

TROUBLES PERMANENT DISABLEMENT PAYMENT SCHEME

APPLICATION TO APPEAL

GUIDANCE TO COMPLETING THE FORM

The Victims' Payments Regulations 2020 (the Regulations) established the Troubles Permanent Disablement Payment Scheme (the 'Scheme').

The Regulations state that, where the Victims' Payments Board (VPB) has determined a person's entitlement to victims' payments, or the amount of payments payable, the decision of the panel is considered final.

Under regulation 34(1), you may appeal against:

- a) a decision regarding a posthumous application being made by more than one person;
- b) entitlement to payment (single incident case);
- c) entitlement to payment (multiple incident case);
- d) a decision regarding the degree of disablement;
- e) a decision regarding an interim assessment;
- f) the amount of payments payable;
- g) a decision made or varied on review.

An appeal application should be made within **12 months** from the date on which you were notified of the panel's decision.

An application to appeal must be made to the VPB in writing using the approved 'Application to Appeal Form' (the Form). The Form can be obtained online [here](#) or requested from the VPB directly.

An appeal can only be brought against the original application as considered and determined by the panel. Any additional incident/s not previously considered must

be submitted as a fresh application to the Scheme and will be processed accordingly. If you have requested and received a lump sum payment, in accordance with Regulation 24(7) you have no further entitlement to victims' payments and may NOT bring an appeal.

Once completed, the Form should be signed and forwarded in electronic format to ypb.appeals@justice-ni.gov.uk or in hard copy format to the address provided at the end of the Form.

It is important you read this guidance **IN FULL** before completing your application to appeal.

If you are in distress and need to speak to someone urgently you can call Lifeline for free on 0808 808 8000 from UK landlines and mobiles, 24 hours a day, 7 days a week.

Before you appeal

What you need to think about before you make an application to appeal

To appeal a decision of the VPB you will need to:

- ✓ Give personal information to us
- ✓ Provide details about the reason/s for your appeal
- ✓ Sign the statutory declaration at the end of the Form.

When considering an appeal, you should note that:

- ✓ Your appeal must be submitted within 12 months from the date on which you were notified of the decision you are appealing
- ✓ Free support services are available to assist you with your appeal - see [Annex A](#)
- ✓ Further information may be required from you or other agencies
- ✓ You are entitled to see the papers the panel had access to when making the original decision. You are encouraged to request these papers from the VPB and consider them in full before you decide whether to make an application to appeal. If you then decide to make an application to appeal, the papers will also enable you to assess what relevant, additional evidence you may be able to provide in support of your appeal
- ✓ Depending on the circumstances of your appeal, you may be asked to attend a medical assessment with a healthcare professional as part of the appeal process.

When you submit your appeal, the information provided may be shared with relevant Departments or agencies for the purpose of progressing your appeal.

You can read the VPB Privacy Notice [here](#).

COMPLETING THE APPEAL FORM

The guidance is provided to help you complete the relevant sections of the Appeal Form. For each section, it gives a brief explanation of the information required. It may be helpful to have this guidance to hand when completing the Form.

This guidance provides general information only. Every effort has been made to ensure the information is accurate, but it is not intended to be a full and authoritative statement of the law. The underpinning law can be found in the Regulations and the Northern Ireland (Executive Formation Etc) Act 2019.

Section 1 - Personal Details

A – Appellant’s Personal Details

This section of the Form **must always be completed**. In this section you are asked to provide your/the appellant’s personal details, including name, address and preferred contact details. This will allow the VPB to request further information where necessary or to provide an update regarding the appeal.

Your VPB Reference Number is also required. This number is unique to each application and commences with “VPB”. It helps us correctly identify the original application. You should be able to find this on any letter or document sent by the VPB. **The most recent letter to include this number will be the letter notifying you of the panel’s decision.**

B – Acting on behalf of the Appellant

You only need to complete this part if you are completing the Form on someone else’s behalf and whose details have been provided in section 1A. This may include:

- a person acting for a minor and/or an appellant who lacks capacity to make an application themselves (e.g. due to a mental illness or a learning disability). This could be, for instance, the parent of a minor or someone with enduring power of attorney;
- a support worker or legal representative appointed by the appellant to submit and manage the appeal on their behalf;
- a friend or relative appointed by the appellant to submit and manage the appeal on their behalf.

In the above instances, you are acting on behalf of the appellant and would be the point of contact for the VPB.

If you have assisted the appellant in completing the Form but you are not to act as the point of contact, this section should be left blank (in which case all communications from the VPB will be forwarded to the appellant as identified in section 1A).

If you have previously acted on behalf of the appellant and your details provided in the original application have not changed, you are asked to confirm this.

If not, and you are now acting on an appellant’s behalf, you are asked to provide your name and contact details to allow the VPB to request any further information and to keep you informed on progress of the appeal.

You are also required to provide proof of your authority to act on behalf of the appellant– this could include (for example) a document proving parentage of a minor appellant, a letter confirming power of attorney or a letter signed by the appellant (such as a form of authority for a legal representative to act).

Please note, appellants do not require a paid legal representative to make an appeal against a panel’s decision. If you choose to appoint a paid representative, the VPB will not reimburse these costs (see Procedural Guidance Note 16/23).

SECTION 2 - ABOUT THE DECISION BEING APPEALED

In this section you are asked to provide the date of the decision letter from the VPB containing the decision(s) you are now seeking to appeal.

SECTION 3 - ABOUT YOUR APPEAL

This section asks you to provide the reasons for the appeal. The decisions against which an appeal may be brought are set out in regulation 34(1)(a) to (g).

Only the incidents which have been subject to a determination can be included in an Appeal. You cannot include further or additional incidents at the appeal stage. Any additional incident/s not previously considered must be submitted as a fresh application to the Scheme and will be processed accordingly.

The decisions against which an appeal may be brought are set out below. You will need to detail which decision you are appealing (if more than 1 incident) and tick the reason for appeal.

Posthumous application being made by more than one person (regulation 34(1)(a))

This ground of appeal is against a decision made under regulation 10(4) regarding posthumous applications. This would apply if the VPB received more than one application regarding someone who is deceased, and you disagree with the panel's decision in respect of which person's application may proceed.

Entitlement to payment - single incident case (regulation 34(1)(b))

This ground of appeal is against a decision made under regulation 12(3)(b) regarding entitlement (also referred to as eligibility) for victims' payments.

Below are some examples of entitlement decision which may have been made by panels:

- the incident was not a Troubles-related incident;
- you were not present at a Troubles-related incident or in its immediate aftermath;
- the incident did not occur on or after 1 January 1966 but before 12 April 2010, and the panel did not exercise its discretion under regulation 5(5);
- the incident did not occur within the territorial limits set out in regulation 5(1)(c);
- your criminal conviction(s) or other material evidence made entitlement to victims' payments inappropriate.

Please note the above list is not intended to be exhaustive.

Entitlement to payment - multiple incident case (regulation 34(1)(c))

This ground of appeal applies where an application relates to **more than one Troubles-related incident** and a panel has made a decision in respect of which of these incidents an applicant is entitled to victims' payments (under regulation 12(3)(c)).

Below are some examples of entitlement decisions which may have been made by panels regarding any or all of the incidents in the application:

- the incident/s were not a Troubles-related incident/s;
- you were not present at a Troubles-related incident/s or in its/their immediate aftermath;
- the incident/s did not occur on or after 1 January 1966 but before 12 April 2010 and did not exercise its discretion under regulation 5(5);
- the incident/s did not occur within the territorial limits set out in regulation 5(1)(c);
- your criminal conviction(s) or other material evidence made entitlement to victims' payments inappropriate.

The above list is not intended to be exhaustive.

In an appeal under this ground, you should be aware a panel may reconsider an incident(s) for which you were previously considered to be eligible.

Decision regarding the degree of disablement (regulation 34(1)(d))

This ground of appeal is against a decision made under regulation 13(3), 16(3) or 33(4) regarding the assessed degree of disablement arising from injury/injuries sustained as a result of a Troubles-related incident(s).

You can appeal a decision on your degree of disablement after an initial assessment, an interim assessment or further assessment.

Below are some examples of appeals under this regulation:

- the application has been declined as the degree of disablement has been assessed to be below the threshold of 14%; or
- you consider the degree of disablement should be higher than the assessed degree of disablement .

The above examples are not intended to be exhaustive.

In an appeal against the assessed degree of disablement, an appeal panel may confirm, increase or decrease the assessed degree of disablement.

Decision regarding an interim assessment (regulation 34(1)(e))

This ground of appeal is against a decision made under regulation 14(1)(b) to make an interim assessment in respect of the degree of disablement arising from injury/injuries sustained as a result of a Troubles-related incident/s. An interim assessment is made where the condition of the applicant does not allow the degree of permanent disablement to be assessed.

An example of an appeal under this regulation is:

- you do not agree your disablement is not considered permanent.

This ground of appeal does not apply to the assessed degree of disablement (see above).

Amount of payments payable (regulation 34(1)(f))

This ground of appeal is against a decision made regarding the amount of victims' payments payable.

Below are some examples of appeals under this regulation:

- you do not agree with a reduction in your award because of previous compensation paid to you;
- you do not agree with an adjustment to your award due to receipt of a relevant ongoing payment for the same injury.

Decision made or varied on review (regulation 34(1)(g))

This ground of appeal is against a decision made on review under regulation 43(6)(b) to confirm, vary or make a new decision.

A panel may review a decision made regarding:

- posthumous applications (regulation 10(4));
- entitlement to victims' payments in single incident cases (regulation 12(3)(b));
- entitlement to victims' payments in multiple incident cases (regulation 12(3)(c)); and
- the amount of victims' payments payable.

An appeal against a review panel's decision can be brought against any of the above decisions, however, it is important that this ground of appeal (i.e. the "review" ground) is ticked on the Form when there has been a review of a decision.

Reasons for appeal

You will need to provide details of the reasons why you consider the decision of the panel should be overturned. The grounds on which the appeal is made must be specified in the Form. You are also asked to provide copies of any supporting documentation you may seek to rely on for your appeal not already provided prior to the original decision.

Before making an application to appeal, you are encouraged to obtain and consider the papers the panel had access to when making the original decision. These papers will also enable you to assess what relevant, additional evidence you may be able to provide in support of your appeal and will avoid duplication of evidence already obtained.

A table is provided on the Form for you to note the supporting documentation you are submitting with your appeal. You are asked to list and number the supporting documents in the table. If submitting a hard copy Form and additional space is required, please use a separate sheet, and attach it to the Form.

Please do not send original documents as these cannot be returned

SECTION 4 – ABOUT YOUR APPEAL CONTINUED

This section of the Form deals with late appeals. We ask you to confirm if your appeal has been made within 12 months of the date on which the decision you are appealing against was notified to you.

Please do not delay lodging your appeal if you are waiting for further supporting documentation. You can advise us at the end of the Form if further documentation is awaited.

If the Form is submitted outside the 12-month period, you are asked to provide reasons as to why it is late. The VPB can decide to accept a late appeal where it would be fair to do so in the particular circumstances.

SECTION 5 – THE HEARING

This section deals with requests for an oral hearing. When considering the appeal, the appeal panel may make a paper-based decision or consider an oral hearing should be held. However, you can also make a request to have an appeal heard by way of oral hearing.

If you request an oral hearing, you are asked to indicate which format you would prefer, such as face-to-face or by remote means. Further information regarding the oral hearing process is set out in the VPB Oral Hearing Protocol which can be accessed [here](#).

In the event an oral hearing proceeds, you are asked to let us know of any reasonable adjustment or special requirements to allow these to be taken into account. This might include the provision of hearing loops, disabled access or particular travel arrangements.

You are also asked to advise of interpreter or signer assistance required for the hearing.

You are invited to express your preference for either a City Centre or regional venue for oral hearing. A list of current venues is attached to this guidance at Annex B.

The VPB will contact you prior to the date of the appeal hearing to confirm details and make appropriate arrangements for the hearing. The VPB may reimburse the expenses of travel, subsistence and accommodation reasonably incurred in attending an oral hearing (see Procedural Guidance Note 16/23).

SECTION 6 – DECLARATION FORM

You should read this section of the Form carefully before confirming the information you have provided is true and may be shared with others. By signing the declaration within the Form, you are indicating you understand that, in order to confirm the details provided, and to enable a full assessment to be undertaken, the VPB may request the following:

- relevant medical records, notes and reports from medical practitioner/s attended by the appellant, including GP records and counselling notes;
- copies of the appellant's criminal record (if any) and any relevant police records including witness statements;

- information which is relevant to your application from any other source.

Having read and confirmed the information provided, you should date and sign the Form. Unsigned forms received by the VPB will not be accepted and may delay the progress of your appeal.

Please forward the signed Form, along with any supporting documents, to the VPB as soon as possible.

WAVE Trauma Centre

WAVE Trauma Centre is a regional NGO that works from five centres across Northern Ireland providing a holistic range of therapeutic, welfare and support services to anyone bereaved or injured as a result of the Troubles regardless of religious, cultural or political beliefs. WAVE has a team of specialist welfare officers for the Troubles Permanent Disabled Payment Scheme making applications for individuals and supporting them through the process.

WAVE works across N. Ireland, Ireland, GB and with clients living in other areas of the world who have been affected by the NI Troubles/ Conflict. All services delivered by WAVE are trauma informed. WAVE is an accredited service provider with the British Association of Counselling and Psychotherapy (BACP)

To access assistance with the Troubles Permanent Disabled Payment Scheme or to find out more about the range of services that are available please contact:

	Address	Telephone Number	Email Address	Website/ Social Media
WAVE	Belfast Office:	028 90779922	adminhq@wavetrauma.org	Website: www.wavetraumacentre.org.uk
	Armagh Office:	028 37511599	adminarmagh@wavetrauma.org	
	Ballymoney Office:	028 27669900	adminballymoney@wavetrauma.org	
	Derry/ Londonderry Office:	028 7126 6655	adminderry@wavetrauma.org	Facebook: https://www.facebook.com/WaveTraumaCentre/
	Omagh Office:	028 8225 2522	adminomagh@wavetrauma.org	

Relatives for Justice (RFJ)

Relatives for Justice is a non-governmental organisation supporting persons bereaved and/or injured as a result of conflict. Providing support across the region and with offices in Belfast, Dungannon and Mid-Ulster, Relatives for Justice (RFJ) is a non-sectarian, non-judgmental organisation operating with core values of confidentiality, inclusion and equality. Offering a holistic wrap around service RFJ provides support programmes, advice, advocacy and fully accredited therapeutic services all designed to professionally support families and individuals with the impact of trauma.

	Address	Telephone Number	Email Address	Website/ Social Media
RFJ	Ardoyne Office: 2-4 Brompton Park Belfast BT14 7LD	028 96949327	injuredscheme@relativesforjustice.com	www.relativesforjustice.com

The Ely Centre

The Ely Centre, a Charity established in the aftermath of 1987 Enniskillen Remembrance Day Bomb, provides multi-disciplinary support services for civilians, security force & HM Forces personnel and their families, who have experienced bereavement and injury as a result of the “Troubles” through the provision of evidenced based treatment and support services that address issues of declining physical and psychological health, social and financial difficulties which have arisen as a result of the “Troubles”

The Ely Centre currently provide support in the following areas.

- Fermanagh and Omagh District Council Area
- Armagh, Banbridge & Craigavon Council Area
- Newry and Mourne Council Area
- Mid Ulster Council Area
- Co Monaghan

	Address	Telephone Number	Email Address	Website/ Social Media
ELY	Enniskillen Office: 52-60 Forthill Street BT74 6AJ	028 66320977	enquiriesvps@elycentre.co.uk	www.elycentre.com
	7 Fairgreen Road Markethill Co Armagh BT60 1PW	028 37552447		

Ashton

Bridge of Hope is a project within Ashton’s Health & Wellbeing Department engaging with over 30,000 people since 2001.

They deliver services from three wellbeing centres working from North Belfast – McSweeney Centre close to Carlisle Circus, Alliance Avenue, and Churchill Street.

Their mission is “To empower and promote positive change for victims and survivors through the delivery of quality health and wellbeing services”.

Support includes –

- Complementary Therapies;
- Life Coaching;
- Counselling and Psychological Services;
- Accredited VTCT Training;
- Personal Development courses in stress management,
- Resilience, and mindfulness
- Health and Wellbeing Caseworkers
- Troubles Permanent Disablement Pension Scheme application support

Ashton’s services are person-centred and based on the theory that no single approach will suit everyone. All services are designed to help manage and reduce stress whilst encouraging the development of positive, healthy, and resilient lives

	Address	Telephone Number	Email Address	Website/Social Media
Ashton	Ashton Centre 5 Churchill Street Belfast BT15 2BP	028 90742255	info@ashtoncentre.com	https://www.ashtoncentre.com

CURRENT APPROVED HEARING VENUES

Queens Court
56-66 Upper Queen Street
Belfast

Assembly Buildings
Fisherwick Place
Belfast

The Mount Conference Centre
Woodstock Link
Belfast

Ards Business Hub
Sketrick House
Jubilee Road
Newtownards

Lisburn Civic Centre
Lagan Valley Island
Lisburn

Craigavon Civic Centre
Lakeview Road
Armagh

River House

Castle Lane
Coleraine

Innovation Centre
Kernohans Lane
Broughshane Road
Ballymena

The Braid
Bridge Street
Ballymena

The Grange
Mountjoy Road
Omagh

Strule Arts Centre
Town Hall Square
Omagh

The Whin Business Park
Enterprise House
Canal Quay
Newry

Newry Conference Centre
The Mall
Newry

Ballybot House
Cornmarket
Newry

City Hotel

Queens Quay
Londonderry

Millennium Forum
New Market Street
Londonderry

Fermanagh Lakeland Forum
Broadmeadow
Enniskillen