



Meeting the Financial Needs of Victims and Survivors

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List of Recommendations

The Commission for Victims and Survivors recommends that:

1. There should be no change in current practise and that direct financial support should be accessible to bereaved spouses or partners, parents, children and the severely physically and psychologically injured;
2. Those who qualify should receive an annual award of £1,560 in financial assistance. Payments should not be itemised, but should be generic support designed to maintain a quality of life;
3. Appropriate and proportionate assessment should be developed, which will determine the financial needs of individuals;
4. Once an individual is assessed and is deemed eligible for assistance under the Financial Assistance Programme, they should continue to receive support each year unless their financial circumstances change;
5. The assessment process should take into consideration exceptional circumstances where there was a financial dependency on the deceased or injured person;
6. There should be the award of an educational bursary for children who have been bereaved through loss of a parent or whose parent is seriously injured 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, £1,500 whilst attending university within Northern Ireland and £2,500 whilst attending university outside of Northern Ireland. This scheme should not be means tested;
7. Once an assessment is carried out, those seriously injured who receive support should continue to be eligible for support each year without further assessment;
8. The move from Disability Living Allowance to Personal Independence Payments should not impact on the eligibility of applicants. Those currently receiving support because they are deemed seriously injured by the Northern Ireland Memorial Fund should continue to receive that support from the Service;
9. For the Financial Support Programme each individual should be assessed by the Victims and Survivors Service in relation to need;
10. Additional needs of those who are seriously injured, such as heating, should be provided for as part of the Health care Programme;

11. The entitlement to apply for an award under the Financial Assistance Scheme should pass to the spouse or partner following the death of a seriously injured person;
12. The Health care Programme must take cognisance of the specific needs of carers, such as respite, and provide appropriate support;
13. There should be no change in the annual award made to carers by the Northern Ireland Memorial Fund;
14. Additional needs of the bereaved, injured and carers such as pain management, respite breaks/care, assistance with heating costs, disability aids etc. should be assessed by the Victims and Survivors Service and appropriate support provided through the Health Care Programme;
15. The Minimum Income Standards research which commenced in 2008 by the Joseph Rowntree Foundation and is updated annually, most recently in July 2012 be used as an appropriate benchmark of need;
16. The development of an appropriate means testing model should be a priority for the Department and Victims Service prior to introducing new funding arrangements in April 2013;
17. The Service in its assessment process should take cognisance of the respite needs of, for example carers and families who are engaged in historical investigation and information recovery processes, and ensure funding is available to meet this Health Care need;
18. Any potential duplication of support should be identified and eligible applicants should receive support from one source only;
19. An Equality Impact Assessment should be undertaken of any future funding provision by the Department.

1. Introduction

- 1.1 This advice is submitted to the Office of First Minister/deputy First Minister in accordance with Article 6, Section (4), Sub-Section (b) of the Victims and Survivors (Northern Ireland) Order, 2006.
- 1.2 The aim of the Financial Support Programme is:
- To assist those who have been directly impacted by loss or injury and have the greatest need.
- 1.3 It is important to differentiate between 'victim-based' financial need and general social and economic need. In these harsh economic times it is likely that increasing numbers of victims and survivors of the Troubles will experience financial pressure and many will seek welfare support from the State. However, in a time of growing need the Westminster Government's reforms are reducing the size and scope of the welfare system. The case for providing for those financial needs which victims are experiencing in common with other citizens must ultimately be made to the Department of Social Development.
- 1.4 In the Comprehensive Needs Assessment the Commission advised OFMDFM concerning the continuance of financial assistance of the kind which has hitherto been administered by the Memorial Fund. This aspect of the CNA remains a matter of ongoing discussion.
- 1.5 The Commission is undertaking a survey of victims and survivors regarding their individual financial needs in September 2012 and will reflect the outcomes of that survey as appropriate in additional advice to government in October 2012.

2. Principles

- 2.1 Individual financial support should be based upon the following principles:
- Our shared society has a civil responsibility to express compassion to those who live with the consequences of loss from the Troubles – either through bereavement, injury or the demands of caring for the injured;
 - This responsibility applies especially to those most directly affected by such loss;
 - It applies most acutely to those with least means.
- 2.2 In responding to Government's request for advice on meeting Individual Financial Needs in 2012-2013, the Commission made a number of recommendations in October 2011, reiterated in February 2012, which recommended 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. Whilst some schemes have been cut, the uplift in other areas of funding that was recommended has not happened and this is a concern for us.

- 2.3 The Northern Ireland Memorial Fund has functioned as a 'benevolent fund' for most of its existence: it provided funding for a range of purposes and applicants simply had to satisfy the Fund that they met NIMF's definition of a victim. In November 2010, the Memorial Fund introduced means testing for a number of schemes. This marked the beginning of a policy shift by OFMDFM away from unconditional entitlement for all victims to conditional eligibility, with financial assistance awarded only to those considered to be most in need. This policy shift by government has not been fully explained by Ministers or Officials to victims, survivors and groups and this has led to confusion and discontent.
- 2.4 In the Comprehensive Needs Assessment we stated that there are a number of financial needs which are a more direct consequence of people becoming victims of the Troubles. These include loss of income, loss of pension provision, the extra costs of disability and dependence, the cost of building and maintaining social support and resilience as a consequence of injury or bereavement. This is still our position.
- 2.5 Further, the Victims and Survivors Service should provide financial assistance to those who have needs which arises as a direct consequence of bereavement or injury, and who are adjudged to have the greatest financial need.
- 2.6 The Sutton Index of Deaths from the Conflict in Ireland (July 1969-December 2001)¹ states that 3,529 people died of whom 3,207 were male and 322 were female. Almost two thirds of these deaths occurred in the 1970's, a decade in which Northern Ireland society still viewed men as the primary breadwinner in the home. Women, particularly those who were widowed, and who made a decision to go into the workforce would have had to seek employment in jobs which were generally lower paid than men and which offered fewer opportunities for advancement and did not have occupational pensions. In addition to the historical inequality in income for women, there was significantly less childcare provision available for those going out to work, creating further barriers to those in financial hardship.
- 2.7 The financial impact of bereavement may have included not only the loss of income to the family, but also the potential loss of pension provision in later life.

¹ <http://cain.ulst.ac.uk/sutton/>

- 2.8 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.
- 2.9 Children and young people aged under 25 and still in full time education who have lost a parent would normally still be financially dependent on their parents.
- 2.10 Government should be urged to adopt a policy which recognises the financial need of those who have suffered the greatest financial impact as a result of their bereavement or injury – much as they have adopted a policy that the mental health needs of victims and survivors should be met with appropriate intervention.
- 2.11 The Commission re-states its position that a Financial Assistance Programme should be designed to allow individuals to meet their own needs with dignity. They should not be prescriptive or restrictive in nature. Recipients should not undergo an annual assessment, rather should only be required to give notification of a change in circumstances which would affect their entitlement.
- The Commission recommends the establishment of a Financial Assistance Scheme;
 - The Commission recommends no change in current practise and that direct financial support should be accessible to bereaved spouses or partners, parents, children and the severely physically and psychologically injured;
 - Those who qualify should receive an annual award of £1,560 in financial assistance. Payments should not be itemised, but should be generic support designed to maintain a quality of life;
 - Appropriate and proportionate assessment should be developed, which will determine the financial needs of individuals;
 - Once an individual is assessed and is deemed eligible for assistance under the Financial Assistance Programme, they should continue to receive support each year unless their financial circumstances change.

3. The Bereaved

- 3.1 In line with our advice in October 2011, we believe that siblings and grandchildren who have been bereaved would not have any/the same level of financial

dependency on the person killed or injured but should continue to have access to all social and health services provided for victims and survivors.

3.2 Provision needs to be made within the Financial Support Programmes for exceptional cases where the relationship to the deceased/injured does not fit into the categories above, but where there is/was a financial dependency.

- The Commission recommends that the assessment process takes into consideration exceptional circumstances where there was a financial dependency on the deceased or injured person.

3.3 The Commission defines dependent children as those under the age of 18, or those under the age of 25 who are still in full-time education or training. We restate our advice from October 2011 and February 2012 in regards to dependent children:

- The Commission recommends the award of an educational bursary for children who have been bereaved through loss of a parent or whose parent is seriously injured 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, £1,500 whilst attending university within Northern Ireland and £2,500 whilst attending university outside of Northern Ireland. This scheme should not be means tested.

4. The Seriously Injured

4.1 Those who have been seriously injured and those who care for them have also suffered a financial and social loss. There is also concern and fear amongst seriously injured victims and survivors that changes in welfare benefits may impact on their eligibility to receive assistance in future.

- Once an assessment is carried out, those seriously injured who receive support should continue to be eligible for support each year without further assessment;
- The move from Disability Living Allowance to Personal Independence Payments should not impact on the eligibility of applicants. Those currently receiving support because they are deemed seriously injured by the Northern Ireland Memorial Fund should continue to receive that support from the Service;
- Additional needs of those who are seriously injured, such as heating, should be provided for as part of the Health care Programme.

5. Carers

5.1 In the case of the seriously injured, their spouse or partner will have acted as their primary carer for many years for their loved one, which will have impacted on their own earning potential and quality of life.

- The entitlement to apply for an award under the Financial Assistance Scheme should pass to the spouse or partner following the death of a seriously injured person;
- The Health care Programme must take cognisance of the specific needs of carers, such as respite, and provide appropriate support;
- The Commission recommends no change in the annual award made to carers by the Northern Ireland Memorial Fund.

6. Means Testing

6.1 The Commission recommended changes to the means testing system employed by NIMF in its previous advice to government. This advice was not accepted and this is of great concern to us.

6.2 NIMF currently undertakes a means test based upon the levels of state benefits government has determined each household needs to meet essential costs, then adds an uplift of £20 per week. Deductible expenses are mortgage, rent and rates payments only. Anyone then falling below that minimum income is eligible to receive direct financial assistance.

6.3 Anyone with a small part-time income, working tax credit, small occupational pension etc who may be close to this poverty line is therefore excluded from any assistance through means-tested schemes. This is at odds with the duty of care to victims and survivors.

6.4 The Commission believes that another flaw in means testing is that a full mortgage payment is a deductible expense, rather than the interest-only portion of the payment.

6.5 A means test based upon benefit rates does not in any way address quality of life issues, which are at the core of our recommendations in the Comprehensive Needs Assessment.

- The Commission recommends the Minimum Income Standards research which commenced in 2008 by the Joseph Rowntree Foundation and is updated annually, most recently in July 2012 be used as an appropriate benchmark of need;

- The development of an appropriate means testing model should be a priority for the Department and Victims Service prior to introducing new funding arrangements in April 2013.

7. Additional Needs

- Additional needs of the bereaved, injured and carers such as pain management, respite breaks/care, assistance with heating costs, disability aids etc. should be assessed by the Victims and Survivors Service and appropriate support provided through the Health Care Programme.
- The Commission notes the concerns raised by victims and survivors and their advocates regarding the discontinuation of the Short Break Scheme of the NI Memorial Fund in 2012. We recommend that the Service in its assessment process takes cognisance of the respite needs of, for example carers and families who are engaged in historical investigation and information recovery processes, and ensures funding is available to meet this health care need.
- Any potential duplication of support should be identified and eligible applicants should receive support from one source only.
- An Equality Impact Assessment should be undertaken of any future funding provision by the Department.