov.uk