



GUIDANCE NOTE (GN 15/23): VICTIMS' PAYMENTS REGULATIONS 2020 - REGULATION 49

Duty to Notify the Office of Care and Protection Assessment and Notification Procedures

24 April 2023

Statutory Authority

- *Under Schedule 1 paragraph 2(3) to the Victims' Payments Regulations 2020, the Victims' Payment Board may do anything it considers to be appropriate for facilitating, or to be incidental or conducive to, the exercise of its functions.*
- *The President of the Victims' Payment Board under Schedule 1 paragraph 4(3) to the Regulations is responsible for ensuring the efficient and effective discharge of the Board's functions.*
- *Under Schedule 1 paragraph 1(1) to the Regulations, the Board has been established as a body corporate and under Schedule 1 paragraph 1(3) to the Regulations and section 19(1)(a)(v) of the Interpretation Act (NI) 1954, it has the right to regulate its own procedure and business.*

Subject Matter: Regulation 49

1. This Guidance Note is issued in accordance with Regulation 49(3) of the Victims' Payment Regulations 2020.
2. Where a concern is raised by a health care professional that an applicant may be incapable of managing and administering their property and affairs by reason of mental disorder, the application may proceed to a panel of Board members for determination.
3. Prior to determination, the Scheme may make enquiries with the Office of Care and Protection [OCP] to ascertain if an applicant is known to them.
4. Where an entitlement to payments has been determined by a panel, an assessment will be carried out. The assessment must be carried out by a medical doctor (e.g. a GP or a psychiatrist). The doctor will be asked to assess whether or not the applicant is incapable of managing and administering their property and affairs by reason of mental disorder. This will include assessing whether or not the applicant is incapable, by reason of mental disorder, of

managing and administering the lump sum and/or the regular monthly payments to which the applicant is entitled under the Scheme.

5. Where an applicant is assessed as being incapable of managing and administering their property and affairs by reason of mental disorder, the applicant will be informed of the outcome of the assessment. The applicant will be asked whether or not arrangements are already in place to manage and administer their property and affairs. The applicant will also be informed of the referral to the OCP.

6. On receipt of the applicant's response, or if no response is received within a reasonable period of time, the Regulation 49 notice and the medical certificate will be forwarded to the OCP.

7. The same process will apply to applicants who are not residents of Northern Ireland. The OCP will make the necessary enquiries with the jurisdiction in question to ascertain if there are equivalent processes in place.

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