



Advice to Government on meeting the
Individual Financial Needs of Victims and
Survivors

OCTOBER 2011

1. INTRODUCTION

- 1.1. In September 2010, the Commission completed Phase I of the Comprehensive Needs Assessment (CNA). This document identified an evident need in terms of financial hardship experienced by victims and survivors. As part of the development of Phase II of the CNA, the Commission for Victims and Survivors has continued to deliberate on the issues of the Individual Financial Needs of Victims and Survivors. We have studied research, consulted further with the sector and service providers and deliberated in our own right. The Commission now submits this advice to government on how it can meet the individual financial needs of victims and survivors in the financial year 2012-2013.
- 1.2. The Commission notes that the advice given in this paper is intended to inform the establishment of the new Victims and Survivors Service (VSS) in April 2012 and intends to consider further the matter of addressing individual financial needs as part of Phase II of the CNA and within the context of further refinement of service delivery by the VSS for the remainder of this CSR period.

2. CONTEXT

- 2.1. The Strategy for Victims and Survivors, this Commission and the development plans for the new Victims and Survivors Service advocate the requirement to move towards a needs-based approach to target resources to the areas of greatest need for victims, as outlined in the Comprehensive Needs Assessment (CNA). All seven areas of need will be addressed by the continuation and development of services by Victims' groups, by voluntary organisations and by statutory bodies.
- 2.2. Studies such as the Cost of the Troubles and the CAIN archive project have shown that a high proportion of deaths and injuries occurred in densely populated and economically deprived areas and in border areas. It follows that many of the living victims and survivors of the troubles are people who, in their normal circumstances and regardless of violence, would be living with the effects of social and economic deprivation. It is also the case that, in common with many citizens unaffected by violence, victims and survivors face social and economic hardship unrelated to the troubles. However, the Troubles have had harmful effects on the social and economic health of our society. Victims are doubly affected: as ordinary citizens living in a society that has been socially and economically damaged by conflict and violence and as individuals who have been directly impacted by violence.

2.3. The Victims Strategy commits Government and the Victims Commission to the development of services and provision based upon an assessment of actual need. In keeping with OFMDFM policy the Commission is assessing seven Areas of Need:

1. Health and Wellbeing – the physical and mental health needs of victims
2. Social Support – the need to have social interaction and integration within a supportive community where there is fellowship with other victims and opportunities for social amenities
3. Individual Financial Support – this Area of Need relates to the social and financial consequences of loss in the lives of individual victims and their families
4. Truth, Justice and Acknowledgement – the right which victims have for offenders to be held to account; the truth of the past to be examined and due recognition given to the experience and situation of victims
5. Welfare Support – the need to provide for services which support victims/survivors to receive welfare benefits and other entitlements
6. Trans-generational issues and young people - the impact of the legacy of violence and conflict on the younger and future generations
7. Personal and Professional Development – the needs of victims in relation to personal growth, lifelong learning and training and education for employment/employability.

2.4. Items 1,2,4,5,6 and 7 will be addressed by the continuation and development of services by the community, voluntary and statutory sectors. Commencing in 2012, OFMDFM funding for the above Areas of Need will be administered through a new Victims and Survivors Service. Individual Financial Support has been administered through the Northern Ireland Memorial Fund since 2001. From 2012, such support will be administered by the new Victims and Survivors Service, based upon advice provided by the Commission. In doing so, we should like to express our appreciation of the work undertaken by the voluntary Board and the staff of the Northern Ireland Memorial Fund. The statutory definition of victim and survivor as enshrined in the Victims and Survivors (NI) Order 2006 is applied.

3. RATIONALE

3.1. It is not possible to appropriately financially compensate victims and survivors for the material and emotional losses that they have suffered because there is no price that can be put on the life of someone who has been lost to their family, on a life that could have been so different had it not been for terrible physical and emotional injuries: no tariff or scale rate can

possibly address that. In seeking to address the individual needs of victims and survivors, we must bear in mind, however, that there has been a direct loss of income in most cases because of bereavement or serious injury and these proposals seek to make a measure of restitution to those who have been bereaved and seriously injured.

- 3.2. In developing a rationale for Individual Financial Support the Commission has considered the operation of the Northern Ireland Memorial Fund and concluded that a number of Memorial Fund schemes should continue while others should cease at the end of the 2011 – 12 fiscal year. One of the key issues in research and casework that the Commission is aware of is that because the NIMF operate specific funding schemes, many victims and survivors who are in need cannot access assistance because the specific schemes, for example a short break or Over 60's support, are not open to them or not appropriate for them.
- 3.3. The Memorial Fund was established in 2001, seeking to acknowledge and address the suffering of victims, and arising from advice of former Victim's Commissioner Sir Kenneth Bloomfield's report "We Will Remember Them." The Commission has monitored funding and provided recommendations to the NI Memorial Fund – for example around the needs of the seriously injured – and sets out under the section of this document entitled "Proposals for Future Funding" which schemes should continue and which should not.
- 3.4. In providing this advice to government, the Commission is mindful of the budgetary constraints of the current CSR period and available funding for victims and seeks to set against that situation realistic proposals that can:
 - Effectively address the needs of victims and survivors
 - Deliver quality support and services to victims and survivors
 - Contribute to a better society for victims and survivors
 - Improve the quality of life for victims and survivors.

4. FINDINGS

- 4.1. The Commission has reached the following findings:
 - A. At this stage in the evolution of an agreed society in Northern Ireland, there is civic value in expressing compassion to those who live with the social and financial consequences of loss.
 - B. Addressing the financial loss that has occurred as the result of a bereavement or serious injury must be done within the constraints of the current budget allocation for victims and survivors.

- C. Therefore, we must prioritise those who are in greatest financial need by the use of means-testing.
- D. In most cases, Spouses/Partners, parents and children of those who have died have suffered a financial as well as a social loss as a result of their bereavement.
- E. Those who have been seriously injured and those who care for them have also suffered a financial and social loss.
- F. Assisting those who are in greatest financial need as a result of the conflict should not be seen as charity since this tends to stigmatise the individual seeking support and serves to discourage victims from applying for help.
- G. Financial assistance schemes should be designed to allow individuals to meet their own needs with dignity.
- H. People are likely to have suffered significant trauma and as a result, may have missed out on educational opportunities or been affected in their work and such support may provide an opportunity to address any inequity in their educational and professional lives. It should be noted that no other financial assistance scheme is available to adult children who have been bereaved. There is also a concern that in some families where siblings were bereaved, some receive financial support under means testing criteria and some do not. The impact of this will need continued monitoring.
- I. Children and young people under 25 and still in full time education who have lost a parent would normally still be financially dependent on their parents.
- J. There are many instances where bereaved parents have suffered financial consequences from the loss of their child.

5. MEANS – TESTED CATEGORIES

5.1. The Commission proposes that a means test be introduced by the Service as an instrument for determining those who are most in need from the following categories:

1. Spouses/Partners who have been bereaved.

2. Parents who have been bereaved.
3. Children and young people who have been bereaved through the loss of a parent, who are currently under the age of 25 and still in education or training.
4. Adult children – those over 18 and not in education or training, or those over 25 – have a diminished financial dependency on their parents and this should be reflected in the level of direct financial assistance.

6. NON MEANS – TESTED CATEGORIES

- 6.1. Those who have been seriously injured.
- 6.2. Those who care for individuals who were seriously injured.

7. INELIGIBLE CATEGORIES

- 7.1. Grandchildren and siblings of those who died would not, for the most part, have had a financial dependency on their loved one and as such, should no longer be eligible to receive direct financial assistance. Funding made available to groups in the community sector and services in the statutory sector will ensure that services are available to meet other needs of these individuals in terms of health and well-being, advocacy, personal development, social support etc.

8. PROPOSALS FOR PROGRAMMES TO MEET THE INDIVIDUAL FINANCIAL NEEDS OF VICTIMS AND SURVIVORS

- 8.1. In responding to Government's request for advice on meeting Individual Financial Needs in 2012-2013, the Commission recommends that the Northern Ireland Memorial Fund should cease to operate a number of schemes and that those schemes remaining in place be augmented to better meet the needs of victims and survivors.

SCHEME	AMOUNT	REVISED AMOUNT	RECOMMENDED CHANGES
Back to School	£90,450	0	Discontinue

Care for Carers	£95,000	£95,000	Maintain support
Chronic Pain Management	£366,000	£184,000	Maintain programme, cap at £1,000 P.A.
Disability Support	£129,000	£129,000	No changes
Education & Training	£1,159,983	£270,000	Replace with Educational Bursary for bereaved children only
Over 60's Support	£340,500	0	Discontinue
Short Break	£613,400	0	Discontinue
Financial Assistance Extra needs (DLA)	£154,000	0	Discontinue
Financial Assistance Extra Needs	£655,500	0	Discontinue
Financial Assistance Regular allowance	£1,323,920	£2,624,250	Introduce two award levels, exclude siblings
TOTAL	£4,940,500	£3,302,250	

8.2. Provision needs to be made to ensure that the new arrangements for funding are ready to be implemented in April 2012 so that there is no gap in assistance for those in greatest need. The Commission recommends the ending of schemes currently delivered by the NIMF and the implementation from April 2012 of the following financial assistance Programmes:

8.3. Carers Programme

This programme will provide a payment of £500 per annum to those who care for someone injured as a result of a conflict related injury. This scheme should not be means tested.

Carers have, in many cases, given up their own careers to care for a loved-one injured as a result of a conflict-related incident. In addition to the loss of income this creates, they have also lost pension entitlement in later life as a result of an inability to make pension contributions. Carers Allowance

only goes some way to meeting their financial needs and a Care for Carers scheme will provide a premium to help address their respite needs.

8.4. Chronic Pain Management Support Programme

This scheme will provide reimbursement of expenses for chronic pain management treatments for pain arising from a conflict-related injury. It will be based on needs identified via individual assessment by the Victims and Survivors Service.

This programme will provide assistance for treatments not otherwise available from the Health Service, or where a significant delay in accessing help impairs the quality of life for the victim. The maximum award under this scheme would be £1,000 per annum and would not be means tested.

8.5. Disability Support Programme

The Disability Support Scheme will be open to all of those who demonstrate a need arising from a conflict-related injury and will be based on needs identified via individual assessment by the Victims and Survivors Service.

The purpose of this scheme is to provide support for those who need assistance with managing a disability arising from the conflict where assistance is not available elsewhere, or where a significant delay in accessing help impairs the quality of life of the victim. The maximum award under this scheme should be £1,000 per annum and it would not be means tested.

8.6. Educational Bursary

This bursary is designed for children who have been bereaved through loss of a parent and who are still in education and training up to the age of 25. It would provide an annual award to children of £300 whilst still in school, £1,000 whilst in a vocational or technical training course, £2,000 whilst attending university within Northern Ireland and £3,000 whilst attending university outside of Northern Ireland. This scheme should not be means tested.

8.7. Financial Assistance Programme – Regular Allowance

This programme would provide a regular payment to the following:

- Those who have been seriously injured
- those bereaved as a result of losing a spouse or partner
- those bereaved as a result of losing a child
- those bereaved as a result of losing a parent

8.8. For those who have been bereaved, the amount available should be £1,500 per annum to those who have lost a spouse/partner or child and £750 per annum to those who have lost a parent and in these cases awards would be means tested.

8.9. Those who have been seriously injured and are in receipt of Higher Rate Disability Living Allowance would not be means tested and would be eligible to receive assistance of £1,500 per annum. Those who have been injured and are not in receipt of Higher Rate Disability Living Allowance would, subject to means testing, be eligible to receive assistance of £1,500 per annum. Operation of means testing will ensure that this programme targets those in greatest financial need as a result of their injury or bereavement.

9. COSTING OF PROPOSED SCHEMES

9.1. Based upon interrogation of the NI Memorial Fund database, the Commission believes the schemes outlined above would have the following cost:

Name of Scheme	Potential Applicants	Annual Award	Total Fund
Carers Programme	190	£500	£95,000
Chronic Pain Management Support Programme	184	£1,000	£184,000
Disability Support Programme	129	£1,000	£129,000
Educational Bursary	90	£3,000	£270,000
Financial Assistance – Regular Allowance – loss of partner/child	848	£1,500	£1,272,000
Financial Assistance – Regular Allowance – Injured	478	£1,500	£717,000
Financial Assistance – Regular Allowance – loss of parent	847	£750	£635,250
TOTAL			£3,302,250

10. TRANSITION ARRANGEMENTS

10.1. The financial assistance schemes offered via the NI Memorial Fund should cease as of 31 March 2012. Those currently in receipt of Financial Assistance - Regular Payments whose award period expires between now

and 31st March 2012 should have their funding period extended to 31 March 2012. We are advised by the NIMF that the cost of extending these payments will be £167,100.

11. MEANS TESTING

11.1. The NI Memorial Fund currently operates a means testing model which is based upon government benefit rates and adds an additional allowance of £20 per week before income is taken in to consideration. We propose retaining this model but increasing this weekly allowance to £30.00 to allow for the fact that benefits increases and average wages have not kept pace with rising costs of food, home heating, fuel and clothing over the last two years.

11.2. In determining overall household income, the following benefits/payments would not be included as income under the means testing scheme:

- Disability Living Allowance – Higher Rate
- Child Benefit
- Child Tax Credit
- Pension Credit
- Attendance Allowance
- Carers Allowance

11.3. In determining essential household expenditure, the following payments would be deducted as essential expenditure in order to arrive at a disposable income figure and determine whether an applicant was eligible for assistance:

- Rent (or any amount of rent in excess of the amount of housing benefit being received)
- Rates
- Mortgage interest payments but NOT capital repayments on the mortgage
- water charges (where applicable)

12. MONITORING AND EVALUATION

The Commission recommends that the schemes proposed are monitored over the next two years in terms of their uptake, eligibility and cost so that appropriate

bids can be developed in advance of the next comprehensive spending review period.