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APPLYING FOR CICA – A PERSONAL ACCOUNT



by Anonymous

I applied, with Emmott Snell's assistance, for CICA. This is the compensation that the government pays out to victims of crime, administrated by the Criminal Injuries Compensation Authority. In the end I was unsuccessful, but the experience was full of learning that may be helpful to others, and so I share it here for that purpose.

The administrative process was straight-forward as Emmott Snell managed it all on my behalf and were clear about what I needed to provide them with at every step of the process. Tracey Emmott is a solicitor who is both very experienced dealing with survivors of abuse, and very warm, empathic, sensitive and understanding. She also has experience working with people with DID, which I found invaluable.

What you have to bear in mind about applying for compensation is that it is a completely different world to that

of therapy. That sounds obvious, but therapy had become the invisible lens through which I saw everything connected to my abuse. I unconsciously took my expectations of the way I was being treated in therapy (unconditional positive regard, empathy, patience, kindness) and applied it to the CICA process. And so I found the difference quite shocking and hard to handle at first. It took me a while to be able to recognise what was going on, step back from it, and look at it all with more realistic, pragmatic eyes.

The only purpose of CICA is to assess whether there is clear evidence that you are a victim of crime and then to award you the appropriate compensation. This is a Government agency, and the Government is not renowned for handing out money. It can be a bit of a battle, so it's important to weigh up if you have the energy for that battle. As most of the work was done by Emmott Snell, it wasn't too



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onerous on me, but there is an emotional cost to the process and in retrospect I wish I had been more aware of that. I didn't anticipate how hard I would find talking about what happened to me. I thought I was past all that, but it turns out that again it's one thing to talk about it in therapy, with the therapist being empathic and attuned, and it's another to talk to people who have different goals, or to have to write stuff down on application forms that don't lend themselves to the complexity of your experience.

What I hadn't appreciated was that CICA base their decisions on evidence. In my mind it seemed like a no-brainer: I had been extensively abused, mainly sexually but also physically, during childhood. It had messed my life up, so much so that I had developed DID. I had tried to kill myself several times. Although I had the typical swings in and out of denial personally, nobody around me was in any doubt that I was the victim of multiple crimes. So surely it was simply a case of presenting that information to CICA, and they would do the rest. Right? Wrong.

CICA want evidence and their main evidence base is if there has been a prosecution against the perpetrators. They do have some discretion to still make an award if that prosecution was not successful but on the whole what they're looking for is a conviction. And it feels quite black and white: conviction equals award, no conviction equals no award.

I had neither a conviction nor even a prosecution. All I had was an investigation and the police saying that they believed me but that there wasn't any forensic evidence (of course not – this was thirty years after the crime) or eyewitness accounts (again, of course not). I hadn't known the identities of some of my abusers, and at least one of them was dead. So there wasn't actually enough evidence to proceed to charging anyone, because there wasn't any reasonable expectation of a successful prosecution.

There is a very high threshold of evidence for the Crown Prosecution Service to agree to a charge. It's then another major hurdle to put that evidence before a jury and get a conviction. So the bar is high. I never expected my scraps of information to lead to a prison sentence for anyone, and I was right. But I did think it was enough for an application to CICA.

With CICA, you're supposed to apply for compensation within a certain timeframe after the crime has been committed – something like two or three years, or by the time you're 21. Like many survivors of abuse with DID, I had missed that deadline because of dissociative amnesia. So that was the first hurdle for Emmott Snell to overcome, to argue the reasons why the application should be allowed. They were successful, which was gratifying – it shows that the powers that be at CICA accept that victims of abuse prioritise surviving,



and cannot think of progressing down the criminal justice route until they are in an adequate place of safety within themselves. It gave me hope that they would have further understanding about why certain evidence wasn't available, and that they would take into account the fact that DID doesn't develop out of nowhere, but is the direct result of severe childhood abuse, which is a crime. Therefore I hoped that they would look at all the facts and on balance agree that I had been the victim of crime, even without forensic or eyewitness evidence.

Unfortunately, they didn't see it that way and despite the opinion of the senior investigating officer that my account of events was plausible and various aspects of it were corroborated, CICA wrote to me and said that 'There is no evidence of you having been a victim of crime.'

Receiving that letter was painful. There it was in black and white: it hadn't happened. I hadn't been abused. I was making it all up.

That of course was my initial reaction and I went into an emotional tailspin because of it. It was several days later, when I sat in my next session, that my therapist was able to give me some perspective on it.

'This doesn't change anything,' she said. 'It's just a letter from a government agency that is saying that your application hasn't passed the evidential

threshold to be awarded compensation. It's not saying you weren't abused. It's not saying you weren't the victim of a crime. It's saying that you haven't ticked their boxes to give you compensation.'

At first I didn't understand the distinction, because here was an authority figure declaring from the heavens that I hadn't been the victim of a crime. If the Big People said it didn't happen, it didn't happen. Surely? But eventually the penny dropped. My response had been an automatic, learned behaviour whereby I sacrificed my own version of reality to side with that of The Person with Power. It was a response that had protected me as a child – agree with the perpetrator so they won't get cross with you and hurt you even more – but it was no longer useful. As an adult, I was now allowed to say, 'No, you're wrong.'

Eventually I worked it through and came to the place where I was able to accept that I wasn't wrong about what had happened to me, and that actually CICA weren't wrong in the way they applied the rules either. The rules were man-made. They were designed to get it right more often than they got it wrong, and they were also designed (no doubt) to make a budget work. If they awarded compensation to everyone who claimed they had been abused, there would have been some false claims. For better or worse, someone somewhere had decided



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that a box needed ticking that said that there was evidence – ‘evidence’ by the standards of the criminal justice system, that would be accepted by a jury in a court of law. And the fact that there was no evidence in my case was not because nothing bad had happened. It was not because I was in some way evil or defective. It was a simple artefact of the reality that the abuse had happened a long time ago.

Evidence is always going to be difficult to find in cases of abuse, because by its very nature abuse is secretive. By its nature there are rarely eye-witnesses. By its nature we don’t disclose. So it’s the hardest crime to prove.

For a while I felt deflated and defeated. I felt invalidated. I felt that it was unjust. But eventually I was able to let it go and see the positives from it.

It challenged me to affirm the validity of my experience for myself, rather than allowing it to be determined by some faceless, nameless government agent. I had had an extremely positive and supportive experience working with Tracey Emmott. Although my application hadn’t been successful, it was still a step forwards for me personally to bring the abuse into the light and to go ‘public’ on it. Previously I hadn’t talked to anyone about what had happened to me apart from my husband and my therapist. This took it into the realm of the ‘outside world’ and Tracey

made that a positive experience. She believed me. She affirmed me. She was empathic. And she seemed genuinely disappointed when my application was refused – not because it meant that she didn’t get paid (she works on a no win, no fee basis) but because she works to improve the lives of abuse survivors.

So although it was a disappointing outcome, the process ended up being invaluable. Would I recommend a CICA application to other people? Yes, I think I would. As long as you are aware that it’s a long shot, as long as you are stable enough to cope with the disclosure, with the waiting, with the potential ‘rejection letter’ at the end of it, then the process of saying, ‘This is what happened to me; I am the victim of a crime’ can be very empowering. You have to be able to hold onto that belief even if CICA turn around and say, ‘There is no evidence of you having been a victim of crime ...’ You have to be able to see the difference between evidence and fact. But you might find that whole process a really helpful one, as I did.

Ultimately, you have to assess what’s right based on your own circumstances and your own intentions. If your perpetrators have been convicted of abusing you, then a CICA award could make a substantial difference to your life, not least by helping to pay for the therapy you may well benefit from.



A friend of mine thought about applying for CICA but didn't. She felt that she wouldn't cope if she was successful: that the compensation would be 'blood money' and she didn't want any part of it. We had a lot of discussions about it. Ultimately, I disagreed with her, although I respect her position. For my friend, she felt it was like being paid to be abused. I didn't see it like that at all. I saw it as financial assistance towards therapy. I saw it as a way of balancing the books a little (albeit only a little), because being abused had cost me a lot of money in terms of both therapy and loss of earnings - and it wasn't my fault. So for the government to recognise that and support me sat fine with me.

Someone else I know applied for CICA and was successful. She found the whole process extremely stressful, partly because she did it on her own rather than with the support of a solicitor. She was awarded a significant sum of money.

Within 3 months she had blown her way through it - she just couldn't handle it. It was literally wasted. She didn't even really have anything to show for it. She hadn't anticipated how it would feel to be awarded the money, and had freaked out when it had hit her bank account. It surprised me, as I hadn't imagined that anyone would react that way.

So it's something to bear in mind before making a decision to apply: what will you feel and do if you're successful? And also, what will you feel and do if you're unsuccessful? Spend plenty of time working those questions through, figure out if you've got the capacity within yourself right now to apply, and then make your decision. And whatever that decision is, make the most of it, and make it into a positive. I wasn't successful in my application, but I still feel I succeeded because I gained more than I lost. I wish the same for you: success, whatever that may look like. •

