



Northern Ireland
Assembly

**COMMITTEE
FOR THE OFFICE OF THE
FIRST MINISTER AND DEPUTY
FIRST MINISTER**

**OFFICIAL REPORT
(Hansard)**

**Commission for Victims and Survivors
for Northern Ireland**

17 February 2010

NORTHERN IRELAND ASSEMBLY

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FOR THE OFFICE OF THE FIRST MINISTER AND
DEPUTY FIRST MINISTER**

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Members present for all or part of the proceedings:

Mr Danny Kennedy (Chairperson)
Ms Martina Anderson
Mr Alex Attwood
Mr Tom Elliott
Mr Francie Molloy
Mr Jim Shannon
Mr Jimmy Spratt

Witnesses:

Ms Patricia MacBride)	
Mr Brendan McAllister)	Commission for Victims and Survivors for Northern Ireland
Mrs Bertha McDougall)	

The Chairperson (Mr Kennedy):

Good afternoon. I apologise for having kept you waiting. I welcome your attendance on what is a momentous day for some. We are pleased to welcome you to discuss the commission's response to the consultation on proposals for a victims and survivors' service. The session will be recorded by Hansard. We will be pleased to hear your opening statement, and members will then have the opportunity to ask questions.

Ms Patricia MacBride (Commission for Victims and Survivors for Northern Ireland):

Our opening statement is to note the fact that we are a man down, commissioner Nesbitt having resigned this morning to pursue his other public service ambitions. We wish him well, and the work of the commission will continue. We note his absence, and we have been the greater for his presence for the past two years.

The Chairperson:

Can you update us on your thoughts on the victims and survivors' service?

Mrs Bertha McDougall (Commission for Victims and Survivors for Northern Ireland):

You will be aware that we sent a response to the consultation on the service. We considered the views that we had heard during the days and evenings that we had spent talking to the constituency. We also heard many views when we attended the Community Relations Council conference, and we gathered views from individuals.

Our paper states that our preferred option is not to establish a new non-departmental public body (NDPB). Part of our reasoning behind that is that we felt that ensuring that there is expertise and continuity is a significant factor for those in the sector. Decisions have still not been taken about the model, and we have discussed that with the Department today and in the past few weeks. We have proposed models, and the Department has proposed models. We are in consultation with the Department, and we anticipate that that will start to move on.

As well as making an initial response to the consultation document, we were also involved in collating a response from the service committee of the victims and survivors' pilot forum. We had a session with all of the members of the forum, and, as a consequence, it was decided that the service committee could respond to the consultation on the forum's behalf, and it did so.

Many concerns arose from that consultation document, many of which are to do with funding, which we mentioned at our previous meeting with the Committee. Although the funding is in place, it does not synchronise with the original planning for the service. Therefore, many of our concerns are to do with how any underspend is utilised.

As we have told the Department, we are concerned about the time delay. We understand that, over the past number of weeks, many other issues took priority. However, we are concerned that

this issue be taken forward and that decisions be made quickly.

We raised a number of issues with departmental officials and special advisers, many of which concern communication with the sector. That was included in our response to the consultation, because the consultation paper itself did not contain much detail. The sector expressed a real concern about the difficulty of being able to respond to something that contained limited detail and information.

We have indicated to the Department, and it has agreed, that there is an urgent need to ensure that there is clear communication with the sector to identify what is happening, when it is happening and how things will be progressed.

We also indicated that there should be a phasing-in of the service. It would be unrealistic to imagine that we will suddenly have a service with everything in place. That does not mean that there will not be preparatory work that will slot into the service. In addition, we have indicated that we want determination of the priorities. We want to know what will be dealt with first, and how it will be dealt with.

Funding was a concern. The time delay is a big concern for us. There is still not clarity about when the service will be up and running, and, equally, the length of time that that service will take to be fully operational.

The Chairperson:

Thank you very much for that overview, Mrs McDougall.

It has been said that there is a promised engagement with the forum, the sector or the various interests. What will be the nature of that engagement? We are all mindful of time factors, delays and frustrations, which are particularly felt by groups or individuals who are keen to see progress. The general criticism of the Department's paper was that it was mostly underwhelming. That view is pretty much shared by you. Where are we with that, and what will be the nature of progress?

Mrs McDougall:

We are in discussions with the Department, which is looking at how different aspects of the

service will be implemented. The matter is with the Department for a decision to be made about when the service will be progressed. We expect decisions to be made, and we believe that there will be significant progress over the next few months in each of the areas that need to be taken forward.

The Chairperson:

As commissioners, and as the public face of the various services that are to be made available, do you feel any frustration that the matter is somewhat out of your hands and that you are at the mercy of others or of events?

Mrs McDougall:

All of the players have a part to play. We have found that individuals, wherever they come from in the community, are looking for something now. They do not want to know that there have been delays; they just want to know when the service will be set up. We certainly find that there is a great deal of frustration in general, but we are conscious that individuals have an even greater sense of frustration, as do groups that want answers. The pace of how things happen and all of the procedures that have to be undertaken have an implication for the timing of everything.

Mr Brendan McAllister (Commission for Victims and Survivors for Northern Ireland):

To be candid, there has been comment in the Hillsborough talks about a number of policy initiatives that have been delayed going through the Executive. That matter is on our watch with regard to concerns that we have about the establishment of the service. There is no doubt that the sector for victims and survivors is very concerned about how long it is taking the Office of the First Minister and deputy First Minister (OFMDFM) to produce an initiative on the service, to make a decision on the model of the service and to produce more detailed plans for its introduction. We have expressed concerns about that to ministerial advisers and officials. We are more hopeful today that the consideration process can be sped up over the next few weeks, and we expect to be fully involved in that.

Ms Anderson:

Thank you very much for that presentation. I am sure that you do not really know whether you will get another closet UUP member to replace Mr Nesbitt. That said, let us wish him well.

What is the work programme for the pilot victims and survivors' forum, what issues will be

prioritised for discussion and how will its recommendations be progressed?

Mr B McAllister:

There are 29 victim members of the pilot forum, one of whom recently left for family reasons. The membership of the forum represents the broad range of experience of victims, including carers, the injured, the bereaved and those who have come through traumatic experiences. In addition to those members, there are nine associate members who are involved in the forum for professional reasons.

There has been an average attendance rate of 82% at meetings since the pilot forum was convened in September 2009. The issues that it has addressed include: the definition of a victim; dealing with the past, including consideration of the report from the Eames/Bradley Consultative Group on the Past; OFMDFM's proposals for the new service; the commission's own comprehensive needs assessment; compensation for victims, which is an issue of deep concern among forum members; and the commission's own work plans. Most recently, the commission convened a special meeting of forum members to discuss victimhood issues that affect young people. Forum members have also had a discussion with the chief human rights commissioner on the Government's response to proposals for a bill of rights. The forum is working on a series of position papers on each of those discussions.

The Committee will appreciate that the commission is trying to operate the forum on the basis of consensus, so time is taken to process ideas and thinking in the forum's three committees: the general purposes committee, which runs it; the needs committee; and the services committee. Each committee is preparing draft papers. The commission expects papers to be prepared on each of the themes that I have outlined by the time the pilot forum finishes in June 2010.

Mr Elliott:

Thank you for your presentation. On several occasions, I have raised the notion of creating a one-stop shop for victims, because they are not all involved in groups. I note that your submission mentions a comprehensive needs assessment, and it will be directed at groups more so than individuals. What line is the commission taking, particularly with respect to the service for victims and survivors? It is not easy to reach all the individuals concerned or to meet all of their needs. Has any thought been given to the needs of individuals and to my suggestion of creating a one-stop shop that everyone can use?

Ms MacBride:

As we have seen to date, the process involved in a comprehensive needs assessment is very complex. The first piece of work that was carried out was an initial literature review, which considered all of the previous needs assessments. It was realised that those documents were not standardised, that there was no way of using them to inform a larger document and that a new methodology must be developed to assess truly the needs of victims and survivors. The next piece of work undertaken was an examination of how the spend had been prioritised between 2000, the year that OFMDFM's victims unit was established, and 2008. That provided a baseline indicator of how funding has been spent, which is an interim position that will allow us to ensure that provision is maintained for victims and survivors in the short term, before the implementation of the service.

The commission has co-operated with the Northern Ireland memorial fund. This year, it has undertaken a pilot project of individual holistic assessment, which is the model proposed for the service. It will not be about core funding for groups or spending significant sums of money on infrastructure or overhead costs; rather, it will be about delivering funding at ground level, where it is most needed, through individual assessments.

As we are all aware, the needs of victims and survivors are many and complex. The initial thought was that we could have an A, B, C of need that talked about acknowledgement, befriending, counselling, and so on, with numbers alongside the letters. However, that will not work, because some may need different types of service and support.

Therefore, we put together a group of experts and advisers, which, along with the commission, is working on the terms of reference and how the next phase of the comprehensive needs assessment will be taken forward. We are mindful of the need to turn that around quickly, because that is the foundation on which the service will deliver its funding. The needs assessment has to be mindful of individuals who are not represented by organisations for victims and survivors. The only way that we can do that is to find them, go to see them and ask them to engage with us.

Mr Elliott:

The Committee received an indication last week, or maybe the week before, of the underspend in

the victims unit in OFMDFM, which means that money was returned to the Department of Finance and Personnel (DFP). Do you have any view on that?

Ms MacBride:

That ties into what Bertha said about funding being out of sync with the arrangements coming into place. That is primarily the issue. For example, some of that underspend was from the commission's budget, because, by the time funding was agreed for the next stage of the comprehensive needs assessment, we knew that we would not be able to spend the money in the current financial year, procurement processes being what they are in respect of managing public money and good governance. We have earmarked it for next year, and the spending of that underspend commences on 1 April.

However, it is a question of the provision being out of sync. We need to ensure that the transitional arrangements are adequately resourced in the first year or two of the service being phased in. We are hamstrung by how money can be spent. The only way to get financial support to individual victims and survivors is through the Northern Ireland memorial fund, and the only way to get financial support to groups is through the Community Relations Council. Therefore, if we cannot shoehorn the need into the current delivery mechanisms, we cannot spend the money. That is why it is vital to get right the way in which the transitional arrangements are rolled out and negotiated as the service is phased into operation in the incoming financial year and right up to April 2012, when we hope that the service will be fully operational.

Mrs McDougall:

The memorial fund received additional funding just before Christmas. That caused a lot of consternation in the system, in part because that funding was for certain schemes, and if you did not fit or slot into those schemes, you did not receive funding. We have heard people raise a lot of concerns about that. There were severely injured people who received a voucher for a holiday but who did not have any money to take on holiday. There were people who were in their late 50s but not aged over 60, so they did not receive anything. That sort of funding does not always address need. There were others who said that they got something from the memorial fund, but that they were working and did not need the money now. We need to ensure that funding for individuals is appropriately targeted and that needs are being addressed, rather than focus on schemes that may seem to be the easiest way to deliver funding but which miss out a lot of people who have a very clear need.

Mr Elliott:

So, it was poorly targeted.

Mrs McDougall:

Such funding is very difficult to target. A combination of factors is involved, but the targeting must be directed to where the need exists.

Mr Shannon:

I want to talk about the £300,000 that was returned. Are you confident that, with more preparation and an increased ability to respond to groups and individuals that need help, money will never be returned again?

Ms MacBride:

We cannot guarantee that money will never be returned. However, the underspend from the commission's budget will be used in the coming financial year to deliver the next phase of the comprehensive needs assessment.

We have also made a number of recommendations to the Department on future spend. For example, we have recommended an extension of the Northern Ireland memorial fund's programmes to include a memorial visit scheme. That would allow those who have been bereaved to make commemorative or memorial visits to places that are of significance to them. For example, it would allow the families of ex-servicemen to visit Northern Ireland or those who have lost loved ones in Spain or Germany to visit those countries for memorials or commemorations. That is an additional piece of funding that we are recommending for the coming year.

There are additional funding streams for the development of standards of service provision that we have recommended to the Department. We have also recommended a discrete scheme on peace-building for young people. Therefore, there are ways and means to deliver funding. However, the key issue is ensuring that there is good management of the transitional arrangements between current funding for groups and individuals and what is envisaged to be coming into place with the service so that there is scope to expand our service provision. At present, if you do not tick the box, you do not get the help. Therefore, we need to make the boxes

bigger.

Mr Spratt:

Thank you for the presentation. I want to return to the issue of individual victims who are not involved in groups or anything else, and I make no apology for harping back to that all the time. To be frank, I am still not convinced that you guys, as victims' commissioners, are reaching those people. I understand all of the problems that there are in reaching those people, but what moves have you made to try to engage with individual victims who are not involved in groups?

Patricia, I was delighted to hear you say that you had been looking at how funding was spent between 2000 and 2008. By that, I assume that you meant that you looked at the funding that was allocated by the Community Relations Council, and so on. However, as we all know, there are fat cats who have lived for years on the millions of pounds of funding from many sources that has been given to the various groups that they are supposed to represent. Very little of the money allocated to those groups gets to the grass roots, which is where it should be spent, because after you pay for the fat cats and their entourages, you would be lucky to be able to pay for a Christmas dinner or a trip to Scotland or down South from the money left. That concerns me, because some of those organisations are even buying advertising space in newspapers, which is almost political. That must be got to grips with.

How do you get to the people who have suffered in silence over the years? Are you satisfied that the forum represents those people? How can you get information on the folks at the coalface who really need the money? How can you carry out a needs analysis on behalf of those people? All of that is very important. The whole project will flounder if those people are not helped, because they are the majority and they come from all sections of the community.

Mrs McDougall:

About 400 individuals have approached the office, and we still have about 112 cases. The main areas involved are compensation, as Brendan said; people seeking counselling, help and support for the first time; benefits advice; and issues regarding the Historical Enquiries Team (HET).

Frequently, when we talk to individuals, we find that they will go to talk to someone else. We have to be quite candid about this matter; although we can provide information and contact people, the onus is on the individual to come forward. We are aware that befriending schemes

reach out to a lot of people who are not members of groups. For example, people hear of individuals who are elderly, living in a rural area or suffering from social isolation, and they will visit them. That means that there is engagement with people who are not traditionally part of a group.

Brendan will talk about our plans for next autumn on reaching out, and Patricia will talk to you about our communication strategy.

Mr B McAllister:

I should say, of course, that the main function of the commission is not to be a service delivery body. However, because there is not yet a service, people come to us. We anticipate that, with the establishment of a service, the number of referrals coming to our door will decrease and that we will become more focused on the ombudsman-type casework that is necessary in situations where the system is failing people. At the moment, there is not enough of a system, and, until the service is established, marketed and promoted, we expect that there will always be a gap between what is provided to groups and what is not provided to individuals who are not part of any group.

With regard to the forum, it is clear to us that the voice of victims is stronger in some sectors than in others. There are people with a victim experience who have not yet found their voice. We have constructed the proceedings of the forum to allow for different levels of experience and competence, for example, when it comes to addressing large audiences. Some people come to the forum meetings and sit quietly most of the time, but they bring a moral presence to the forum and are very constructive in conversations.

We know that a forum will not attract many ordinary people in Northern Ireland with a victim background. Therefore, we are designing the forum in a way that ensures that it works, not necessarily always in a parliamentary or plenary style, but by using group work and smaller conversations to demonstrate that it may not be as intimidating as people think. Through the pilot phase, we hope to learn a lot about how to create a forum, an arena and a platform with a broader reach that goes beyond those who have strong voices. However, those who have strong voices have things to say, too, so there is a lot to balance.

In the forum's design, there is the capacity to have local meetings and what we call caucus meetings. Where a particular constituency is identified, forum members can, with support from

the commission, engage with that constituency. We are trying to test those things as we go along.

I mentioned that we have just had a meeting with those who work with young people. We did that rather than go straight to young people, because we felt that we needed to be sensitive to the fact that a lot of people are engaged with the young on both a professional and a voluntary basis. Therefore, we needed to talk to them first before going at it ramstam and landing in on top of young people, who are fairly put upon as it is.

We are trying to go carefully. We are using the pilot year of the forum to test its capacity to engage with people. With the help of external evaluators, who are now engaged with forum members and who will be engaging with other stakeholders, we hope to refine our capacity to reach the individual in the next year of the forum's operation.

Ms MacBride:

How we continue to identify individuals who have not sought support or who do not participate in groups is a huge challenge; indeed, I believe that it is the biggest challenge that we face. We can use traditional communication methods, such as websites, newsletters, making ourselves personally available, speaking to organisations and holding public meetings.

The key is ensuring that the support that people need is there, because we have to balance what we can deliver with what is available. As my colleague said, if someone is not aged over 60, or does not need a school uniform grant, or works part time and does not qualify for a means-tested grant, there is nothing for them.

The biggest piece of work that we have to do in setting up the service is to ensure that that holistic assessment will be able to deliver for individuals. We have to communicate the message that it is about meeting need; it is not about ticking boxes to ensure that people fit a particular scheme. It has to be a holistic assessment that takes into consideration physical and mental health and well-being, and social exclusion and isolation issues. It has to look at sectarianism and the impact of divided communities. It also has to look at the very practical needs of individuals, whose needs change as they age. Furthermore, it has to look at issues of truth and justice, and how advocacy can help with many issues.

The commission and the Department have a job of work to do to communicate and encourage

those individuals who have not sought help and support before, for very many reasons, that that is now available in a way that is accessible to them. That is a huge challenge.

Mr Spratt:

I mentioned that some organisations have received massive sums of money in the past. Will you look at how that money has been spent and make sure that a system is in place that can ensure that any future money will be spent properly and spent at the coalface?

Mrs McDougall:

It has been indicated that one of the issues that will emerge from the comprehensive needs assessment is that the service will base funding decisions on need. That will ensure that the service will deliver when a need is identified clearly.

People are at various stages in the process, and some are very advanced when it comes to how to work things out. It is also a matter of people looking at the work that they are undertaking and asking what they want to achieve with the funding and how they will know that they have achieved it. Some groups are well advanced when it comes to making such assessments, but others perhaps need to work on their capacity to undertake that process.

Mr Spratt:

They may not even get funding in future; perhaps somebody else could do that work.

Mrs McDougall:

Those would be decisions for the service.

Mr Molloy:

I apologise for not being here at the start of the presentation; I had a meeting with the Speaker.

One of the commissioners, Mike Nesbitt, has left his post. Can the commission be seen as being independent and neutral in the present context of Mr Nesbitt's position being party political? What has to be done to ensure that the perception that people now have of the commission is rectified in the near future?

There is a broader issue of funding, particularly in relation to the memorial fund and the

Community Relations Council. I would have thought that, at this stage, all funding should be directed through the work of the commission, perhaps through the service for victims and survivors that is being developed. There is confusion about which organisation people should apply to. They could apply to the Community Relations Council and its particular programmes or to the memorial fund, which deals with certain sections. It would be better to have a one-stop shop, with one body co-ordinating all those programmes, so that everybody knows where they are. Is there a mechanism to do that?

If such a mechanism were to exist, do you have a programme that would kick into place if funding were available? Can we fast-track a programme that will provide compensation now rather than create a transition period, which can sometimes be long-winded?

The Department's lack of detail on the service has been criticised. Do you not see that as an opportunity to develop your own detail? Does that not allow you more freedom to do that?

The other big issue is the balance of the membership of the forum. I regularly hear criticisms of the make-up and balance of the forum and how that affects its role. How were members of the forum selected or appointed?

The Chairperson:

Just on your initial question, Mr Molloy; presumably Mr Nesbitt applied and was appointed to the post of commissioner by way of a personal application. Other commissioners can correct me if I am wrong about that. He was not appointed, in any sense, as a quasi-political representative — none of the commissioners was. Presumably, he has resigned for personal reasons in order to pursue other interests. Is that an accurate summary?

Mrs McDougall:

People will have their perceptions of us. However, I, along with my colleagues, can say that we all have people from across the community who come to us as individuals. That is what we are there for, and that is what we anticipate. Some individuals will go to a particular commissioner; that is their choice, and that has happened. However, I certainly do not consider that I was appointed on a political basis, and I have no affiliation to any political party. I would like to make that very clear.

Mr Molloy:

Before the witnesses answer, I must say that I do not think that the Chairperson should protect a party colleague in relation to his role as a commissioner. Mr Nesbitt is now a party colleague, not just a commissioner.

The Chairperson:

The Chairperson's role is to be objective enough to realise that, on his original appointment and application —

Mr Molloy:

Objectivity is the key word.

The Chairperson:

Everyone's objectivity is subject to various views. I wanted to confirm in my own mind that the commissioners do not feel, either on an individual or collective basis, that they had been pigeonholed into party political boxes. Mrs McDougall's view confirms that.

Ms MacBride:

I must add that, regardless of any controversy over the appointment of four commissioners, once we became a commission, we became a body corporate. Our duty as public servants is to act as advocates for all victims and survivors of the conflict. That is what, until this morning, each of the four of us has done, and it is what each of the three of us will continue to do from this day forward. Regardless of whether the Office of the First Minister and deputy First Minister decides to replace Mr Nesbitt, the work continues.

Mr Molloy:

I am more interested in whether you see any problems arising from people's perception of the political moves. If you do see such problems, is there a way of rectifying them?

Ms MacBride:

The way that I deal with such perceptions is through the delivery of reality and the delivery of our statutory duties, which are to act as advocates on behalf of victims and survivors; to keep under review the adequacy and effectiveness of legal practice and services that are delivered on their behalf; and to do our jobs. In my opinion, by being fair and impartial and by upholding the

principles of the standards of public life in our work, we will challenge any perceptions that people may have.

Mr B McAllister:

I think that it is fair to observe, certainly from my work with forum members, that comments have been made to me by people who have noted that one of us is moving into party politics. There are sensitivities to be aware of.

However, it is important to state — I say this with confidence on behalf of the three of us — that Mike Nesbitt was a commissioner until this morning, and, up until then, he discharged his duties professionally and impartially, in the same way that the three of us have, and he had our confidence. There is a difference between his time in public service with us and the new phase of his life that commences today. He had our confidence during that time.

If I might add to Bertha McDougall's remarks; I did not apply for this job on the basis of any partisan consideration. I do not think that any of us were appointed on that basis.

The Chairperson:

We move on to the other questions that Mr Molloy posed.

Mrs McDougall:

Mr Molloy talked about us receiving funding. As the legislation stands, we cannot be both poacher and gamekeeper. The legislation does not enable us to be a funding body. One part of our advocacy role is to critique the service when people are having difficulties with service delivery. There would be a conflict of interest if we were delivering the funding and also being critical of how it was being delivered.

Mr B McAllister:

Mr Molloy's third question related to the balance of membership in the pilot forum. When constructing the forum and its membership, we found it difficult to have a perfect balance. It is not perfectly balanced, because when we tried to create a balance around one area of consideration, an imbalance in another was created. We are confident that the pilot forum comprises a group of people who are representative of the broad range of victim experience. We know that carers, for instance, are under-represented in the forum; only one forum member is a

carer. We are satisfied, however, in all other major respects. We have tried to create something that is mobile; not everything hangs in the same place, but, together, it holds and functions.

We know that people have concerns about numbers and balance, but we are satisfied that the pilot forum has achieved a balance in the strength of voice of the victim experience. Future membership of the forum will be a matter for the current forum members. They will discuss future membership with each other and give their views to the commissioners.

Mr Molloy:

Is it the case that commissioners can recommend individuals to fill places on the forum, and have done so in the past?

Mr B McAllister:

We published a design plan, in a transparent way, and I am sure that members were given a copy of it. We have honoured the strategy that is set out in the design plan. We had anticipated a 30-member forum. A number of people withdrew from the forum just before it was established, so we started with 28 people. Another person joined before Christmas, and that brings the number to 29. Under law, it is our responsibility to make arrangements for a forum for consultation and discussion with victims and survivors. In our design plan, we set out how we intended to do that. We decided to run the pilot, learn what we could from it, improve it and consolidate it for the longer term. We are still on course with that.

Mr Molloy:

Is it right that one commissioner can recommend replacements to fill the gaps?

Mr B McAllister:

We have never approached — *[Interruption.]*

Mr Molloy:

As you would have done yourself.

Mr B McAllister:

I have never done that.

Mr Molloy:

Are you sure?

Mr B McAllister:

Yes. We have always worked collectively.

Mr Molloy:

That is not the perception.

Mr B McAllister:

That is a perception, Mr Molloy. If you have any detail on that, I would be interested in hearing it.

The Chairperson:

It appears that it is misplaced.

Mr Molloy:

With regard to the make-up and balance of the forum, I have to come back to how it is selected. It can have a representative from different groupings from wherever. There could be one from every security service in the country, every paramilitary organisation and every family. How do you reconcile those circumstances?

Mr Elliott:

It would be interesting if Mr Molloy could tell us where the imbalance is. He has mentioned it a number of times, but he has not indicated where it is.

Mr Molloy:

I have no problem in saying where the imbalance is, because I believe that there is a perception that the broad nationalist community, on balance, has no input. The various groupings that have been affected compare badly with the make-up of the security services that are represented. Each group within the security services is represented, but there are other areas where there is a complete imbalance. There could be one or two representatives from a nationalist or republican background on the forum, but every security service is represented. That is where I see the imbalance.

The Chairperson:

The members of the commission can correct me if I am wrong, but I understood that all members of the forum were, in some way, ratified by the First Minister and deputy First Minister.

Mr B McAllister:

No, that was left to the commissioners to agree as a foursome. Mr Molloy may be conscious of a member who joined the forum before Christmas who has a UDR background. At that time, some comment was made, even among forum members. That fitted in with our earlier intention to reflect military experience in the forum's make-up.

The Chairperson:

I think that it is a mistake to talk about individual members of the forum.

Mr Molloy:

There is quite a bit of military experience on the forum.

The Chairperson:

We are in public session, and the meeting is being recorded by Hansard. We must show some discretion.

Mr Shannon:

Those in uniform and those out of uniform.

Mr Elliott:

I have concerns about the balance of the forum, but I certainly would not raise those concerns at the Committee. If I felt that there was a significant issue, I would raise it directly. We are getting into a dangerous situation, particularly given the fact that individuals are concerned.

Ms Anderson:

You asked the question and put it to the Committee.

Mr Elliott:

Yes, I did, because it was raised —

Ms Anderson:

You should not have raised it then.

The Chairperson:

Order, please.

Mr Molloy:

This Committee is the proper forum for such issues, because its role is to scrutinise. The media is not the appropriate forum, and I will not be stopped from raising issues here. The questions have been asked, and the commissioners are quite willing to answer those questions. If they are not willing, they can say so. The issue is the balance of the forum's make-up and the perception of that. Someone asked me what my perception of the imbalance is, and I answered.

The Chairperson:

I remind members that this is a public forum and that the meeting is being recorded by Hansard. It is a huge mistake to discuss individual personal cases, and I shall not allow any further discussion on that. The issue has been aired and explored. Are there any responses to Mr Molloy's other point?

Mr Molloy:

My other point was on the commission's criticism of a lack of detail from the Department.

Ms MacBride:

The lack of detail on the development of the proposals for the new service caused a significant amount of confusion in the sector and led to a low response rate to the consultation process because people did not know what they were being asked about. I agree with you, and I affirm that this is an opportunity to ensure that mechanisms are developed that can fit the needs of victims and survivors and that those needs are informed by the work that will be delivered here through the comprehensive needs assessment. It is a huge opportunity. I believe that certain elements of it can be fast-tracked.

Mrs McDougall:

We have been looking at the detail of certain aspects, and, as I said earlier, we have been

discussing issues with departmental officials and with the Department's special advisers. Although we have raised some concerns, we are hopeful that progress will be made in the coming weeks and months. The Department is advancing that, and we are working with officials on it.

Mr Molloy:

Do you have a timescale for completion of your corporate plan?

Mrs McDougall;

Our corporate plan and work programme are with the Department.

Mr Molloy:

Bertha McDougall mentioned funding, and I recognise that one area cannot be separated from another, but is it possible to combine all of the funding bodies into one? Is it envisaged that the service for victims and survivors will provide the service and that the funding will come from one collective body?

Mrs McDougall:

Yes; we understand that the service will co-ordinate the funding that is going to individuals and to groups. My point was that any complaints about the service will come to us, so it is difficult to be in charge of both delivering the funding and addressing issues that may arise. However, that is all under discussion. I emphasise that it is a process, part of which will involve people from the sector who have experience and who can make a big contribution.

Mr B McAllister:

I can reassure Mr Molloy that we are now engaged with the Department on these matters, having waited for such engagement for a period of time. In my view, there are four key issues as regards the service. The first is the model on which the service will be based. What will be the service's design? Will it be a new non-departmental public body, or will it be housed within the Community Relations Council, for example? We are in discussion with the Department on those questions.

The second issue is the service's organisational structure. How will it be designed internally so that it best meets the needs of the sector and the wider victim and survivor constituency?

Thirdly, how will the transition between the existing regime and the new regime be managed? That question requires a lot of thought, because we must bring organised groups and the sector along with us. For example, we must give people enough time to prepare for new funding regimes.

The last and perhaps most important issue is communication. The Department needs to communicate clearly to the sector and the general public how the issues will be managed. We are in the process of raising the relevant issues with officials and ministerial advisers.

Mr Attwood:

I will ask a few quick questions and then one of more substance, which relates to a matter that Mr McAllister has just touched on. Have the First Minister and deputy First Minister, either directly or through officials or special advisers, mentioned to you at any time the membership of the forum and the balance therein?

Mr B McAllister:

No, they have not.

Mr Attwood:

They have never raised an issue about the balance of the forum's membership with you?

Mr B McAllister:

No, not that I can recall.

Mr Attwood:

You were all appointed by Martin McGuinness and Peter Robinson.

Mrs McDougall:

No; we were appointed by Dr Ian Paisley and Mr McGuinness.

Mr Attwood:

Mr Paisley and Mr Robinson — sorry, Mr McGuinness.

Mr Shannon:

You have not moved on, Alex. *[Laughter.]* I thought that you were a man of vision, but now I find out that you are not.

Mr Attwood:

Maybe there is a bit of the past that even I cling to.

The Chairperson:

Embrace the change, Alex.

Mr Attwood:

Given your disclosure obligations under public appointments requirements, do you presume that Mr Paisley and Mr McGuinness knew about your backgrounds and any relevant details when they appointed each of you? Is that the case?

Mr B McAllister:

Yes.

Mr Attwood:

That includes Mr Nesbitt.

I want to acknowledge the work of the forum, because bringing victims and survivors together is very difficult. Irrespective of the issues that I may have about the balance of the forum's membership, I believe that the creation of the pilot forum is the best bit of work that the commission has done since its establishment. Bringing that number of people with such experience together so cohesively is unprecedented. Regardless of people's issues with the forum, people should recognise that that work is unprecedented. I have to say that that is more a recognition of the victims and survivors than of the commission. They seem to have a wisdom that others do not have.

You said in your opening remarks that you want to be candid, so I invite you to be candid. In my view, rather than creating a new body, the victims and survivors' service should be located within an existing body that has been suitably enlarged. Mr Molloy's suggestion that the service should be located entirely within the commission is somewhat curious. I had not heard that

option; it is certainly not the option that Mr McGuinness and Mr Robinson canvassed during the consultation period. However, will you be candid and tell us whether you believe that a new body is needed to deal with the service or whether, given the various issues, it is, in the round, better to locate it in an existing organisation that is suitably enhanced to fulfil any additional needs?

Mrs McDougall:

We know that no existing body currently has the full capacity to deliver the service. We originally talked about utilising the Community Relations Council. In that instance, we were not saying that it would not be an NDPB; the governance would have to be there. However, we were saying that we need to ensure that we do not lose the expertise that has been developed in the sector and the trust that has been built up, and that the model that is implemented must take account of that. Moreover, we said that an economic appraisal needed to be undertaken. We must achieve a balance between value for money and other aspects such as trust and continuity.

Brendan has already said that we are in discussion with the Department about the model. No decisions have been taken, and we are open to considering the available options. However, as I said, our original idea was based on the need to not waste the expertise and trust that has been developed in the sector. We are open to discussing that matter with the Department and hope to do so in the next few weeks.

Mr B McAllister:

We have already advised the Department that we think that the best option is to develop a service within the Community Relations Council. The Department has not yet made a decision on the model. It is open to discussing that in more detail with us, and we are open to discussing the options that it has considered.

Mr Attwood:

The primary reason why you were invited to today's meeting is to help the Committee to reach a judgement. We are not receiving as much help from others as we had expected.

The Chairperson:

It seems like a long time ago.

Mr Molloy:

I am a bit concerned that Mr Attwood interpreted my question —

The Chairperson:

I thought that I sensed some political sparring.

Mr Molloy:

It is not political sparring. I asked a question; I did not suggest anything.

The Chairperson:

No response is necessary.

Do you expect the First Minister and deputy First Minister or the Department to move to replace Mr Nesbitt?

Ms MacBride:

We would need a crystal ball to predict that. In the short term, we will examine the proposals for our work programme for next year and ensure that we have the necessary resource to deliver it. As I said previously, the commission is a body corporate that speaks with one voice. It is scary; it is like a polygamous marriage. The work will continue whether or not the First Minister and deputy First Minister decide to replace Mr Nesbitt.

The Chairperson:

There is now only one male in that polygamous marriage.

Ms MacBride:

He is lucky.

Mrs McDougall:

We manage him beautifully.

The Chairperson:

The legislation provides for up to four commissioners; is that correct?

Ms MacBride:

That is correct.

Mrs McDougall:

Those issues are with the Department at the moment, and the commission is not in a position to comment.

The Chairperson:

Do you have no view? It was worth a try.

Mr Molloy:

Is that because the communication officer has left?

The Chairperson:

We will draw stumps this afternoon. Thank you for your attendance and for the interesting and useful exchange.