

FRAMEWORK FOR DEALING WITH VICTIMS AND SURVIVORS ISSUES

1. Introduction

This paper outlines the key elements of the framework for dealing with victims and survivors. These elements are: the Commission for Victims and Survivors; the forum for Victims and Survivors; the Comprehensive Needs Assessment; and the proposed Victims and Survivors Service. The paper also sets out the role of OFMdFM in relation to victims issues.

2. CVSNI

The Commission for Victims and Survivors (CVSNI) was established by the Victims and Survivors (Northern Ireland) Order 2006,¹ amended by the Commission for Victims and Survivors Act (Northern Ireland) 2008.² CVSNI's primary duty is to promote the interests of the victims and survivors of the Northern Ireland conflict. The 2006 Order provides the following interpretation of "victim and survivor":

Interpretation: "victim and survivor"

3. —(1) In this Order references to "victim and survivor" are references to an individual appearing to the Commissioner to be any of the following—

- (a) someone who is or has been physically or psychologically injured as a result of or in consequence of a conflict-related incident;
- (b) someone who provides a substantial amount of care on a regular basis for an individual mentioned in paragraph (a); or
- (c) someone who has been bereaved as a result of or in consequence of a conflict-related incident.

(2) Without prejudice to the generality of paragraph (1), an individual may be psychologically injured as a result of or in consequence of—

- (a) witnessing a conflict-related incident or the consequences of such an incident; or
- (b) providing medical or other emergency assistance to an individual in connection with a conflict-related incident.³

¹<http://www.opsi.gov.uk/si/si2006/20062953.htm>

²http://www.opsi.gov.uk/legislation/northernireland/acts/acts2008/nia_20080006_en_1

³ <http://www.opsi.gov.uk/si/si2006/20062953.htm>

Legislation to create the CVSNI was passed by the Assembly on 27th May 2008 and the Commissioners were appointed on 2nd June 2008. The four Commissioners are Brendan McAllister, Patricia McBride, Bertha McDougall and Mike Nesbitt. The Commission has six statutory duties:⁴

- To promote awareness of matters relating to the interests of victims and survivors and the need to safeguard those interests
- To keep under review the adequacy and effectiveness of law and practice affecting the interests of victims and survivors
- To keep under review the adequacy and effectiveness of services provided for victims and survivors
- To provide advice to government on matters affecting victims and survivors
- To ensure that the views of victims and survivors are sought by the Commission in carrying out its work
- To make arrangements for a forum for consultation with victims and survivors

The Draft Corporate Plan (Corporate Plan) outlines the CVSNI's vision and mission as well as the areas of work they intend to undertake in the next three years (2009 – 2011). The Corporate Plan details five Strategic outcomes:⁵

- Active and inclusive listening and representation
- Clear evidence based advice and guidance to government
- Ensuring the efficient and effective delivery of services and standards of excellence
- A sustainable future for victims and survivors
- A commission that is fit for purpose and value for money

The CVSNI states that it '...intends to become the expert advisor to government on issues relating to victims and survivors'.⁶ The CVSNI also intends to liaise closely with government to develop the Service, stating that it '...will work with government to influence the development of the Service, to ensure that its organisational development and operational standards attain, and are maintained at, the highest level of good practice'.⁷

The Corporate Plan further outlines how the CVSNI will co-operate closely with government to monitor performance of individual victims groups and to ensure 'high quality, professional standards of service to victims and survivors'.⁸ In the future, the Corporate Plan envisages the CVSNI developing into a well established and respected body among 'key stakeholders across the victims and survivors sector, society and in government'.⁹

⁴<http://www.cvsni.org/>

⁵ http://www.cvsni.org/Portals/3dd3c6ee-6448-41a8-8290-2643d6541d57/FINAL%20DRAFT%20CORPORATE%20PLAN%20_8_.pdf

⁶ See above

⁷ See above

⁸ See above

⁹ See above

3. Forum for Victims and Survivors:

The 2006 Order required the CVSNI to make arrangements for a forum¹⁰ which would act as a consultation and discussion forum for victims and survivors. It must be representative of victims and survivors, and include representation from statutory, voluntary and community organisations involved in work with victims and survivors. The forum has appointed twenty eight members directly affected by the conflict and eight members who will bring a range of expertise to its work. The forum, which will run on a pilot basis until June 2010 to test its success, held its first meeting in Belfast on 22nd September 2009.

In its first stage the forum will be chaired by a Commissioner and will meet within three terms each year. Winter term: September – December, spring term: January – March and summer term: April – June. Items on its agenda during its first term include the definition of a victim; the Eames/Bradley report,¹¹ the proposed Victims and Survivors Service and the Commission's Work Programme. At the forum's first meeting Victims Commissioner Brendan McAllister outlined his vision for its future:

We sincerely hope that in serving as a place of discussion and consultation on matters to do with the interests of victims and survivors, the Forum will evolve as a body with a unique moral authority which informs the civic conscience of a society still struggling to deal with the legacy of the past and with new expressions of division.¹²

The Commission believes that the forum should:¹³

- Provide a safe and respectful space for consultation and discussion
- Provide a safe and respectful space for meeting and reflecting
- Be representative of victims and survivors, as defined in the Victims and Survivors (Northern Ireland) Order 2006
- Assist the Commission to develop the Comprehensive Needs Assessment (CNA)
- View the CNA as an evolving process, with a continuous capacity to respond to changing needs
- Promote collaborative working and ensure that victims and survivors and services provided on their behalf are not isolated but are increasingly integrated with general services

4. The Comprehensive Needs Assessment:

The Comprehensive Needs Assessment (CNA) will assess the needs of victims and survivors on both an individual and community basis. Individual examples of need

¹⁰ <http://www.opsi.gov.uk/si/si2006/20062953.htm>

¹¹ Eames/Bradley Report 'Consultative Group on the Past – Dealing with the Legacy.'
<http://www.cgpnri.org/>

¹² Victims Commissioner Brendan McAllister speaking to Belfast Telegraph 23rd September 2009

<http://www.belfasttelegraph.co.uk/news/local-national/agreement-on-victim-definition-should-get-in-way-of-forums-14504902.html>

¹³ Response to OFMDFM Outline Draft Strategic Approach for Victims and Survivors – Consultation Paper.

<http://www.cvsni.org/Portals/3dd3c6ee-6448-41a8-8290-2643d6541d57/publications/Response%20to%20OFMDFM%20Outline%20Draft%20Strategic%20approach%20for%20Victims%20and%20Survivors.pdf>

include counselling, social isolation, employment, education/training and health both mentally and physically. Examples of community need include dealing with the past, building for the future, education within the broader community and forging business links to create opportunities.¹⁴

The CNA is the responsibility of the CVSNI. The CVSNI suggests that the CNA is crucial to matching support to the needs of victims and survivors, as it will ascertain numbers of individuals or groups looking to use specific services.¹⁵ The CVSNI has outlined that the CNA will determine the strategic direction of the new Service, as its findings will provide the Service with the assessments it needs to deliver targeted support to victims and survivors both as individuals and groups. The CVSNI has highlighted that the CNA should be independent of all interested parties, including the CVSNI itself.¹⁶

5. Victims and Survivors Service:

In August 2008, OFMdfM published an 'Outline draft strategic approach for Victims and Survivors – Consultation paper'. A further consultation document on 'Services for Victims and Survivors' was published in August 2009.

The 2009 consultation document indicates that the Victims and Survivors Service (the Service), which will be established by OFMdfM, will act as the focal point for funding work with victims and survivors both collectively and individually. The Service will deal directly with individual victims and survivors and groups to identify their needs as well as pointing them towards other services and relevant grants.¹⁷

In its response to the OFMdfM outline draft strategic approach for Victims and Survivors consultation paper (August 2008), the CVSNI indicated that it envisaged the Service having responsibility for allocating the budget to individual victims and survivors, and to groups. The CVSNI argued that decisions about allocating funding should be based on the CNA. The CVSNI also expressed the view that it should 'have oversight of Victims and Survivors Service, which takes direction from government, based on policy.'¹⁸

The Commission expressed the view that the functions of the Service should be:¹⁹

- To establish and deliver new funding arrangements for groups and individuals
- To ensure that funding is delivered based on the needs defined and prioritised by the CVSNI in CNA
- To commission services delivered to standards based on Best Practice advice published by the CVSNI
- To assist individuals and provide referral services, delivered to standards based on Best Practice advice published by the CVSNI

¹⁴ See above

¹⁵ See above

¹⁶ See above

¹⁷ <http://www.ofmdfmi.gov.uk/outline-draft-strategy-for-victims-and-survivors-consultation-paper.pdf>

¹⁸ Response to OFMDFM Outline Draft Strategic Approach for Victims and Survivors – Consultation Paper.
<http://www.cvsni.org/Portals/3dd3c6ee-6448-41a8-8290-2643d6541d57/publications/Response%20to%20OFMDFM%20Outline%20Draft%20Strategic%20approach%20for%20Victims%20and%20Survivors.pdf>

¹⁹ See above

- To undertake monitoring and evaluation, ensuring organisations in the community/voluntary sector and statutory sector provide services to quality standards, in a timely manner, with appropriate outcomes
- To establish outcome measurements for service providers based on Best Practice guidelines published by the CVSNI

The consultation period on the proposals for the Service closed on 16th October 2009. This consultation paper proposed that the Service would allocate funding, replacing the current provisions made under the Core Funding Scheme, Development Grant Scheme and Northern Ireland Memorial Fund. The consultation document also highlighted the need for funding to be allocated in a clear and transparent manner. The consultation paper outlined the following aims and objectives for the Service:²⁰

Aims

- Better co-ordination of funding
- Clearer links between support provided and actual needs
- More efficient use of resources
- Sustainability
- To make use of and improve upon good practice in the sector
- To obtain better information on outputs
- To collate information on individual needs
- Better evaluation of service provided

Objectives

- Access to high quality services
- Support relevant to their needs
- Services delivered in appropriate locations
- A commitment to the long-term if needed

Considering the costs of the current arrangements the consultation document argued that no further cost should be incurred to administer the new Service, although the Service may have to be expanded in future.²¹ It also envisaged OFMdfM being accountable for the financial arrangements of the Service. The consultation paper also suggested that the CVSNI should still scrutinise the work of the Service stating 'the Commission will be expected to monitor at a strategic level the development and operation of the Service and to comment on its effectiveness in addressing needs.'²² The CVSNI has not yet issued its response to the OFMdfM consultation paper.

On 9th November 2009, in response to an Assembly Question,²³ the deputy First Minister confirmed that funding had been set at £36m for the Service for the period 2008-2011 and that victims groups would continue to receive funding through the current mechanisms outlined above.²⁴ The deputy First Minister also said that the consultation deadline had elapsed and that the responses received were being

²⁰ Consultation paper on a Victims and Survivors Service (August 2009)
http://www.ofmdfmi.gov.uk/consultation_paper_-_victims_and_survivors_service_final_for_publication_-_august_2009.pdf

²¹ See above

²² See above

²³ AQO 319/10

²⁴ Debate Northern Ireland Assembly 9th November 2009

<http://www.niassembly.gov.uk/record/reports2009/091109.htm#AQO319/10>

worked through.²⁵ Furthermore, the deputy First Minister confirmed there would be no funding shortfall during the transition.²⁶ He highlighted the importance of a seamless transition and also the importance of the Service, the Commission, the Forum and OFMdFM working together.²⁷

6. Role of OFMdFM

In 2000, OFMdFM established the Victims Unit to deal with issues relating to victims of the conflict. The Victims Unit is responsible for the management of the current funding schemes outlined in part five and the Community Relations Council (CRC) distributes the funding on behalf of the Victims Unit. The responsibilities of the Victims Unit:²⁸

- Implementing the victims' strategy, 'Reshape, Rebuild, Achieve'
- Managing the Victims and Survivors Groups' Core Funding Scheme
- Managing the Development Grants scheme for victims
- Managing the Strategy Implementation Fund
- Managing the victims measure of Peace II
- Working with Trauma Advisory Panels
- Working with churches and others to assess individual victims needs
- Working with self-help groups
- Operating a helpdesk, maintaining a website and producing a periodical newsletter for victims and survivors
- Supporting the Minister and organising visits to victims groups and organisations
- Sitting on Core Funding selection committee and various steering/advisory groups
- Development of the next phase of victims' policy/strategy

7. Conclusion

Diagram 1 below, which is contained in the August 2009 consultation document, indicates that in its proposed model, OFMdFM should be accountable for the proposed Service's financial arrangements and the CVSNI should scrutinise the work of the Service. The CVSNI envisaged the Service having responsibility for allocating the budget to individual victims and survivors and to groups – this is acknowledged in the consultation document in section 3.5.²⁹ The CVSNI argued that decisions about allocating funding should be based on the CNA – the consultation document outlined this in sections 3.7 & 7.1.³⁰ The consultation document in section 6.2³¹ acknowledged that the CVSNI should have oversight of the Service, which is to take direction from government, based on policy. The responses to the consultation document are still being examined and assessed, meaning that the role of the Service could still be changed depending on the outcome of the consultation process.

²⁵ See above

²⁶ See above

²⁷ See above

²⁸ <http://www.ofmdfmi.gov.uk/index/equality/victims/about-us/responsibilities-of-the-victims-unit.htm>

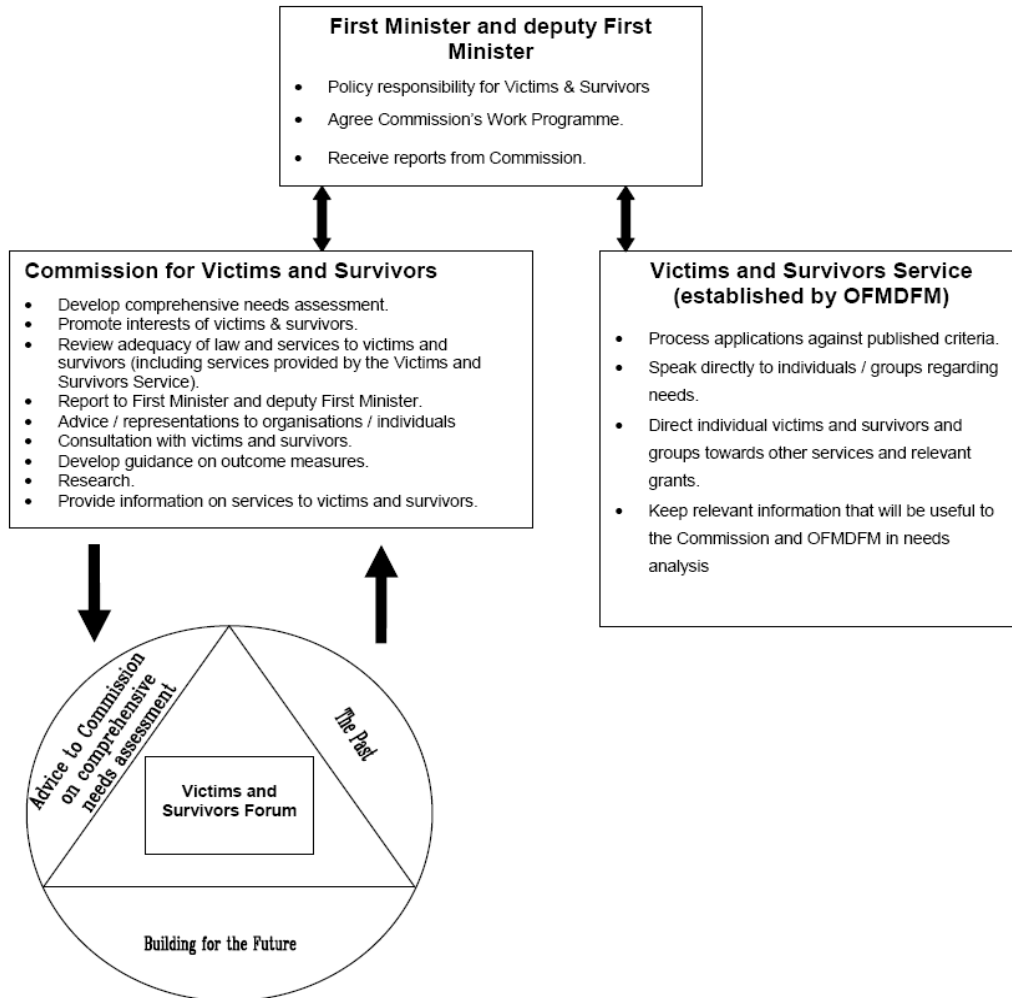
²⁹ http://www.ofmdfmi.gov.uk/consultation_paper_-_victims_and_survivors_service_final_for_publication_-_august_2009.pdf

³⁰ See above

³¹ See above

Diagram 1

The following diagram illustrates the proposed relationship between these three bodies and the First and deputy First Minister.



Source: Consultation paper on a Victims and Survivors Service page 4

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