



## **Victims and Survivors Forum**

### **Pension and Need Working Group**

#### **Position Paper on Outcome Related Activity 2017-18:**

**“Victims and Survivors and those most in need are helped and cared for”**

### **Background**

The Pension and Need Working Group (PNWG hereafter) was convened in November 2016 and agreed Terms of Reference in February 2017.

### **Terms of Reference**

The Pension and Need Working Group’s aims are as follows:

- To support and advocate for the delivery of a pension for the severely injured as per Commission’s advice to government in June 2014;
- To discuss issues around the needs of victims and survivors to include;
  - discuss and consult with victims and survivors in relation to their experiences of ,and impact of changes to welfare
  - raise issues of emergent need in relation to delivering better outcomes for victims and survivors

More detail on the Terms of Reference can be found in the Annex to this paper.

### **Meetings**

During the financial year 2017-18, the PNWG met on 6 occasions;

1. 28<sup>th</sup> April 2017
2. 16<sup>th</sup> June 2017
3. 4<sup>th</sup> October 2017
4. 13 February 2018
5. 19<sup>th</sup> February 2018
6. 3<sup>rd</sup> March 2018

## **Engagement**

### Pension for the Severely Injured

The work programme of the PNWG commenced in April 2017 with a presentation by Dr Luke Moffett from Queens University, Belfast. The presentation was titled '*Legal Avenues for Redress for Serious Injuries*' and focused on international best practice in reparations and the feasibility of progressing a civil claim for a Pension for the Severely Injured. This mechanism has been used by private individuals to hold others and the state to account for infringement of their rights. Dr Moffett provided a thorough briefing paper on the issues contained in Annex 2 and provided case studies to illustrate the barriers and complexities of a civil claim.

The members discussed the relative merits and barriers to a civil claim and it was agreed that it was not the preferred option and that the proposal in the Stormont House Agreement was the most feasible pathway to redress.

To that end, members of the PNG have proactively engaged with all the political parties since January 2018 to reinforce the need for the pension and ascertain party views on the issue, particularly in the absence of an NI Assembly and Executive. This informed an ongoing Commission strategy in Westminster and beyond.

Below are the details of these meetings;

- Alliance – 13<sup>th</sup> February
- UUP and SDLP-19<sup>th</sup> February
- Sinn Fein-26<sup>th</sup> February
- DUP-9<sup>th</sup> March

Members also discussed how best to address the perception of the pension in the public sphere and it was agreed to have a specific and dedicated communications plan to address some of the key misconceptions around the pension. Members are participated in 'vlogs' which were uploaded to the Commission's social media channels and website. Pension specific infographics (e.g. myths versus fact infographic) were also designed and published on the Commission's Twitter and Facebook.

### Welfare

As part of engaging with officials, policy and decision makers, the PNWG members requested to meet with officials in regard to welfare changes as there was concern among members that the impact of welfare cuts and reform on victims and survivors was yet to be manifest.

Therefore, in order to inform their deliberations, members requested to meet Mickey Kelly Assistant Director of Disability, Fraud and Error Reduction at the Department of Communities and Dr Ian Gargan, Medical Director at Capita. The purpose of this meeting was to discuss the PIP process and queries around this. This meeting was also used to plan communications and engagement going forward.

The key issues discussed included;

- Provide an update from DfC since the last engagement in January 2017 including the consent process implemented for VSS registered victims and survivors with the objective of eliminating where possible, the need for face-to-face assessment and to avoid any vicarious trauma by recounting conflict related events and impact,
- Mitigation measures
- Volume of assessments, timescales for reviewing PIP awards
- Difficulty in assessing mental health issues
- Data collection

Members agreed that they needed to focus on welfare in the short term given the timescales and requested that the Commission engage with welfare advisors to gain an anecdotal insight into DLA/PIP experience at community level.

The October engagement focused on devising an action plan in relation to welfare. Commission staff and the group facilitator had met with a local welfare adviser from North and West Belfast who raised significant and multiple issues of concern including;

- Experience of PIP assessment was that it was a functionality test that gave no regard to the nature or impact of conflict related trauma and how it manifests
- The lack of evidence of paper based assessments
- Training and retention of Capita Assessors and their knowledge impact of conflict on victims and survivors /trauma awareness
- Lack of regard for holistic approach to therapeutic interventions provided at a community level or by victim and survivor funded groups
- GP engagement and contribution of evidence to process
- Approaches made by Disability Care Forum to Capita regarding the appropriateness of Capita training of staff
- Concern that approx. 30% of DLA recipients are seeing either a reduction or loss of award particularly in male and mental health scenarios

Members discussed the issue in depth and asked the Commission to draft an outline action plan including consideration of a research plan.

The Commission met with DfC and Capita on the 6<sup>th</sup> February 2018 to receive an update on the DLA to PIP transition and query the process and outcomes for victims and survivors.

CVS also raised issues brought forward by individuals and funded service providers and the training module provided to Capita assessors. These issues were followed up in writing to Capita on the 26<sup>th</sup> March and informed the CVS submission to DfC as evidence in March 2018.

## **Summary Impact**

1. Pension

- a. Extensive lobbying of local politicians and more recently, Westminster MP's.
- b. Ongoing media coverage
- c. Reference to and utilisation of CVS research and advice from 2014

## 2. Welfare

- a. Informed CVS paper in response to DfC 'Call for Evidence' March 2018
- b. Ongoing monitoring and gathering of evidence to inform policy advice paper to go to DfC later in 2018

## **Recommendations /Next Steps**

CVS Outcome Delivery Plan to incorporate to incorporate programme activity related to welfare advice and reparations.

## **Annex-Terms of Reference**

The Victims and Survivors (Northern Ireland) Order, 2006, places a duty on the Victims Commission to make arrangements for a forum for consultation and discussion with victims and survivors.

In June 2016, the Commission convened a panel of victims and survivors to widen external engagement and access to the views of victims and survivors.

The Commission has taken careful note of the Executive Office Strategy for Victims and Survivors (2009) in designing the Forum. The Strategy envisages the Forum informing the work of the Commission. In this respect, the Commission has determined that it should have the following aims:

- To be a place of consultation and discussion with victims and survivors of the Northern Ireland conflict;
- To provide advice to the Commission for Victims and Survivors.

In pursuit of these aims, the Commission and the Forum have three objectives, each of which reflects the three key themes of the Executive Office strategy for victims and survivors and Corporate Outcomes 1, 2 and 3 of the Commission's corporate plan relate to

- Improving the health and well-being of victims and survivors
- Caring for victims and survivors and helping those in most need
- Supporting victims and their families to engage with legacy issues

Pension-The Commission has commissioned research and submitted advice to the government on a pension for the severely injured. Since 2012, the Commission has advocated and lobbied extensively for the delivery of the pension.

Need-Since 2012, the Commission has engaged with the Department for Communities (DfC, formerly Department for Social Development) on issues relating to welfare reform and changes that will directly impact on victims and survivors.

The Commission has worked with many stakeholders and the Victims and Survivors Forum on these issues and in September 2016, the Commissioner requested that a task and finish group was established to help support the Commission in the delivery of its corporate objectives.

## **Aims**

The Pension and Needs Working Groups aims are as follows:

- To support and advocate for the delivery of a pension for the severely injured as per Commission’s advice to government in June 2014;
- To discuss issues around the needs of victims and survivors to include;
  - discuss and consult with victims and survivors in relation to their experiences of ,and impact of changes to welfare
  - raise issues of emergent need in relation to delivering better outcomes for victims and survivors

## **Membership**

Membership will not exceed 10 persons and will be drawn from;

- Members of the Victims and Survivors Forum
- The Commission’s Panel members

The Commissioner may invite individuals to contribute to the group who have relevant or unique experience or skills to assist the group in its deliberations and discussion of the issues

The following Forum members will constitute the Pension and Needs Working Group:

Alex Bunting (Facilitator)
Peter Heathwood
Jennifer Mc Nern
Paul Gallagher
Jan Crawford
Donal Dunn
Stephen Gault
Minty Thompson

Alex Bunting is the lead in facilitating, liaising and communicating and steering the work of the group.

The group is chaired by the Commissioner, and in her absence, the Secretary to the Commission.

### **Working Methods**

The Working Group will meet quarterly

The Commission will supply secretariat support to the Pension and Needs Working Group.

With the agreement of the members the Group may decide to arrange additional meetings in order to deliver the required outputs.

### **Pension and Needs Working Group Deliverables**

Ongoing advice to the Commissioner on issues on or about a pension for the severely injured and welfare needs of victims and survivors