

ADVICE FROM VICTIMS COMMISSIONER

INDEPENDENT ASSESSMENT OF THE VICTIMS AND SURVIVORS SERVICE

Thank you for your letter dated 19 November 2013 requesting that I carry out an independent assessment of the Victims and Survivors Service (VSS), with specific reference to the process of the Individual Needs Review (INR).

Thank you also for your ongoing support through this process. The close participation and collaboration of your Special Advisers has been very helpful, given their knowledge of the history of the development of the VSS. They have also ensured that your views are clearly understood and articulated.

I have also been grateful for the opportunity to work in collaboration with Departmental officials as you requested. I commend their commitment to deliver effective change through understanding the priority to focus on victims' needs, identifying limitations and acknowledging where mistakes have been made.

The implementation of a Programme Board involving Department Officials, Special Advisors, the VSS, CVSNI and a representative from the Forum Services Working Group, has been particularly useful, for example in making decisions about monitoring and evaluation, commissioning and so on.

I also wish to acknowledge the contributions of the Victims and Survivors Forum Services Working Group, and victims and survivors, either individually or through their representative groups.

On 5 February 2014, at a meeting with the VSS Board, the Chair characterised the Service as an "organisation in crisis". Many people, including the CEO of the VSS herself, have during this process used the word "chaos". As you will see, the Independent Assessment conducted by WKM Solutions (Appendix A) and CIPFA (Appendix B) between December 2013 and January 2014 shows an organisation lacking effective strategic governance, with weaknesses in communication, and a model of service delivery that is process-driven and not people-centred. Appendix C is a chronology of events leading up to the Independent Assessment.

The Independent Assessment reports make for difficult reading with some tough messages. However, I want to be clear that it is not the intention to look for scapegoats and for people to blame. The VSS Board have responded to these reports, rightly in my view, as an opportunity to make a very real difference to an organisation that has the potential to deliver much needed support to victims and survivors. They are working strategically to address the "chaos" and "crisis". I acknowledge and welcome this.

Terms of Reference of Independent Assessment

The independent assessment covered four main areas of the work of the VSS:

1. **Interactions with individuals**
2. **Interactions with groups**
3. **Governance, strategy and policy**
4. **Management of people, resources and information**

The full Terms of Reference are laid out in Appendix D.

WKM Solutions were commissioned to consider 1 and 2 of the above. They make 23 recommendations. The VSS Board have welcomed these as a template for change. The Chartered Institute of Public Finance and Accountancy (CIPFA) were commissioned to consider 3 and 4. They make 32 recommendations. The Chair of the VSS Board feels the report is accurate and fair. Changes have already begun to be made.

It is my advice to Ministers that both reports be published, in full, alongside this letter of advice, to promote trust and confidence that Government welcomes critical scrutiny of its arm's length bodies.

I will now briefly analyse my thoughts around each main heading and offer my advice to you.

1. Interactions with individuals

In my view, it is the contact of individual victims with the VSS, in particular their experience of the INR that is the most troubling element of the Independent Assessment. There are, of course, many people who are satisfied with their interaction with the VSS and are pleased with the outcomes of their INR. They are now receiving benefits, services, equipment, and both physical and psychological therapy for the first time.

However, many individuals took time to write letters or emails, to phone or to meet with the independent assessors. CVSNI had also previously received many other representations and met with people, all of whom have shared experiences of very difficult encounters with the VSS. In the delivery of any service, it is unlikely that everyone will be happy all the time. Nonetheless, the *process* of the INR has clearly left many people very unhappy. The report highlights many examples of people being very upset and feeling humiliated.

It is clear that the INR process had become something it was never intended to be. It became a process of assessing need rather than addressing needs. It became a "one size fits all" approach, with every victim, whatever their needs, being subject to an intrusive process, involving psychological screening. The original intention of the process was to provide a gateway to other services based on informed choice. The reality has become "take it or leave it". There has been no adequate screening process or way in which to prioritise victims' needs. Nor has there been any adequate follow-up pending take-up of recommended services; and there have been unacceptable and inexplicable delays in clients being informed of the outcome of their assessment.

This was the basis upon which you agreed to defer INR assessments, pending a fundamental and strategic agreement about what the process is actually for. I have since received three letters from former INR Assessors deeply concerned about the assessment process; namely, the lack of consideration of matters including vicarious trauma to

themselves, inadequate child protection training, and risk of self harm or suicide of VSS clients.

I am confident that the VSS Board are now fully aware of the risks inherent in the previous INR approach. I am also confident that the Board, the VSS Client Services Team, together with groups and organisations can identify a useful interim approach which addresses these matters as an urgent priority. Changes are now being made and this must continue.

My advice to you is:

- **Endorse the recommendations of the WKM Solutions report in full and ensure they are implemented in a timely manner.**
- **Agree with the Department and the VSS a change management process to ensure an effective transition from an administrative model of delivery to a service model of delivery.**
- **Ensure that the process of reviewing individual needs is based on what is necessary to ensure access to appropriate goods and services without intrusive and unnecessary psychological assessments. As such, a “gateway” approach should be developed, as originally conceived, to ensure a more effective response.**

Due to the complexities of the current arrangements for financial assistance, I have been asked by OFMDFM to advise them on this matter. I will do so separately and in due course.

However, I wanted to raise the concern that Scheme 6, which covers financial assistance, opened in April 2013 and closed in June 2013 because the budget for the financial year was spent in two months. Many participants in the Independent Assessment commented that this was unfair, as once again it was dependent on “first come, first served” rather than any other criteria. They also said there was poor communication about the closure of scheme, leaving many completing applications which could not even be considered.

2. Interactions with Groups

As the WKM Solutions report makes clear, there are many groups frustrated and irritated with many aspects of the VSS. They feel that the process of applying for funding, the expectations of monitoring and evaluation, and the apparent lack of willingness of the VSS to amend processes following suggestions, undermines groups’ confidence that the VSS is willing to support victims and survivors in the most effective ways.

The report’s findings, regrettably, chime with what I have been told on occasions that VSS staff have allegedly said to groups, “We fund you, you will do as you’re told”. More worryingly, groups have been reluctant to make representation to the VSS directly, believing it will negatively impact on their funding. Respectful communication between the VSS and groups must improve, including the VSS encouraging and welcoming feedback – including comments, compliments and complaints. It must be remembered that many groups have been in existence long before the VSS. They have, for decades in some cases, been powerful advocates for those who use their services; they are trusted by communities as their supporters and representatives. They should be treated seriously.

As part of my own engagement with groups, I have met many groups since my appointment. I am sure that groups will be disappointed that the WKM Solutions report refers to *some* groups perhaps “holding on” to victims and survivors for “financial or political reasons”. I am aware that this is a view held by others, and groups would be well advised to work to counter this perception.

It is my opinion that all groups offering psychological support, should be working with clients towards recovery. I have seen some excellent practice in this regard and would strongly recommend that the VSS take advice from those groups who are knowledgeable, skilled, experienced and qualified when considering how to improve its practices. Those groups should be the first port of call when psychological support is needed, if clients want to access them in this way. These processes must be drafted in collaboration with the appropriate statutory services.

It has also become clear throughout the Independent Assessment that groups are concerned about future funding. I have been surprised at the extent to which some groups rely on one funder – either the VSS or Peace funding. Over-reliance on government funding is a risk to sustainability and groups might wish to consider other models; for example, applications to charitable foundations and so on.

My advice to you is:

- **Endorse the recommendations of the WKM Solutions report in full and ensure their implementation in a timely manner.**
- **Where clients are accessing psychological therapies in groups, this must not be interrupted to undertake another assessment with the VSS, to then be referred back to the group for the therapy to continue as had been happening up to the point of deferring INRs. This practice was damaging and unnecessary.**
- **If victims and survivors would rather access psychological support from other agencies and organisations, this must be facilitated. It is helpful that HSCB, DHSSPS, OFMDFM and others have already begun these discussions with the VSS.**
- **The VSS should move away from an administrative model of delivery to a service model of delivery with groups.**
- **The VSS should give careful consideration to reviewing the assessment of the quality of groups’ applications for funding against criteria, but also in relation to geographical location (for example, proliferation of groups in one area – in at least one case within the same postcode), client base (for example, proliferation of groups for ex-service personnel in the same area), separation of political activity from advocacy and welfare support, and a range of other factors. This demographic information should be submitted to the Department on an agreed basis in order that Ministers can be satisfied of an equitable and fair distribution of funding to groups.**
- **Consider how to build sustainability in to the victims and survivors sector by putting on funding workshops so groups can develop knowledge and skills in applying for other funding.**

3. Governance, Strategy and Policy

I do not believe that any organisation can succeed which has a structure for governance in theory, but not in practice. With no clear leadership, no clear setting of culture and values, no check and challenge function to the executive team, any organisation will develop by default rather than by design.

The VSS Board existed in name only from its inception in April 2012 to December 2013. The Board was appointed from within OFMDFM, with Departmental officials of the sponsor branch named in records at Companies House. It is my view that, although expedient, it was an error of judgement. The Interim Board of the VSS was not constituted in a way that would allow it to fulfil its role and function effectively. The appointment of other additional officials, who were then immediately stood down, compounded this error. It was over a year later that, following open recruitment, a Board of Independent Directors was appointed to lead the VSS on governance, strategy and policy.

There are many and various risks evident in the lack of a suitably independent Board, particularly for a company limited by guarantee. And especially for a service where so much public money has been invested to serve some of the most vulnerable members of our community.

With the very real conflict of interest and without appropriate challenge from a properly constituted board, the VSS had become something it was never intended to be. Its behaviours and culture created the perception, widely held, that the VSS is process-driven, not people-centred. The CIPFA report recommends that the new Board be strengthened with more suitably qualified people. As a minimum an accountant must be appointed to the Board to ensure informed scrutiny of the way in which public money is being spent.

Despite the limitations of governance there was a highly qualified executive management team in place with the CEO as Accounting Officer. In my opinion, it is reasonable to expect that with a professionally qualified accountant as CEO and Accounting Officer, an effective approach to audit and risk, and performance management should have been in place. However, clearly this has not been the case.

Additionally it is important to note that the new Board have inherited this situation. They will need time, support and resources to lead the necessary changes.

Further, organisations supporting victims and survivors will be particularly disappointed to hear of the limitations in governance in the VSS, given that the VSS has used good governance as an indicator when assessing applications for funding; and, indeed, has used lack of good governance as part of a rationale for declining applications for funding.

My advice to you is:

- **Endorse the recommendations of the CIPFA report in full and ensure their implementation in a timely manner.**
- **To ensure, in setting up future organisations, to have the requisite Board in place before the organisation becomes operational.**

- **To ensure all Board members of such bodies should be appointed using the CPANI process.**
- **Ask the Chair of the Board of VSS to provide an assurance that they are confident the knowledge, skills and experience of the Senior Management Team and the Board are appropriate to deliver the changes necessary to meet the outcomes required for improvement.**

4. Management of People, Resources and Information

The VSS is relatively new and many systems and processes have been in place for less than a year. Staff at the VSS were forthcoming about weaknesses in process and highlighted areas where they already have begun to implement change. This is welcomed.

CIPFA are clear in their report that a functioning internal audit service should have been in place at the outset. It was not and has only recently been procured - some ten months after the VSS opened for business. Again, this is an example of circumstances where it is reasonable to expect a higher standard of compliance or understanding from professionally qualified staff. The OFMDFM Internal Audit provided by DFP, highlighted a number of weaknesses including in procurement, and recruitment and selection.

Monitoring and evaluation of outcomes has caused significant concern for groups. In contrast to CIPFA's finding, I have found no reluctance from groups to record and submit outcomes. What has been found is, in my view, a reasonable reluctance to complete forms for the sake of completing forms; with no one really knowing what will happen to the information, what it will be used for and how it will help improve services in the future. The Programme Board discussed this specific matter and agreed that the current monitoring must change. To her credit, the CEO of VSS agreed. I am confident that groups will want to work with VSS, OFMDFM and CVSNI to ensure that appropriate information can be captured sensitively while also demonstrating how the use of public funds is supporting victims and survivors in a positive way.

Additionally, as the CIPFA report highlights, the current processes for monitoring budgets in groups is overly bureaucratic and burdensome. The VSS must find ways of monitoring spend in ways that are reasonable and proportionate to the degree of risk presented. For example, groups run by volunteers delivering social activities to a small group must not be subject to the same degree of monitoring as much larger groups with paid staff; unless in exceptional circumstances, such as suspected misuse of funds.

My advice to you is:

- **Endorse the recommendations of the CIPFA report in full.**
- **Ask for assurances from the Board of the VSS that all matters of internal and external audit and control will be overseen by the Audit and Risk Committee and reported to the Board.**
- **Ensure that all monitoring and evaluation tools are reasonable and proportionate supporting the recording of useful and important data to support future development of services.**

In conclusion, this Independent Assessment of the VSS highlights a number of areas for improvement. It demonstrates that Ministers were right to call for such an assessment and were right to ask that the process of reviewing individual needs was considered specifically.

I am acutely aware that these reports will make for difficult reading. However, as I said at the beginning of my letter, changes are being implemented and we must work together to ensure the highest possible standards of service delivery for victims and survivors. My advice and the attached reports are the beginning of that process.

I look forward to working collaboratively with the Department and with the VSS Board to improve services for victims and survivors.