



FIRST TIER TRIBUNAL

criminal injuries compensation

Practice Guidance CI-1

CLAIMS FOR FINANCIAL LOSS – LOSS OF EARNINGS, LOSS OF EARNING CAPACITY, SPECIAL EXPENSES, STATE BENEFITS, PENSION PAYMENTS

1. All Appellants and their representatives are reminded that they have to prove their claim.
2. Appellants must promptly:-
 - inform the Criminal Injuries Compensation Authority (the Authority) of the basis of their financial loss claim and
 - provide the Authority with all documents in support of the claim for financial loss,
 - keep the Authority informed of any changes.
3. Appellants are responsible for providing to the Authority the full name, address and other contact details of former and current employer, details of all relevant social security, pension and other benefits that have to be taken into account under paragraphs 45-48 of the Scheme and that have been and are currently in payment, and the address of all Benefits Agency etc. offices administering such payments.
4. **An employed earner** should produce the following documents:-
 - legible copy of all pay slips on a weekly/monthly basis (depending on whether the applicant is paid weekly or monthly) commencing 12 months before the date of the incident, and continuing to the date when the claim ceases and (if not shown on the pay slips), proof from the employer of the date and amounts of any relevant pay rate changes, **OR** (if these pay slips are no longer available)
 - a letter or schedule signed by a responsible officer of the employer giving details on a weekly or monthly basis of (i) applicant's gross earnings, (ii) deductions (separately shown) in respect of the applicant's income tax, national insurance and superannuation payments for the period commencing 1 year before the date of the incident, together with all relevant pay rate changes.
5. **A self employed earner** should produce the following documents:-
 - a certified copy of accounts for the 3 full tax years preceding the date of incident, continuing to the end of the year in which the claim ceases **AND**
 - copies of all tax returns and confirmation from Inland Revenue to show applicant's gross income, income tax and national insurance payments for these periods
6. If the Appellant and/or the Authority consider that a specialist report is required in connection with a claim for financial loss, they are referred to Practice Statement **CI-3** "*Commissioning specialist evidence*".
7. (Unless the hearing is solely to determine an issue on eligibility), no later than 2 weeks before the hearing date of the appeal, the Appellant and the Authority will have sought to agree the financial loss claim on an arithmetical basis (subject always to the Tribunal's determinations on eligibility, causation and scrutiny) and will inform the Tribunal of areas of disagreement between them.
8. ***An Appellant who fails to comply with this direction risks having the claim for financial loss struck out either in full or in part, and/or having an award withheld or reduced under paragraph 13(c) of the Scheme for failing to give reasonable assistance in connection with the application.***

Anthony Summers
Principal Judge
6 August 2010