

THE NORTHERN IRELAND OFFICE VICTIMS PAYMENT SCHEME

The Northern Ireland Office launched the UK Government's consultation on a '*Victims' Payment Scheme*' on Tuesday 22nd October 2019. It was open for 5 weeks, closing on the 26 November 2019. The NIO stated they would aim to publish this information within twelve weeks of the consultation closing date. The consultation responses have now been finalised and will be published [here on Gov.uk](#).

The UK Government was also required to bring forward **legislation** providing for a scheme of payments to those living with injuries sustained in Troubles-related incidents by **31 January 2020** and for that legislation to have effect by **31 May 2020**. This legislation has now been published and can be [accessed here on Legislation.gov.uk](#).

We are mindful that these developments affect victims and survivors. We are also mindful that the media coverage accompanying all stages of this process raises very sensitive issues.

The **Victims and Survivors Service (VSS)** are there to support anyone affected by victims issues and can be contacted on (028) 9027 9100 or by emailing enquiries@vssni.org.

Frequently Asked Questions (FAQs)

1. What is the Victims Payment Scheme?

This scheme has been developed to provide those living with permanent disablement caused by physical or psychological injury in a Troubles/Conflict-related incident, with payments in:

- acknowledgement of the acute harm which they have suffered;
- recognition of the implications of living with disablement caused by a severe Troubles-related injury and the associated impact of such disablement on carers, who are often family members; and
- recognition that in many cases coping with the disablement caused by the serious injury had an adverse financial impact on individuals, and their families.

2. Who will get payments and will I be eligible?

- a. The Scheme is intended for those most severely disabled – physically and psychologically – by a conflict/Troubles related incident(s).
- b. The assessed degree of that disablement must meet a threshold of 14%. This will be subject to an assessment process once the Scheme becomes operational. The Commission and VSS are unable to determine or comment on the degree of injury of any individual.
- c. The incident resulting in the injury must have either taken place in the UK or can have taken place elsewhere in Europe **but the applicant was:**
 - i. a British Citizen;
 - ii. born in Northern Ireland and at the time of their birth had at least one parent who was a British or Irish Citizen (or was otherwise entitled to reside in Northern Ireland without any restriction on how long they could be resident for);
 - iii. outside the United Kingdom in service of the Crown or accompanying a close relative of a person serving the Crown outside the United Kingdom;
- d. If an individual lives in, and was injured in the Republic of Ireland, the NIO regulations only apply as at point 'c' (so do not include those living in **AND** injured in ROI). The Commissioner for Victims and Survivors has, and continues to, raise the need for a similar scheme in the Republic of Ireland with the Irish Government, however, at this stage the Irish Government have not committed to passing any similar legislation. If you are one of the individuals who falls into this category and would like to share your experience, please make contact with the Commission.
- e. The date of the incident must have been on or after 1 January 1966 but before 12 April 2010.

- f. An application will need to be made when the Scheme becomes operational at the end of May 2020.
- g. VSS is currently working to put support in place at their funded community organisations to help victims and survivors better understand this scheme and to help with the application process once it is in operation at the end of May 2020.
- h. VSS can also offer Health & Wellbeing support to you. If this is something you would be interested in we can put you in touch with a HWB Caseworker who can discuss this with you.

3. How will I know when the scheme is in place?

- a. We at the Commission will continue to keep you up to date on the status of the Victims Payment Scheme.
- b. Please note, the Commission are only registering details for communication updates but we cannot determine who will be eligible for this payment scheme and neither the Commission nor the VSS will be responsible for administering it.

4. Will I automatically be enrolled into this scheme if I receive support from the VSS?

No, individuals who currently receive support from the VSS will not be automatically registered for this payment scheme. This scheme is proposed for those who have been most severely and permanently injured (either physically or psychologically) and neither the VSS nor the Commission can advise on eligibility or assessment.

5. How do I apply for a payment and where can I get support?

- a. The details of the application process have not yet been finalised so we don't yet know how this will be done. Neither VSS nor CVS will not be administering the Scheme so will not be directly involved in determining whether you are eligible or not.
- b. VSS is putting support in place to help victims and survivors through the application process when it does open and for any other advice you may need. They are working to increase capacity to assist victims and survivors with any paperwork and supporting evidence required for your application.
- c. As details of the application process are still under development, it is best to wait until this process is finalised so that you can get more specific and tailored support.
- d. It is expected that clear communication will be issued before the end of May 2020

6. When will these payments be available?

Arrangements are being put in place for this legislation to have effect by 31 May 2020. This should mean that the scheme will be open for applications from that date.

VSS will not be making these payments. The process for application and payment remains under development.

7. How much will I / others get?

If you are eligible for a victim's payment, the amount you receive will depend on the 'degree of disablement' you have experienced. Payments will be made on a sliding scale, depending on the level of severity of your injury (either physical or psychological disablement). This will be based on the approach already used in other schemes – such as the Industrial Injuries Scheme, and will be determined only by qualified health care professionals.

If you have experienced multiple injuries, the cumulative impact of those injuries will be assessed, to ensure that the total impact is considered.

Proposed annual rates of payment will range from just under £2,000 to just under £10,000.

For those over 60 or who are terminally ill, the scheme includes an option to elect for a lump sum rather than annual payments. It will be important that you have financial advice for that decision, and this advice will be made available to you.

8. I received compensation for my injury – will this affect my payment?

This may or may not have an impact on how much you will receive. If you have received compensation for a Troubles / Conflict related injury in the past, a threshold based calculation will be undertaken.

If prior compensation received exceeds the threshold, the Board will have the authority to consider whether the amount to which you will be entitled under this Scheme should be adjusted, and by how much.

9. Will I be means-tested?

No this Scheme will not be means-tested.

10. Will these payments be backdated?

Victims and survivors who are eligible within the scheme will receive these payments on a regular basis for the rest of their lives. Awards will be backdated to the date of the Stormont House Agreement (SHA), 23 December 2014 – this part will be paid as a lump sum.

11. My injury / incident happened in 2011 – Will I be entitled to get payments?

Although the timeframe for the Scheme covers Troubles/Conflict related incidents or injuries that occurred between the years **January 1966 – April 2010**, an Independent Panel (The Board) will have authority to determine whether anybody injured in a Troubles / Conflict related incident outside of this timeframe should be considered eligible for payments under the Scheme.

12. Will I need to go through a face to face assessment?

Not all applicants will need to go through a face to face assessment, though some will. The assessment process is still under development and this will become clearer when

that is finalised. Organisations such as VSS and its community partners will help where possible to collate available information to reduce the necessity for face to face assessments. Where such assessments are required, those involved in the assessment will have an understanding of trauma and of the context of the NI Troubles/Conflict.

The scheme also provides for an interim assessment and interim award in limited circumstances where necessary (i.e. where the permanence of disablement has not been determined).

13. Will I need to submit medical evidence alongside my application?

The assessment process is still under development and more information on this will be known come 31 May 2020, however in order to limit the need for or invasiveness of a face-to-face assessment, we foresee that pre-existing medical information can be used as part of the assessment process.

14. My husband / wife / partner was injured in the troubles / conflict but has now passed away. Will I be eligible to receive payments?

It is proposed to allow carers, spouses, civil partners or co-habiting partners of those who have died since the Stormont House Agreement (Dec 2014) and who would have been eligible for payments through the scheme, to be entitled to receive ten years' worth of support through the scheme.

It is also proposed that carers, spouses, civil partners or co-habiting partners of those who were seriously injured in a Troubles/Conflict related incident and died in the period 2004-2014 will be able to receive the outstanding balance of payments that they would have received if the scheme had been open in 2014 e.g. a spouse whose loved one died in 2012 would be entitled to 8 years' worth of payments (2012 – 2020).

The scheme also provides for an injured person to leave 10 years' worth of ongoing payments to a carer or loved one.

15. What is the VSS / CVS role in this?

- a. The Victims and Survivors Service (VSS) provides support and services to victims and survivors in the areas of health and wellbeing, social support, welfare and advocacy through a network of community based providers.
- b. The VSS are not directly involved in the Victims Payments, however we will look at how best to help ensure information held by VSS can be used to ensure as smooth a process as possible for those involved.
- c. The Commission for Victims and Survivors (CVS) provided policy advice to Government on a pension for the severely injured which has since informed this Victims' Payment Scheme. This Scheme is now in the hands of government and the Commission will have no direct role in administering this scheme but can keep you up to date on its status. If you would like this to happen, please contact CVS to provide your contact details.

16. Will this affect my annual payment from VSS?

VSS anticipates that it will be issuing the INP payments for 2020/21 financial year in April / May 2020 and all eligible clients will receive this payment as normal.

Future years' payments for those eligible for a Victims' Payment scheme will be a policy decision. However, the payment scheme has been designed to ensure that those eligible will never receive any less than they currently receive from VSS, and most likely they will receive more than they currently receive.

Additionally, all other Health and Wellbeing support and services are still available to you through the VSS.

17. Where can I access the legislation?

You can read the legislation online at the following link:

<http://www.legislation.gov.uk/ukxi/2020/103/contents/made>

18. I find this all too upsetting. It has brought back all the memories. Is there someone I can speak to?

The VSS are there to support victims and survivors affected by these issues either through their Individual Needs Programme, or through their many funded community organisations.

If you feel you could benefit from help or support, please contact the VSS on (028) 9027 9100 or by emailing enquiries@vssni.org.