



ADVICE TO THE

**FIRST MINISTER &
DEPUTY FIRST MINISTER**

ON ARRANGEMENTS FOR A

FORUM

FOR VICTIMS AND SURVIVORS

October 2010

BACKGROUND TO THIS REPORT

This paper seeks the approval of the Office of First Minister and deputy First Minister for proposals by the Commission for Victims and Survivors regarding the establishment of a Forum for Victims and Survivors.

Article Six of the Victims and Survivors (Northern Ireland) Order 2006 establishes a duty on the Commission to “make arrangements for a forum for consultation and discussion with victims and survivors”.

In 2008, during a series of consultation events, the Commission conferred with victims and survivors about ideas for a forum.

In February, 2009, Commissioners convened a Development Group of victims and of practitioners within the victims sector to help refine our thinking.

In August, 2009, after consultations with the Office of First Minister and deputy First Minister, we published a Design Plan and in September we convened a Pilot Forum to ‘road-test’ structures, processes and participation.

The Pilot Forum ran for ten months, until June 2010.

In addition to discussions between Commissioners and Pilot Forum Members about the future of the Forum, the Commission engaged external evaluators, who tracked the progress of the pilot and reported to the Commission in October 2010.

This report lays out the following:

Part One: Proposals for a Forum for Victims and Survivors

Part Two: Review of the Pilot Forum

Part Three: Options for a new Forum

In the event of Ministers agreeing in principle to the advice contained in this report, the Commission would proceed to draw up a Business Case. However, we are informed that, in the light of current operating practices aimed at scrutinising proposals for public expenditure, we are anxious to ensure that the development of the Victims Forum can proceed within the time line set out by the Commission in 2009, namely, that a new Forum could be convened in March 2011.

RECOMMENDATIONS

- a) The Commission advises the First and deputy First Minister that we would like to proceed to convene a Forum for Victims and Survivors in March 2011. The Forum would have 25 participants:**
- b) Twenty ‘Members’, each of whom would be deemed a victim/survivor by the Commission in accordance with Article Three of the Victims and Survivors (Northern Ireland) Order 2006.**
- c) To strengthen the capacity of the Forum the Commission proposes, in addition, to appoint five individuals as ‘Associate Members’, based upon their professional or personal expertise.**
- d) The Forum’s work would focus on advising the Commission on matters related to the three key areas of OFMDFM’s ten year victim’s strategy, 2009 – 2019:**
 - (i) Addressing the needs of victims**
 - (ii) Dealing with the past**
 - (iii) Building for the future**
- e) The Commission proposes that the Forum would meet monthly and run for a period of three years. The effectiveness of the Forum should be reviewed and its future formally considered in May 2013, early in its third year.**

PART ONE: PROPOSALS FOR A FORUM FOR VICTIMS AND SURVIVORS

1. OFMDFM STRATEGY FOR VICTIMS AND SURVIVORS, 2009 – 2019

1.1. In November 2009, the Office of the First Minister and deputy First Minister published its ten-year strategy for victims and survivors. The Strategy provided the Commission with a policy framework within which to develop a future forum. It named the Forum along with the Commission and the Victims and Survivors Service as the bodies around which government strategy was built. (Strategy for Victims and Survivors. OFMDFM. November, 2009. Para 2)

1.2. The Strategy identified three key areas for action:

- “(a) comprehensive needs assessment to inform the development of services (linked to the provision of long-term funding and support services for victims and survivors);
- (b) dealing with the past;
- (c) building for the future.

There is a high level of interrelationship between all three areas and work needs to be taken forward in a coordinated manner which recognises this interrelationship.” (Ibid. para 12).

1.3. In relation to the work of the Forum, the Strategy could be summarised as follows:

- (i) Government will set the policy for victims and survivors and will ultimately be responsible and accountable for resourcing the sector;
- (ii) The Commission will be the primary source of advice to government on victims and survivors issues. It will be responsible for the strategic assessment of need; it will ensure that the correct structures are in place to meet these needs and identify any gaps in provision.
- (iii) The Victims and Survivors Service will be the delivery vehicle and will provide resources and commission services to meet the needs of victims.
- (iv) The Commission will oversee and provide guidance to the Forum in relation to the three key areas of victims and survivors work (advise the Commission on the Comprehensive Needs Assessment; dealing with the past; building for the future).
- (v) This is intended to ensure that the Forum retains a clear focus and is productive.

- (vi) The Forum will act as an advisory body to the Commission. (Ibid. para 14)
- (vii) It is essential that the views of victims and survivors are based at the very heart of the agenda. (Ibid. Para 18)
- (viii) The Forum may discuss any matter connected with victims and survivors, but should act in accordance with principles laid down by the Commission as to the conduct of its business.
- (ix) To be productive and to enable it to contribute to the Commission's work programme the Commission should agree with the Forum the issues to be taken forward in relation to the three key areas of work. (Ibid. Para 20)
- (x) It will be the responsibility of the Commission to ensure that the Forum contributes to its programme and to obtain the agreement of the First Minister and deputy First Minister to the work to be carried out. (Ibid. Para 21)
- (xi) The Forum will work as a group in supporting the Commission in developing a comprehensive assessment of needs of victims and survivors. (Ibid. Para 22)
- (xii) The Forum will also have a role in examining the issues surrounding the definition of "victim" and to make recommendations. (Ibid. Para 23)
- (xiii) The Office of the First Minister and Deputy First Minister will consult with the Victims Commission, the Forum and relevant Departments on plans for the Victims and Survivors Service. (Ibid. Para 29)
- (xiv) The Commission will issue guidance to the Forum on how it intends to develop a comprehensive needs assessment and how the Forum will contribute to this assessment. (Ibid. Para 30)
- (xv) A key element of the work of the Commission and the Forum will be to ensure that victims and survivors and the services provided for them do not become isolated. (Ibid. Para 32)
- (xvi) The Commission (in liaison with the Forum) will be tasked with developing advice to government and contribute to the broader consideration of ways to deal with the 'past' as an essential element of transition. Key issues will include recommendations on truth recovery and justice, story-telling, acknowledgement, memorials, inquiries and the work on historic cases. It is important for specific objectives to be achievable within defined timescales. (Ibid. Para 36)
- (xvii) It is important that the work of the Forum while recognising the suffering of the past, does not become locked in the past.
- (xviii) The Forum should be concerned with the contribution which victims and survivors can make in playing a part in building a shared and better future. (Ibid. Para 37)

- (xix) How the experience of those who have suffered can help individuals and local communities move forward is recognised as important to any healing process. In addressing current needs and examining the past the Forum must be aware that how it deals with those matters will have important implications for the future. An important area to be addressed is likely to be the inter-generational impact of the troubles on children and young people and the need to promote cross-community work with children and young people. (Ibid. Para 38)

2. AIMS

2.1. The Commission's proposals for a Forum have taken cognisance of the OFMDFM strategy. To give strategic direction to the Forum the Commission proposes that it should have the following aims:

- (i) To be a place of consultation and discussion with victims and survivors of the Northern Ireland conflict
- (ii) To provide advice to the Commission for Victims and Survivors

3. OBJECTIVES

3.1. In pursuit of its aims, the Forum would have three objectives, each of which reflects the three key themes of OFMDFM's Strategy for victims and survivors:

- (i) To contribute to the Commission's assessment of the needs of victims and survivors; funding arrangements and the provision of services
- (ii) To advise the Commission on dealing with the past
- (iii) To advise the Commission on the contribution of victims and survivors to building a shared and better future

4. MEETINGS

4.1. The Forum would have a capacity to hold different types of meetings, according to circumstances and requirements:

- (i) *Committees*, for more detailed attention to specific areas of interest
- (ii) *Business meetings*, at which decisions are formally made
- (iii) *Circle meetings*, for private dialogue under the Chatham House rule
- (iv) *Hearings*, at which individuals or organisations make presentations and are questioned by Forum members
- (v) *Local meetings*, in particular localities of Northern Ireland
- (vi) *Caucus meetings*, held for a specific constituency or to discuss a particular issue

(vii) *Workshops*, to enable Forum members to interact with each other in more creative and informal ways

4.2. The Forum would normally sit over the course of a working day, with committee meetings in the morning and plenary sessions in the afternoon.

4.3. 'Local Meetings' would be most likely to take place at night.

4.4. A schedule of meetings has been designed with two factors in mind: firstly, the need to create enough time/space for consultation and discussion across a wide range of concerns and, secondly, to arrange a time table which does not make undue demands on members' time over the course of each year.

4.5. Therefore, in the first year, we propose to have Forum sittings spread over three terms:

- (i) First Term: April – June
- (ii) Second Term: September – November
- (iii) Third Term; January – March

Total number of scheduled sittings in the first year: 9.

4.6. The Commission proposes to provide for a possible three additional sittings (in May, October and March) to enable the Forum to have extra capacity, should it so decide.

4.7. The Forum would hold an Annual General Meeting each year, at which a Chairperson, Vice Chairperson, Honorary Secretary and Honorary Treasurer would be elected by the members.

4.8. The AGM would also appoint four members to join with the aforementioned officers to form a Steering Committee until the next AGM. At least one member of the Steering Committee would be appointed from among the Forum's Associate Members. The Steering Committee would, therefore, consist of eight people.

5. THE STEERING COMMITTEE

5.1. The Steering Committee would have the following responsibilities in relation to the Forum's aims and objectives:

- (i) To agree a programme of work with the Commission
- (ii) To maintain the operational effectiveness and integrity of the Forum
- (iii) To engage with the Commission on behalf of the Forum

5.2. The Steering Committee would normally meet at the start and end of each term to review progress, plan oncoming meetings or events and attend to management issues.

5.3. The Chair of the Forum would have a casting vote at Steering Committee meetings.

5.4. When other committees are established – either standing committees or occasional committees. They would normally be chaired by a member of the Steering Committee, in order to maintain cohesion across the various mechanisms of the Forum.

6. ENGAGEMENT WITH THE COMMISSION

6.1. At least one Commissioner would normally attend and participate in monthly Forum sittings.

6.2. Otherwise, Commissioners would participate according to circumstances.

6.3. At the start of each year, the Commission would meet with the Steering Committee to discuss an Annual Programme for the Forum which would include provision for value for money and projected outcomes.

6.4. Subsequently the Commission would meet with the Steering Committee at the start and end of each term to review progress and plan ahead, with reference to the Forum's Annual Programme.

7. THE FORUM WITHIN THE INFRA-STRUCTURE OF THE VICTIMS & SURVIVORS SECTOR

7.1. The Commission makes these proposals for a Forum as part of a wider strategy for the integrated development of the victims and survivors sector which can be summarised as follows:

- (i) *OFMDFM*, develops policy and devises strategy
- (ii) *The Victims and Survivors Service* responds to requests from individual victims and survivors; commissions services and ensures standards of service
- (iii) *The Forum* is a place where victims and survivors are consulted and engage in discussions related to needs and services; dealing with the past and building the future
- (iv) *The Commission* advises on needs, services, standards and strategic development in the promotion of the interests of victims and survivors
- (v) A fifth component of the infra-structure for victims and survivors is a network of those engaged in the provision of services, from the statutory, voluntary and community sectors. Since 1999, this network has consisted of the Trauma Advisory Panels. In another document the Commission is advising government to replace the Trauma Advisory Panels with four Conflict Related Services Meetings (CRSMs) across Northern Ireland.

8. THE SERVICE AND ITS 'CONFLICT RELATED SERVICES MEETINGS'

- 8.1. The Commission is proposing that the new Service includes a Development Team for the purposes of representing the Service across Northern Ireland; liaising with groups and service providers in the development of good practice; promoting a Community Development approach to service provision in local communities; encouraging sensitivity towards victims and survivors by the statutory sector.
- 8.2. The team would be led by a Senior Development Officer and have four Development Officers, operationally located within Health and Social Care Trusts (see Appendix 1).
- 8.3. Each of the Development Officers would be responsible for convening a quarterly Conflict Related Services Meeting (CRSM) within their catchment area. The CRSM would provide a platform and meeting place to support service providers in the development of good practice, including the maturation of their relationship with the Service.

- 8.4. The Commission would endeavour to attend various CRSMs through the year as a means of engaging collectively with practitioners and others responsible for service provision.
- 8.5. Each CRSM would send representatives to a regional CRSM which would meet with the Commission and the Department twice per year.
- 8.6. The Commission estimates that the Service's Development Officers would not be appointed before September 2011. Therefore, we anticipate establishing an interim CRSM arrangement, in consultation with the regional TAP group and the Department.

9. THE CRSMS AND THE FORUM

- 9.1. The Service's Development Officers would act as a link between each of the four CRSMs and the Forum. Part of their contribution to Forum proceedings would be to impart insights or perspectives formed by their involvement with practitioners/service providers – people with a professional role in the sector – through the CRSMs.
- 9.2. Along with five Associate Members of the Forum, the Development Officers would address one of the intentions for the Forum envisaged by the Department which states that the Forum should:

“include representation from statutory, voluntary and community organisations involved in work with victims and survivors.”
(Strategy for Victims and Survivors, OFMDFM. Nov. 2009, para 19)

10. THE WINTER SCHOOL

- 10.1. The Commission proposes to hold a 'Winter School' in February 2012. Its purpose would be to promote awareness of the needs of victims and survivors, support cohesion across the sector and stimulate best practice. Thus the Winter School would become a mechanism to encourage collaboration between the Commission, members of the Forum, practitioners involved with the CRSMs, the Victims and Survivors Service, key stakeholders from civic society and government.
- 10.2. The Commission would expect to draw upon international best practice regarding contributions to the Winter School and, in the process, raise the sector's horizons beyond Northern Ireland.

11. MEMBERSHIP OF THE FORUM

- 11.1. The Commission advises that the Forum should be made up of 20 voting members and 5 Associate Members, each of whom would be invited to sit for three years, though they may wish to commit to one year at a time, with an intention to sit for three years.
- 11.2. The 20 voting members would each be deemed a victim/survivor by the Commission in accordance with Article 3 of the Victims and Survivors (Northern Ireland) Order 2006.
- 11.3. All members of the Forum would be individually invited into membership by the Commission, based upon the kind of criteria used to appoint people to the Pilot Forum in 2009 (see 27.3 and 27.4 below).
- 11.4. While some members might be associated with an organisation or interest group, all would be asked to participate as individuals in their own right and not on behalf of a group or organisation.
- 11.5. In order to build on experience gained within the Pilot Forum, the Commission would intend inviting up to ten former members of the pilot to join the new Forum. Their selection would be determined by the results of a ballot which was conducted among the members of the Pilot Forum at their last meeting in June 2010.
- 11.6. The five Associate Members would represent a range of professional expertise and be identified through consultation with the Office of the First Minister and deputy First Minister, the regional health authority, the Department of Social Development and the Community Relations Council.
- 11.7. With the exception of those Associates who are in public service, the Commission would reimburse members' travel costs and, when appropriate, accommodation. Disabled members and those with child care responsibilities would also be eligible for financial support towards the cost of care.
- 11.8. At the outset, the Commission would conduct a Skills and Interests inventory of the membership in order to inform a Training and Development Strategy aimed at personal and technical competence. This strategy would be reviewed annually.

- 11.9. In the first months of the Forum, the Commission would organise a series of induction events and exercises aimed at establishing the Forum on a foundation reflective of a set of Operating Principles (Strategy for Victims and Survivors. OFMDFM, Nov 2009, para 20). The principles would aim to achieve a collective understanding of the discipline required of members as part of the integrity of the Forum.
- 11.10. The Forum would operate a system of voting by consensus, rather than by a simple majority. Sufficient consensus would be achieved with the support of two thirds of those present when a vote was taken.

12. FORUM PROTOCOL

- 12.1. The Commission would produce a Forum Manual which would include Standing Orders; Complaints and Grievance Procedures; Terms and Conditions of Membership and Operating Principles. Each member would receive a copy of the manual.

13. THE EXTERNAL PANEL

- 13.1. We will propose to the Forum that they invite a number of individuals to form an external panel, consisting of people from a range of key stakeholder groups or constituencies with which Forum members would wish to enter occasional but sustained dialogue on issues relevant to the Forum. Membership of the External Panel would be reviewed annually by the Forum.

14. RESOURCING THE FORUM

- 14.1. One Commissioner would take primary responsibility for assisting the Forum. Principally, this would involve:
- (i) Representing the Commission within the Forum and, on occasion, at Steering Group meetings
 - (ii) Acting as an authoritative reference point for individual members
 - (iii) Leading the Commission's Resource Team (see Section 15)
 - (iv) Dealing with complaints and grievances
 - (v) Ensuring that the Forum establishes a Work Programme in keeping with Commission guidance
 - (vi) Maintaining the confidence of the Forum regarding consultation by the Commission
 - (vii) Taking primary responsibility for liaison between the Commission and the CRSMs
 - (viii) Convening the regional CRSM

15. THE RESOURCE TEAM

15.1. The Commission proposes to establish a Resource Team for the Forum. Its responsibilities would be as follows:

- (i) To serve as a secretariat, making logistical arrangements; collating monitoring data; keeping records; taking minutes etc.; supplying papers for meetings; finance
- (ii) To organise executive support to the Forum for its plenary sessions, its committees and its various meetings
- (iii) To organise the Forum's public relations and engagement with the media
- (iv) To provide public information about the Forum, principally through its own web site

15.2. We would also suggest that the Resource Team be made up of the following personnel:

- (i) A Commissioner as Team Leader
- (ii) A Forum Support Manager, primarily responsible for secretarial support to the Forum
- (iii) A Forum Development Officer, responsible for executive support to the Forum and for fieldwork across Northern Ireland as a liaison person for the Forum. The Development Officer would also provide support to Forum members in organising meetings
- (iv) The Team Leader of the Service's Development Team, responsible for line managing the Service's four Development Officers regarding their participation in the Forum and the link between the Forum and the CRSMs

16. THE FIRST YEAR OF THE FORUM: MARCH 2011 – MARCH 2012

16.1. In keeping with the Design Plan developed by the Commission in 2009, we propose to convene the Forum in March 2011. We would begin with a two-day residential Induction Workshop, followed within a week by the formal Inaugural Meeting.

16.2. A Commissioner would serve as Pro Tem Chair of the Forum until an Extraordinary General Meeting in June, when the members would elect a Chair, officers and Steering Committee.

16.3. At the Forum sittings in April and May, the Commission would organise further induction sessions, to ensure that all members understood the Forum's terms of reference and were clear about their roles.

16.4. In June 2011, the Commission would meet with the newly elected Steering Committee to discuss the Forum's Work Programme from September 2011 until March 2012.

17. EXTERNAL EVALUATION

17.1. The Commission proposes to appoint an external evaluator, for a three year period, subject to annual renewal. Their purpose would be:

- (i) To work with the Resource Team in collating data and maintaining records
- (ii) To carry out occasional surveys among members as a way of measuring the effectiveness of the Forum
- (iii) To confer with key stakeholders regarding the effectiveness of the Forum
- (iv) To submit annual reports to the Commission on the effectiveness of the Forum

PART TWO: REVIEW OF THE PILOT FORUM

18. The Commission's proposed arrangements for a Forum for Victims and Survivors are based upon four factors:

- (i) The Design Plan developed by the Commission in 2009
- (ii) Experience of the Pilot Forum – intentionally, a prototype of the final version
- (iii) An External Evaluation report conducted over the course of the Pilot Forum
- (iv) The Commissioners' own reflections

19. THE FORUM DEVELOPMENT STRATEGY - Designing the Forum

19.1. Discussions about the establishment of a forum began among Commissioners shortly after our appointment in 2008. Ideas were canvassed within a series of Consultation Days with victims and the public. During February 2009, we engaged with an invited group of victims and activists in a Forum Development Group to help us refine our ideas. Finally, the Commission published a Design Plan in August 2009 and the Pilot Forum was convened a month later.

19.2. This is a summary of our strategy for establishing the Forum:

- (i) Run a pilot from September 2009 to June 2010, to 'road test' the structures, processes, participation and effectiveness
- (ii) Undertake a review of the pilot, in the light of discussions with its members and an external evaluation report
- (iii) Report to Ministers in October 2010 with advice on the establishment of a longer term forum
- (iv) Reach agreement with Ministers by November 2010
- (v) Promote awareness of the new Forum in December 2010
- (vi) Establish the membership in January 2011
- (vii) Hold the inaugural meeting of the Forum in March 2011

20. THE LAW

20.1. Article 5 of the Victims and Survivors (Northern Ireland) Order, 2006 defines the principal aim of the Commission as: "to promote the interests of victims and survivors."

20.2. Article 6 of the Order establishes a duty on the Commission to "make arrangements for a forum for consultation and discussion with victims and survivors."

- 20.3. Article 3 of the Order sets out a definition, beginning with the following sentence: “In this Order references to “victim and survivor” are references to an individual appearing to the Commissioner(s) to be any of the following”.
- 20.4. Article 3 goes on to list categories of victim/survivor in terms of those physically or psychologically injured; carers and the bereaved.

21. THE NORTHERN IRELAND CONTEXT

- 21.1. In addition to our legal duty to arrange for a forum, we also gave consideration to the current situation in Northern Ireland:
- (i) Convening a statutory forum for victims and survivors would be a significant new development
 - (ii) Given the sharp differences of opinion within and between the unionist and nationalist traditions over who should be entitled to be viewed as victim, care would be needed in appointing the forum’s membership
- 21.2. We were conscious that a significant number of the forum’s members would not be immune to the adverse effects of such controversy. The Commission had a duty of care for the Forum’s members.
- 21.3. Therefore, we established the following operating principles:
- (i) Each member would serve as an individual, not as a representative of a group, organisation or interest
 - (ii) The Forum would function within a culture of consensus
- 21.4. A number of individuals accepted our invitation to join the Forum with an understanding that their participation should not imply unconditional acceptance of the victim status of all of its members but, rather, acceptance of the Commission’s right to view a person as eligible for membership of the Forum.
- 21.5. Therefore, from the outset of the Forum individuals from starkly different and, in some cases, opposing backgrounds accepted each other’s membership as a matter for the Commission.

21.6. There is an important principle here: recognition of ‘the other’ does not necessarily mean acceptance of ‘the other’. (Indeed, ‘recognition’ involves ‘the other’ knowing that you have reached an understanding of how they see themselves, without necessarily agreeing with their ‘self-image’. The other person becomes confident that you understand who they think they are and know ‘where they are coming from’).

22. AIM AND OBJECTIVES OF THE PILOT FORUM

22.1. Aim: “to facilitate consultation and discussion with victims and survivors of the Northern Ireland conflict”.

22.2. While the aim reflects the Commission’s long term aspiration for a victims’ forum, our objectives were specific to the pilot phase:

- (i) Objective 1: “to establish a forum which retains the confidence of its members.”
- (ii) Objective 2: “to establish a forum which enjoys the confidence of victims and survivors; government; public representatives and the general public.”
- (iii) Objective 3: “to establish agreement between members, victims and survivors, the Commission for Victims and Survivors and government regarding the future of the Forum after June 2010.”

22.3. During the pilot phase it became clear that in our efforts to achieve the first objective the Commission would need to pay less attention to the second. The second objective required public awareness and, therefore, media coverage. However, it became our view that it was best to avoid the media spotlight in the first months of the Forum, protecting it as a place of safety within which members could develop relationships and grow in confidence about the Forum and its potential.

22.4. On the other hand, it remained our intention to publicise the Pilot Forum before the end of its course. In so doing, Objective 2 was addressed to some extent, though not as fully as we might have hoped.

22.5. Objective 3 is addressed, in part, by the submission of proposals for a new Forum. In the process we have consulted with members of the Pilot Forum.

22.6. In developing proposals for a new forum, the Commission will review the aim and frame a set of objectives which match expectations of the Forum contained within the OFMDFM Strategy for Victims and Survivors (2009).

23. THE CONCEPT OF THE FORUM

- 23.1. The External Evaluation report affirmed the ‘concept’ of a forum contained in the Commission’s Design Plan and as articulated to the Pilot Forum by Commissioners. However, they advised the Commission to improve the involvement of members in agreeing ‘what success would look like’, regarding the aim and objectives and also in identifying priorities, outputs and outcomes.
- 23.2. The Commission believes that, in fairness to Ministers and to their Departmental officials, it is important to establish aims and objectives for the Forum from the outset. However, we would intend to agree priorities, outputs and outcomes with members early in the Forum’s life.

24. NUMBER OF MEMBERS OF THE PILOT FORUM

- 24.1. From our discussions with the Forum Development Group, we settled on a pilot membership of 25 Members and 5 Associate Members. In the end, we found these numbers impossible to do justice to the range of people whom we felt were needed to enable the Forum to be representative of the broad victim experience and similarly with regard to the Associate Members. Therefore, we settled on 29 Members and 9 Associates.

25. NUMBER OF MEMBERS OF THE FORUM

- 25.1. While the Evaluators did not form a view on the matter of numbers, the Commission has concluded that, in the light of our experience with the Pilot Forum (38 people in total) it is better to reduce the number of participants to 25. The intention is to improve the level of interaction; simplify the challenge of group facilitation; ease logistical demands and achieve cost efficiencies.

26. APPOINTING THE MEMBERS OF THE PILOT FORUM

26.1. Our original intention was to appoint an independent Selection Panel to undertake the recruitment process. However, given that the Commission was already the subject of a judicial review, we felt that it might be unfair to place others in a situation where they could become embroiled in a judicial challenge. Therefore, we concluded that this was a responsibility which the Commissioners should not delegate to others.

27. METHOD OF APPOINTMENT

27.1. Some members of the Pilot Forum observed that they had originally been unhappy with the manner in which the Commission appointed the members, believing that it was preferable to have a more transparent appointment process with candidates being assessed on their own merits via an interview. However, by the end of the pilot, there was a clear consensus in favour of repeating the 'direct selection' method used by the Commissioners in September 2009.

27.2. The External Evaluators concur that such an approach best enables the Commission to create the right balance of membership. The Evaluators encourage the Commission to ensure that the Forum is representative, including people from the Irish Republic and Great Britain.

28. ENSURING THE REPRESENTATIVENESS OF THE PILOT FORUM

28.1. A number of issues emerged to complicate our intention to appoint the members by a public appointment process. These concerned discrimination laws regarding gender, race, disability, sexual orientation, age, religious belief and political opinion. Legal advice indicated that in an open competition the Commission would be vulnerable to a judicial challenge if it appeared to contrive a situation in which the membership of the Forum was consciously chosen to reflect the broad range of victim experience in Northern Ireland. (principally Article 20A of the Fair Employment and Treatment (NI) Order 1998 and Section 76 of the Northern Ireland Act 1998).

28.2. Therefore, we felt it necessary to change to a 'direct selection' process in which the Commissioners would convene a group of people who would be representative of the range of victims and survivors.

28.3. In selecting members of the Pilot Forum we agreed on the following criteria:

- (i) Physically Injured
- (ii) Personal experience of trauma
- (iii) Bereaved
- (iv) Carer
- (v) Male/Female
- (vi) Unionist
- (vii) Loyalist
- (viii) Nationalist
- (ix) Republican
- (x) Other
- (xi) Geographical spread

28.4. When the Pilot Forum met in September 2009, its membership profile was as follows:

- Male: 18; Female: 11
- Physically Injured: 4; Experience of Trauma: 7
- Bereaved: 17
- Carer: 1
- Perceived from Protestant/Unionist tradition: 16
- Perceived from Catholic/Nationalist tradition: 13
- Perceived hurt by Republicans: 15; by Loyalists: 6; by State: 5; Generic hurt: 3

- Perceived Protestant/Unionist, hurt by Republicans: 10
- Perceived Protestant/Unionist, hurt by Loyalists: 2
- Perceived Protestant/Unionist, hurt by State: 1
- Perceived Protestant/Unionist, hurt by All: 3

- Perceived Catholic/Nationalist, hurt by Republicans: 5
- Perceived Catholic/Nationalist, hurt by Loyalists: 4
- Perceived Catholic/Nationalist, hurt by State: 4

- Greater Belfast: 14; elsewhere: 15.

- Associated with Police: 5
- Associated with Military: 3

- Associated with Prison Service: 1
- Ex-prisoner: 1

28.5. Over the ten months of the Pilot Forum one member resigned, due to family circumstances. Another member stopped attending, though he did not formally resign. A third member expressed an intention to resign but, after the intervention of the General Purposes Committee, withheld her resignation.

28.6. These are examples of voices that were absent or under-represented from the Pilot Forum:

- (i) Young People
- (ii) Victims from the Irish Republic
- (iii) Victims from Great Britain
- (iv) Carers
- (v) Families of dead republicans and loyalists

29. RANGE OF MEMBERSHIP OF THE PILOT FORUM

29.1. INDIVIDUALITY

29.1.1. The Evaluators in the light of the experience of the pilot agree on the concept of 'individuality', whereby each member is appointed as an individual rather than on behalf of an organisation. They also advise the Commission to ensure that the 'individuality' of membership is better understood by the public and suggest a deliberate media strategy for that purpose.

29.2. CONTINUITY

29.2.1. Like the members of the Pilot Forum the Evaluators affirmed the principle of 'continuity' whereby the new Forum should include a significant number of people from the pilot. They point to the significant investment made by the Commission in the 'formation' of Pilot Forum members and of their own investment in the process.

29.2.2. A number of Pilot Forum members proposed that a third of their members be invited to remain in the Forum and that, these same people would stand down after a year to make way for new blood. Similarly, in each of its three years, a third of Forum members would stand down, thereby continuously renewing the Forum. However, the Commission believes that a 3 year tenure for each member will provide more realistic time for them to 'bed down' in their role and, indeed, work at a more reasonable pace than one year would allow.

29.2.3. The Commission proposes to invite up to ten former members of the Pilot Forum to participate in the new one.

30. CLARITY ABOUT THE MEANING OF FORUM MEMBERSHIP

30.1.1. The Evaluators have recommended that there should be greater clarity about the roles and responsibility of membership – each member and with the public. They observe that, in spite of efforts by the Commission to promote an understanding of the boundaries of membership, there was enduring confusion in this matter. They report that such confusion led to significant turbulence and frustration among members, some of whom felt that the Commission exercised an unwarranted degree of control on proceedings. Therefore, the Commission will ensure that the terms of membership are more fully explored during the induction phase of the new Forum so that the right balance is struck between Commission guidance and Forum autonomy.

30.1.2. This will be assisted by the Commission adopting another of the Evaluators' recommendations: producing a resource pack, including a Forum Manual for reference by members and interested others.

31. THE QUALITIES NEEDED IN A FORUM MEMBER

31.1. While the balance of the Pilot Forum in terms of numbers is one form of measurement another factor to consider is the 'strength of voice' within the Forum. A person may be an authentic example of a particular background but may not (yet) feel confident as an advocate. Some members of the Pilot Forum have expressed a lack of self-confidence which, ironically, did not match how other members perceived them. Some members were 'in their element' when engaging in the many small group discussions and conversations that took place.

31.2. In the light of the Pilot Forum we have concluded that while it was very useful to have people with a range of experience, including individuals who had had no previous involvement in committees or formal group processes, a statutory forum for victims and survivors is a body whose members need particular qualities of civic leadership.

31.3. In the Commission's view the qualities necessary for a member of the Forum include:

- (i) A willingness to reflect on personal experience
- (ii) An openness to give due regard to the personal experience of others
- (iii) A preparedness to think as an individual, distinct from affiliations to a group, community or tradition
- (iv) A capacity for analytical and strategic thought
- (v) An ability to comprehend and comment on policy and strategy
- (vi) Competence regarding use of the mechanisms, processes and procedures of the Forum
- (vii) Commitment to serve within the discipline of Forum membership as laid down within the Forum Protocol

32. ASSOCIATE MEMBERS

32.1. The nine Associates of the Pilot Forum were a civil servant from the Dept. of Health; a civil servant from the Dept. of Social Development; a co-ordinator of peace-building training/personal development; a TAP co-ordinator; a CRC official; a Consultant Psychiatrist; a senior director of a Mental Health charity; a Health and Social Care Trust victim specialist and an Community Relations practitioner/academic. Their purpose was to:

- (i) Provide professional knowledge and expertise
- (ii) Strengthen the competence base of the membership
- (iii) Bring perspectives which were more objective than subjective/personal

32.2. The External Evaluators advise of the need to clarify the role of the Associate Members, pointing out that even they (the Associates) seemed confused at times. Assuming that sufficient resource personnel are made available to the Forum, the Commission will act on the Evaluators' recommendations concerning the Associates: we will establish a clearer and shared understanding of their role; we will invest time bringing them together for reflection and seek feedback from them at regular intervals.

33. WIDER PARTICIPATION

- 33.1. The Pilot Forum conducted two Caucus meetings (when members met with individuals or groups around a particular theme). The first, on Young People as Victims, included practitioners from the Youth Work sector and identified important issues which would need to be addressed by a future Forum and, indeed, by the Commission. The second Caucus was on the government's consultation paper on a Bill of Rights and was addressed by the Chief Human Rights Commissioner. It was also attended by representatives of NGOs from the Human Rights/Civil Liberties sector. The meeting helped inform the thinking of the Commission and of Forum members. A Commission position paper was presented to the Forum in June 2010.
- 33.2. There was one Local Meeting (when members invite participation from a particular locality) in north Belfast with people involved in victims groups in that part of the city. The focus of that meeting was on the impact of the conflict on communities (beyond the experiences of individual victims and survivors).
- 33.3. The General Purposes Committee decided against holding a Public Meeting in Derry/Londonderry in April 2010 in relation to the imminent publication of the Saville Report on Bloody Sunday. The feeling was that the timing was inappropriate and risked dividing the Forum in an unhelpful way.
- 33.4. A number of Pilot Forum members and one of the Commissioners participated in a semi-public event which was organised by WAVE in Armagh with around 40 people in attendance – mostly victims
- 33.5. The Evaluators advise that, based on external meetings undertaken by Pilot Forum members, victims and survivors seemed to value contact with them. They recommend the development of such wider contact in the future.

34. HEARINGS

- 34.1. The Pilot Forum held three hearings – when outsiders were invited to present views or evidence and answer questions from members:
- (i) The Northern Ireland Memorial Fund
 - (ii) Officials from OFMDFM
 - (iii) The Community Relations Council

34.2. Members of the Pilot Forum were positive about their experience of conducting hearings. Therefore, the Commission proposes to retain this facility in the new Forum.

35. MEETINGS

35.1. BUSINESS MEETINGS

35.1.1. There was a monthly business meeting when the Forum sat in formal session with proceedings on the public record. Business Meetings normally lasted one and a half hours and provided an opportunity for each committee to report to the full Forum, as well as dealing with general business. The average attendance at Business Meetings was 81% of the Pilot Forum's membership.

35.2. CIRCLE MEETINGS

35.2.1. Circle Meetings were 'off the record', conducted under the Chatham House Rule and normally took place in the evenings, in a conversational style. They were meant to be occasions when members could think aloud and enter reflection with one another. Average attendance was 72% of members.

35.2.2. The Commission believes that the Circle Meetings were of particular value as a means of developing a 'learning community' within the Pilot Forum. Thus it becomes a place of deep listening, reflection and evaluation. The External Evaluators affirm the importance of this aspect of the Pilot Forum. They add that steps should be taken to involve members in agreeing how reflection and shared learning becomes incorporated on an ongoing basis and indeed, disseminated beyond the Forum.

35.3. CONSENSUS

35.3.1. Votes were taken on few occasions during the Pilot Forum. Three papers were completed, put to a vote, and duly adopted by sufficient consensus. On another occasion, a press statement was voted on and passed with sufficient consensus. The purpose of the consensus arrangement was to offer some protection to members who might otherwise feel vulnerable regarding points of contention associated with the Forum. Consensus was also meant to discourage 'win/lose outcomes among the members but, rather, encourage them to seek to go beyond predictable positions which could divide the Forum along traditional lines.

35.3.2. The Commission believes that a consensual culture should remain an important feature of the Forum.

35.4. COMMITTEES

35.4.1. Forum members served on three committees

- (i) The Services Committee was intended to focus on the proposed Victims and Survivors Service and on service providers. The average attendance rate was 78%
- (ii) The Needs Committee was intended to focus on the Comprehensive Needs Assessment. Average attendance was 76%
- (iii) The General Purposes Committee was responsible for governance of the Forum and for dealing with issues which did not fall within the remit of the other committees. Average attendance was 70%

35.4.2. Some members struggled to maintain attendance at two meetings per month (one plenary sitting and one committee). The committees struggled to get through the work allotted to them. On the one hand, the Pilot Forum was testing the model for the eventual Forum, which meant the Commission piling a lot of issues into its committees over a short period of time (ten months). Therefore the Pilot Forum was, at times, overburdened with too wide an agenda. On the other hand, the experience of the pilot has taught the Commission the importance of realism regarding the amount of work that a Forum can reasonably get through.

35.4.3. The External Evaluators report that a significant number of members of the Pilot Forum retained a mistaken belief that Commissioners had unilaterally allocated them to their committee, rather than let them choose where to serve. The Evaluators also report that two of the committees appeared to suffer from a lack of focus (the General Purposes Committee) or a lack of direction (the Needs Committee). Therefore, the Commission will take extra care to ensure that, apart from the Steering Committee, the new Forum should identify the kind of committee structure it wishes to have and take sole responsibility for committee membership.

35.4.4. Then again, the Evaluators observe that Pilot Forum members greatly valued committees as a means to achieve more tangible results and get to know colleagues by working with them.

36. CHAIRING THE FORUM

- 36.1. Two Commissioners acted as joint chairs of the Pilot Forum. Members chaired the committees. When workshops and Circle Meetings took place, the Commissioners acted as facilitators. All meetings of the Forum required advance preparation and design. In this respect, the Commission has a degree of unease about assuming that when the members elect their own chairperson, the individual will have sufficient competence as a facilitator. The Commission will discuss with the Forum contingency arrangements for times when the Forum may wish to use an outside facilitator.
- 36.2. The Commission decided to chair the Pilot Forum, partly because of the need to stay close to the experiment and partly to avoid any unnecessary difficulty about who the Chair might otherwise be.
- 36.3. In keeping with the OFMDFM Strategy for Victims and Survivors, the Commissioners would anticipate that they would not chair the future Forum.
- 36.4. However, a Commissioner will act as Pro Tem Chair of the Forum until members elect one of their number in June 2011, thereby giving members time to consider the requirements of the Chair's role before proposing candidates.

37. THE PROGRAMME OF WORK

- 37.1. The major items which were discussed in the Pilot Forum were:
 - (i) *Victims and Survivors Service* – the Services Committee submitted a response to the consultation on the Service in November 2009.
 - (ii) *Individual Assessment* as part of the Victims and Survivors Service – The Services Committee met with the OFMDFM Committee to comment on the new Service, and in particular Individual Assessment.
 - (iii) The Commission consulted with the Pilot Forum on the *CVSNI Work Programme and Corporate Plan*.
 - (iv) During a Caucus meeting on a *Bill of Rights for Northern Ireland* the Pilot Forum provided their thoughts to inform the Commission for its submission to the consultation.
 - (v) The Forum consulted with a number of groups on *engaging with Young People* during a Caucus Meeting in February 2010.

- (vi) *Legacy of the Past* - The Pilot Forum conducted a local meeting in north Belfast at which they interacted with members of the local communities and gained insight into issues of the conflict which continue to impact upon those communities.
- (vii) *Dealing with the Past* – Pilot Forum paper adopted and passed to the Commission.
- (viii) *Definition of a Victim* –adopted and passed to the Commission.
- (ix) *Comprehensive Needs Assessment* – The Needs Committee consulted with and advised the Commission through a workshop on Conflict Analysis and the Comprehensive Needs Assessment
- (x) The Pilot Forum consulted with the Commission on the future *development of the Forum*
- (xi) *The Northern Ireland Memorial Fund*, including a Pilot Forum meeting with the Directors of the Fund
- (xii) *The Community Relations Council*, including a Pilot Forum meeting with Senior Staff of the CRC
- (xiii) *Recognition for Victims* – a paper was drafted by members of the Needs Committee, and passed to the Commission

37.2. The External Evaluators observe that the Pilot Forum could have done better at establishing deadlines for the production of papers, thereby improving efficiency. The Commission will address this matter as part of our discussion with the Forum about future outcomes.

38. THE PUBLIC PROFILE OF THE FORUM.

38.1. The External Evaluators note the significant degree of discontent within the Pilot Forum over its low public profile. The Commission took the view that in order to uphold the pilot as a safe and secure space for all members and to safeguard the ongoing, sensitive task of building relationships among them, it was best not to promote the Pilot Forum in the media lest mischievous or sensational coverage serve to exacerbate inherent differences between members. Nevertheless, members retained a sense of frustration that the Pilot Forum was ‘hiding its light under a bush’ rather than promoting awareness of its positive civic significance.

38.2. The Evaluators advise the Commission to be clear with members about publicity from the outset; to agree a communications strategy with them; to positively consider building relationships with the media and to establish structures for communication with the wider community.

- 38.3. The Commission will establish a media strategy to cover the initial months of the new Forum and during that time will also engage with members regarding the issue of its longer term public profile.

39. RESOURCING THE FORUM

- 39.1. The External Evaluators affirm the importance of having a designated secretariat for the Forum, building on the prototype used for the pilot. However, they exhort the Commission to improve the Forum's capacity to engage with the victims sector so that both the Commission and the Forum draw more effectively on current thinking and concerns among those who work with victims. The Commission expects that its use of Development Officers from the Service as resource people within the Forum will assist this task.
- 39.2. The Evaluators draw particular attention to the need for a fieldworker on behalf of the Forum, establishing links to communities and providing support to Forum members in their localities or constituencies. The Commission fully accepts the need for a Development Officer dedicated to providing such support to the Forum in future.

PART THREE: OPTIONS FOR A NEW FORUM

40. In developing proposals for a new Forum the Commission has considered a number of options.

40.1. *OPTION ONE:* Do nothing

40.1.1. If the Commission did not produce proposals for a forum it would fail in its statutory duty, contained in Article 6 of the Victims and Survivors (Northern Ireland) Order 2006.

40.2. *OPTION TWO:* Appointment by Open Competition

40.2.1. The Commission rejects such an option because of the importance of ensuring that the Forum is representative of the range of victim/survivors in Northern Ireland. An Open Competition process would necessarily be blind to such consideration and carry the danger of creating a membership which might be perceived as imbalanced and lacking credibility.

40.2.2. The Commission also rejects the option of paying members of the Forum. Paid membership would require an Open Competition. Furthermore, participation in the Forum on a voluntary basis adds to its moral authority in the Northern Ireland context.

40.2.3. Over a 3 year period the total estimated cost is £290,000.

40.3. *OPTION THREE:* A Forum based on the Trauma Advisory Panels

40.3.1. In another advisory document, the Commission considers how best to build on the work done by the TAPs to date. In this endeavour, and at the request of Ministers, the Commission convened a Working Group with representatives of the TAPs. The group reached agreement that the TAPs needed to become more integrated within the new infra-structure for the victims sector – aligned to the Service, the Forum and the Commission. The TAP representatives agreed with the Commission's view that the TAPs should be replaced by Conflict Related Service Meetings, convened by Development Officers from the Service. The CRSMs will be a meeting place for practitioners. The strength of the Forum, on the other hand, will be the fact that its members are overwhelmingly actual victims and survivors, drawing on their personal experience. For this reason, the Commission does not recommend this option.

- 40.3.2. Over a 3 year period the total estimated cost is £1, 200, 000.
- 40.4. *OPTION FOUR:* A Forum of unpaid members directly selected by the Commission
- 40.4.1. This is the model which the Commission developed in 2009 for the Pilot Forum and which we now recommend as the best option. It assumes the fundamental importance of establishing and maintaining strong relationships among a group of victims of the conflict and repeatedly inviting them into reflective space as an aid to creative thinking and collective action. This model also places importance on providing sufficient professional support/resources to a group of people who, for the most part, engage in this civic dialogue on a voluntary, unpaid basis.
- 40.4.2. The most significant innovation which the Commission is proposing in the light of our experience of the Pilot Forum is the introduction of more formalised linkage to the Service and to practitioners through the CRSM network.
- 40.4.3. Over a 3 year period the total estimated cost is £270, 000.
- 40.5. *OPTION FIVE:* A Forum with an open membership, convened by the Commission as a 'Town Hall Meeting'
- 40.5.1. This option has been explored to apply to a scenario in which government informs the Commission that there is insufficient money for Option Four. The 'Town Hall Meeting' model would involve the Commission inviting victims and survivors to register their interest in participating in regular victims meetings in their locality. The Commission would subsequently inform registered 'members' of dates and locations for dialogue and would endeavour to include representatives of statutory and voluntary/community organisations involved in providing services to victims.
- 40.5.2. However, this option would carry the substantial risk of attracting individuals with a lack of capacity for reflection and analysis or with Mental Health problems, whose participation would discourage many of the more able victims and survivors. It would also fail to develop respectful relationships between participants. In such a scenario, the Forum would fall far short of its potential civic value.
- 40.5.3. Over a 3 year period total estimated cost is £100, 000.