



ADVICE TO THE

FIRST MINISTER &

DEPUTY FIRST MINISTER

ON ARRANGEMENTS FOR A

VICTIMS AND SURVIVORS

SERVICE

November 2010

THE SERVICE

The Commission would advise the Ministers and OFMDFM that at the current rate of progress the Service will not be established by April 2011. Furthermore, if Ministers are not able to access the appropriate information to take decisions, due to delays within OFMDFM, it is unlikely that the Service will be operational before the beginning of 2012.

As it was anticipated that the Service would be in place during the early part of the financial year 2011-2012 any further delays will have an impact on:

- (i) The recommendations for the future of the Trauma Advisory Panels
- (ii) The current scheme in place for the funding of groups and
- (iii) The development of the forum.

To continue with the current arrangements for the sector for a further year is to continue with fragmentation and a lack of co-ordination and will continue to generate scepticism about whether there will ever be a Service.

When considering the Service, the Commission is conscious that the Service is being developed in a time of economic difficulties. Therefore, as well as considering the options within OFMDFM's paper on the Business Case, we have reconsidered our earlier options for the business model and how it may be possible to maximise aspects that are currently available, while ensuring a progression to an efficient, well co-ordinated service. This report to OFMDFM covers, as previously agreed, proposals for the Forum and the Trauma Advisory Panels. However, due to the Commission's serious concerns regarding the implementation of the new Service during the next financial year it was felt necessary to include proposals and options which would assist in Ministerial deliberations to ensure that the Service will be in place within the original planned timescale.

1. THE COMMISSION CONCERNS

- 1.1. Individual Assessment is the priority for Year 1 of the Service and the following are the concerns of the Commission for the development of the Service in year 1 and beyond.
- (i) At the time of writing, early November 2010, the Business Case for the Service has only just been submitted by officials to Ministers and a full economic appraisal will be required followed by approval by the Department of Finance and Personnel. Our experience would indicate that a minimum of up to 6 weeks will be needed for this process.
 - (ii) Ministers have not yet agreed on the business model for the new Service. If decisions are not made until January then delays will be dependent upon whichever model is selected. The best estimate that we would make is that it will be September 2011 at the earliest before the developing Service will commence Individual Assessment
 - (iii) The Business Case proposals from OFMDFM have indicated that Individual Assessment should be contracted out. Yet there is no indication within the Business Case about how and when the contract for Individual Assessment is likely to be in place or who will take responsibility for progressing it.
 - (iv) The Department's development strategy is not working:
 - a) There is significant slippage with the timescale in the Project Plan. The Business Case was originally due at the end of June provided late October/November but without the economic appraisal, the Standards and Services Working Groups due at the end of July are just being set up and will have their first meeting in November.
 - b) With the extended absence of the Project Manager there is no-one driving or co-ordinating the project across the working groups to ensure the project will deliver within the necessary timescales;
 - c) There is a limited number of staff working on the project and there does not appear to be any urgency to have in place alternative arrangements e.g. there are no contingency plans in place for the risk factor of an absent Project Manager.
 - (v) Currently the focus is on the implementation strategy for the Service and individual assessment. However, by Autumn 2011 it will be necessary to have undertaken development work for the transition of groups and the associated funding into the Service by April 2012.
 - (vi) Delays and uncertainty with the Service will have a knock-on effect on the rest of the infra-structure for the sector, the restructuring of the TAPs, the Forum and the funding of groups.

- (vii) The current and future uncertainty of the roles of CRC and Memorial Fund within the sector, are also factors to be named.
- (viii) Communication with the sector regarding the Service is almost non-existent and is contrary to a commitment given by the Department.
- (ix) It is imperative that the Department focuses attention without delay on putting in place the recruitment and training of assessors as any procurement process will delay further the Service's start date.
- (x) OFMDFM are currently behind schedule in the Project Plan for the Service and this does not promote confidence that any further work they need to undertake, such as a contract for individual assessment, will not also be delayed.

2. Considerations of the Options within OFMDFM's Business Case – Establishment of a Victims and Survivors Service

2.1. Option 1 - Contract out the Service

Pros

- (i) This whole process is managed externally
- (ii) There could be an opportunity for a consortium of providers, given enough notice, can come together to provide this service and this may address the sensitivity of access in this area

Cons

- (i) The Commission believes that this approach is insensitive to the needs of victims and survivors
- (ii) We believe that there should be a sense of civic duty to victims and survivors and that that duty should not be contracted out
- (iii) This model does not permit a co-ordinated approach to the work of the Commission, the Service and the Forum
- (iv) There is a high risk that the appointment of an agency may not necessarily have the buy-in of victims and survivors and any service which individuals will not access fails
- (v) There is a high risk if sufficient agencies do not apply, and the risk that those who do apply have a limited experience of the sector
- (vi) There are a limited number of agencies in Northern Ireland who may be able to deliver this service
- (vii) There may be inadequate time for any consortium to come together.
- (viii) There has been no pilot work undertaken in this area and therefore the contract may be difficult to develop at this stage

- (ix) Given the time needed to draw up the contract and the time to set up the Service this option may take until the end of 2011 to be in place

Summary

While this enables the process to be undertaken externally the Commission believes that it is insensitive to the needs of victims and survivors and it would limit the co-ordination of the different components of the OFMDFM's Ten Year Strategy.

2.2. Option 2 - Create a new NDPB

Pros

- (i) Governance arrangements are appropriate

Cons

- (i) There may be difficulties in the current economic climate in establishing a new NDPB
- (ii) Legislation will not be in place in time to establish the Service in 2011 -2012

Summary

Initially there could be difficulties in creating a new NDPB and the time frame for the legislation does not match the time frame for establishing the Service. However, a body with the governance arrangements as required by an NDPB is essential.

2.3. Option 3 - Reutilise an existing organisation

2.3.1. Using CRC

Pros

- (i) Experience of providing funding to groups
- (ii) Experience of developing aspects of the work undertaken by groups

Cons

- (i) No experience of providing funding to individuals
- (ii) CRC may evolve into CSI proposals and potentially legacy issues and this could create a body with a very extensive remit

Summary

Part of the possible answer in utilising the experience within the sector.

2.3.2. Using NIMF

Pros

- (i) Experience of providing funding to individuals

Cons

- (i) No experience of providing funding to groups

Summary

Part of the possible answer in utilising the experience within the sector.

2.3.3. Using Futures NI

Pros

- (i) Their overarching body PRRT is currently funded by DoJ
- (ii) Governance aspects have been addressed
- (iii) They are a professional organisation with extensive experience of Individual Assessment
- (iv) As Futures is a part of PRRT and they are already 'in' the system it may not be necessary to undergo any external tendering process and the Individual Assessment can commence by April 2011.
- (v) Futures could be asked to undertake the work for a period of one year – as a pilot and as the Service develops

Cons

- (i) While the professionalism of PRRT is not in question there will be a significant section of the victims and survivors community which will not be prepared to share and have recorded their experiences with those personnel from Futures.
- (ii) Some may question the propriety of awarding a contract to a particular organisation instead of using a more open contract.

Summary

This option could be in place by early in the next financial year however there are a number of high risk issues around this option.

These are namely:

- a) Whether Futures will be accepted by the sector
- b) The PR fall out for providing a service which many victims and survivors will not wish to access
- c) Whether there may be a challenge to appointing Futures as it is a commercial profit making part of PRRT.

2.3.4. Using a combination of CRC/NIMF

Pros

- (i) Utilises current expertise within the sector
- (ii) Staffing are already paid by OFMDFM so limiting any potential costs
- (iii) Enables the development of the Service through 2012-2013
- (iv) Viewed positively by the sector

Cons

- (i) Need for extensive discussions around the governance of the developing Service and staff accountability to their respective organisations as each organisation will continue to deliver to victims and survivors while the Service is developing.

Summary

This option would be viewed positively by the sector as building on existing expertise. Also it would enable the Service to develop aspects relating funding to individuals by September and to progress development work to bring groups within the Service during 2011-2012.

2.4. Option 4 - Establish the Service within OFMDFM

Pros

- (i) Governance arrangements are appropriate
- (ii) Experience of delivering funding

Cons

- (i) Staffing limitations
- (ii) Cost implications
- (iii) Whether the Department can make direct payments to individuals
- (iv) OFMDFM are currently behind schedule in the Project Plan for the Service and this does not promote confidence that any further work they would undertake would be delivered on time.

Summary

The Commission does not regard this as a viable option.

2.5. Option 5 - Do nothing

Pros

- (i) There are none

Cons

- (i) To continue with the current arrangements for the sector is to continue with fragmentation and a lack of co-ordination across service delivery.
- (ii) Does not address access for individuals who do not wish to join a group
- (iii) Political embarrassment as there has already been a commitment

Summary

The Commission does not regard this as a viable option.

3. Recommendations

3.1. Based on an analysis of the Business Case Paper and the current situation the Commission would recommend:

- (i) The Service becomes an NDPB with the associated governance by April 2012, this timing enables any necessary legislation to be in place**
- (ii) The requirement for any legislation would need to commence asap**
- (iii) The Service should have three units: a development unit, finance and individual assessment**
- (iv) Refocusing the project plan by establishing mechanisms and agreeing action steps for the development phase ie until the Service opens for business in its permanent form**
- (v) The victims' branch of CRC and the Memorial Fund are brought into the new structure during Year 1, 2011-2012 when the funding for individuals and groups is aligned**
- (vi) Using CRC victims' branch and Memorial Fund staff to maximise the current expertise working with the sector**
- (vii) By 2012 when the Service should become an NDPB, TUPE arrangements for staff from CRC and the Memorial Fund will be arranged accordingly**
- (viii) Establishing an inter-agency arrangement between the Commission, CRC, the Memorial Fund and the Department to address the issues of coming together into the new Service**
- (ix) The same group deals with individual assessment and engages with groups /service providers through 2011-2012**
- (x) The Commission undertakes a review of the Memorial Fund Schemes, with new schemes coming online from September 2011**
- (xi) A time line should be agreed for the recruitment of personnel**
- (xii) The Individual Assessment should be contained within the new Service, to do otherwise undermines the civic duty and responsibility for duty of care for victims and survivors of the conflict**
- (xiii) That expertise within the Public Sector, through OFMDFM, is used to develop a specification by January 2011 for:
 - a) the job description for the assessors**
 - b) the recruitment and appointment**
 - c) a framework for the appointment and training of assessors****
- (xiv) The recruitment, appointment training, supervision and CPD of the assessors (sessional work) should be contracted out and must be completed to enable the Service to commence in September 2011**
- (xv) This contract should be for one year with the option to extend for a further year(s)**
- (xvi) A Senior Development Officer would lead the Development Officers**

- (xvii) Four full time Development Officers are employed in the new Service and regionally based in the Health Trusts (see Appendix 1)**
- (xviii) The Development Officers line manage the individual assessors , employed on a sessional basis**
- (xix) The role of the Development Officers is viewed as key to the co-ordination across the Conflict Related Service Meetings (based on the work of the TAPs), the Service, the Forum, working with health Trusts and to monitor and evaluate the impact of the Service on victims and survivors**
- (xx) It is imperative that the Department focuses attention on putting in place the recruitment and training of assessors as any procurement process again will hinder delay in the Service's implementation**

3.2. The Commission believes that the above recommendations will be a pragmatic solution and will:

- (i) Be the least disruptive
- (ii) Co-ordinate all aspects of OFMDFM Ten Year Strategy
- (iii) Be more cost effective through using current experienced staff from CRC and the Memorial Fund, subsuming the role of the TAP co-ordinator into the Development Officer's role
- (iv) Maximise the credibility of the sector in the Service
- (v) Create a competent, credible and efficient service which is fit for purpose
- (vi) Expedite the progress of the Service

3.3. Issues to be addressed if the proposal for CRC and the Memorial Fund proceeds

- (i) Governance of the Service while governance remains with CRC and the Memorial Fund.
- (ii) The management of these staff.
- (iii) The need for an Interim Board
- (iv) The role of the Accounting Officer while funds are still being distributed through CRC and the Memorial Fund

4. Year 1 Individual Assessment

4.1. Target Date April-June 2011

4.1.1. The Commission recommends that certain components, some of which are essential immediately while others may come on line as appropriate, will need to be in place to enable the delivery of Individual Assessment and we have taken each of these into account when considering all of the options. In the absence of any detail in the Business case Paper we have also included aspects which supports the Commissions recommendations.

4.2. Components for the delivery of Individual Assessment

- (i) The determination of the model and working towards the establishing of that model
- (ii) Staffing (seconded Chief Executive Grade 7 preferably from DHSSPS for the initial year, CRC victims' branch, Memorial Fund)
- (iii) Location of Service (tbd. Initially the Commission may assist with this aspect)
- (iv) Data base for information capture(built on the current Memorial Fund data base, already in the specific contract for their new data base)
- (v) Gateways for individual assessment (tbd)
- (vi) Who will undertake the assessment - an early decision is essential particularly about which aspects of individual assessment will be contracted out
- (vii) The assessors will be trained as part of the contract
- (viii) Development Officers would be based regionally in the Health Trusts and they would be the line manager of the assessors
- (ix) The Development Officers would be allocate individuals to the assessors
- (x) Procedures) for the assessors and staff of the Service (assessor: part of contract?)
- (xi) Protocols) to capture, process, and analyse the information
- (xii) Standards) of those who undertake the assessment process
- (xiii) Identifying what the Service will and will not deliver

4.3. Process for forwarding individuals to Service Providers

4.3.1. The provision of the services

- (i) Process for forwarding individual to service provision
- (ii) Procedures/protocols for those who will deliver services
 - a) Standards) The timescales for
 - b) Governance) all of these
 - c) Process for training) to be
 - d) Process for accreditation) in place.

4.4. Individual Assessment

- (i) All new clients to groups and/or the Service will undertake an individual assessment. This may be an initial assessment whereby all the client requires is financial support. This is an in-house component for the Service and is a direct pathway for many clients who will not wish for anything else from the Service.
- (ii) In year 1 individuals receiving services through groups will continue to receive them.
- (iii) Have assumptions for service delivery been made ie use those groups already funded through CRC and SEUPB to deliver services to all clients
- (iv) Not all clients will be prepared to go to a group therefore provision needs to be made for this.

- (v) Unknown data is the standards to which all groups (notably those which are SEUPB funded) are delivering services and the 'spare' capacity to provide for individuals who access the Service.
- (vi) Initially there should be 12-15 Assessors employed through the contract on a sessional basis. This would target 1250-1500 individual assessments in the first six months, September 2011 – March 2012. This is based on data from Health Trusts experience.
- (vii) If individuals coming forward are fewer than anticipated then assessors would work within groups to begin to undertake assessments there.
- (viii) Data must be collected from those continuing to deliver services to clients already participating in groups if funding is to be assessed for groups in 2012-2013

Appendix 1

Taken from the paper 'Advice to the First Minister & deputy First Minister on Building on the Work of the Trauma Advisory Panels'
(THE COMMISSIONNI, November 2010)

- 5.1. The Commission's proposals for the new Service include a Development Team, led by a Senior Development Officer with four Development Officers.
- 5.2. While being an integral part of the Service the Development Officers should be operationally deployed within Health and Social Care Trusts, to maintain an important link with the primary statutory bodies serving victims and survivors.
- 5.3. The Development Officers would act as a referral point for individual victims and perform a liaison role with service providers in their catchment area.
- 5.4. They would also participate in the Forum as resource personnel, in support of its members.
- 5.5. Each Development Officer would convene a quarterly Conflict Related Services Meeting (CRSM) in their area. The CRSM would supersede the TAPs.
- 5.6. The Development Officers role would supersede the TAP co-ordinator role.
- 5.7. The Development Officers would aim to assist the development of best practice in their area. In addition to liaising with service providers, they would engage the statutory sector to improve its orientation to victims and survivors. They would also undertake occasional fieldwork for the Forum and encourage a Community Development approach to the outworking of OFMDFM victims/survivors policy in their area (with its focus on addressing need, dealing with the past and building for the future).
- 5.8. The Commission suggests that the Department engage a personnel consultant to develop a job specification for the Development Officer post, along with the other staff to be recruited to the Service.

Appendix 2

Taken from the paper 'Advice to the First Minister & deputy First Minister on Arrangements for a Forum for Victims and Survivors' (THE COMMISSIONNI, October 2010)

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

- 8.1. The Commission is proposing that the new Service includes a Development Unit 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.
- 8.1. The unit would be led by a Senior Development Officer and have four Development Officers, operationally located within Health and Social Care Trusts (see Appendix 1).
- 8.2. 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.
- 8.3. 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.
- 8.4. Each CRSM would send representatives to a regional CRSM which would meet with the Commission and the Department twice per year.
- 8.5. 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)