

Accountability Update

1 May - 31 August 2024

**Independent Commission
for Reconciliation and
Information Recovery**

Accountability Update: 1 May – 31 August 2024

Contents

Accountability Update: 1 May – 31 August 2024	2
Foreword from Sir Declan Morgan, Chief Commissioner	3
Preface from Tristan Pedelty, Chief Executive Officer & Commissioner	5
Accountability Update.....	7
Organisational capability	9
The ICRIR staff composition as of 31 August 2024.....	12
Independence	14
Contact from victims, survivors and families about Commission investigations	15

Foreword from Sir Declan Morgan, Chief Commissioner

This accountability update explains the Commission's activities since its powers to carry out investigations began on 1 May of this year. While much work has been undertaken to put the necessary elements in place for the Commission to begin its work, now the serious task of investigations into deaths and serious injuries begins.



Since 1 May, 85 people have engaged with the Commission about a death or serious injury to explore if we can investigate. Their contact with the Commission means that the dedicated Case Support Team, will, depending on the specific circumstances: meet with them to discuss and explain how the Commission works and what it can deliver; begin to carry out exploratory work to better understand their case; answer their questions about the Commission; and work with them about what the questions they want the Commission investigation to answer.

The timing of a formal request for an investigation to the Commission is in the hands of the individual who comes to the Commission. They have the time, space and information to make an informed decision. We update today on the investigations now in the information recovery stage and set out our approach for when the fact of specific investigations will be made public.

And it is now that our serious and important task of investigation begins. In doing this we must meet the commitments that we have made to each person who comes to us, through our open and published policies, and through our trauma and resiliency informed model. We continue to recruit experienced investigators to build a diverse and expert staff to carry out this work.

As a precondition to promoting reconciliation, we will seek to present the unvarnished truth – to identify the wrong-doing, the wrong-doer and to attribute responsibility. In many deaths and serious injuries, where events are over 25 years old ranging up to almost 50 years, this will be a difficult and complicated process.

There are no quick wins and we must be thorough. We must also not rush or cut corners, so that prosecutions and findings we make are well supported in evidence. Following a trauma and resiliency-informed approach and meeting ECHR requirements takes time and effort. We must learn from mistakes and listen to

others. But utmost, we must also devote ourselves to delivering this task so that we gradually earn confidence and demonstrate what our powers and our approach can achieve.

Sir Declan Morgan

Chief Commissioner

A handwritten signature in blue ink that reads "Declan Morgan". The signature is written in a cursive, flowing style.

Preface from Tristan Pedelty, Chief Executive Officer & Commissioner

This Accountability Update meets commitments for the Commission to be open about its work to date. This is an important part of delivering what we said we would when our powers were commenced in May. The audited financial, governance and performance statements will be published in due course following appropriate National Audit Office and parliamentary processes and this Accountability Update, while containing some overlapping content, in no way supplants that.

The Chief Commissioner has commented on the Commission's work to date, and I will set out the wider context.

Establishing a new, independent public authority from the ground up without merging or transferring any existing parts of existing organisations, while at the same time developing a new policy and delivery framework, is a significant task. This was a task made all the more complex due to the manner in which the enabling legislation was initiated. The law also set a 1 May 2024 date for existing criminal justice processes to cease, creating an imperative for the independent Commission to be capable of exercising its powers from that date.

The preparatory work undertaken by the programme secretariat, under Sir Declan's direction, and the expertise and dedication of the initial team in the Commission has meant that we have achieved this task. The Board of Commissioners and the Executive Committee, as well as wider staff members of the team have all given considerably to this project and are all committed to assisting in achieving the wider purpose of promoting reconciliation.

Learning from experience of establishment of a range of other independent public bodies, the independent Commission has focused on embedding good governance from the start, getting the basics that should underpin the accountable and responsible operation of all public authorities right, and setting out, for feedback and consultation, proposals for how it will carry out its information recovery work. This has been the basis of our ability to begin significant recruitment of operational staff in order to deliver the Commission's Operational Design Framework that the Board has set. While the initial programme of activity to establish the Commission is nearing completion, there is still work to complete. A stable baseline against which the Commission can focus on delivering what it has promised, in the way it has promised to do it, is essential. This will take time. And it can only be achieved through diverse, well-trained and motivated staff. All Commission staff must continue to prioritise fair and open recruitment with a real focus on a diverse range of backgrounds and experiences being brought into our staff. Continued, training and leadership, with a one-team culture across the Commission, where all staff value the roles of each other must be an essential activity. A strong focus has to be maintained on keeping information we are given – personal data, victims' accounts, sensitive material – safe and secure so that we can be trusted. Accountability and rigor for the spending of

public money should be instilled through all. And while the Operational Design Framework set by the Board, publicly consulted on, and considered by the courts is the starting point, the Commission must embrace a culture of continuous improvement based on evidence and feedback so that it continually focuses on delivery for those who come to the Commission.

And it is at the end of leading this initial stage to design and build the Commission that I hand over the responsibility as Chief Executive Officer, to my successor Louise Warde Hunter to lead the Commission for the next part of the journey, as the focus is now on delivering our promises and commitments, and maturing as an organisation. I am grateful for the Chief Commissioner's wise counsel and commitment to public service, as well as the support and engagement of my colleague Commissioners and the hard-work and dedication of all who have worked so diligently to establish the Commission in a way that seeks to serve all and promote reconciliation.

Tristan Pedelty

Chief Executive Officer, Commissioner & Accounting Officer

6.ix.2024

Accountability Update

To support the start of the independent Commission's powers from 1 May, the Commission's work was focused on establishing and preparing the foundations on which the Commission would carry out its important work as set out in its statutory functions. The interlocking areas of work were to:

- Put in place good governance, corporate systems, values and core principles to support development of the Commission's work;
- Carry out a range of engagements to explain the Commission's approach and obtain insight and feedback to incorporate into design;
- Develop a Design Framework to set out how the Commission will carry out its investigations; and
- Put in place the capability required to carry out the Commission's work including through recruiting talented people and training them.

The establishment of the Commissioner's key principles, adoption of a Code of Conduct and setting the Commission's vision, mission, and values were all important in setting the tone across the new organisation for how we go about our tasks.

Vision: A society that is more reconciled because the Commission has provided greater information to the public about deaths and serious injuries during the Troubles/Conflict.

Mission: An independent Commission committed to serving victims, families and survivors by thoroughly investigating and establishing the facts of past events, to provide an acknowledgement of the wrongdoing, in a way that is sensitive to the trauma experienced and assists with the promotion of reconciliation.

Values: The Commission's [code of conduct](#) was published in December 2023 and sets out the values the whole Commission has adopted to guide its work – integrity, impartiality, openness, accountability and respect. They are the standards of behaviour that can be expected of Commissioners, officers and others working on behalf of the Commission.

The Commissioners, in addition to the principal objective of promoting reconciliation, have committed to applying three essential principles to the Commission's work:

- Compliance with the European Convention on Human Rights (ECHR);
- Respect for the principles of the 1998 Belfast Good Friday Agreement; and
- Focus on providing useful information to those affected by the Troubles/Conflict.

Organisational capability

The Board of the Commission is its most senior decision-making authority. While the Board has delegated many matters to the Executive Committee it is the Board and the calibre of its membership that supports the independence and effectiveness of the Commission.

The power to appoint Commissioners is held by the Secretary of State, however the process to select such Commissioners and recommend the appointment has been developed to provide an independent recommendation. These processes are set out in the Framework Document.

The Chief Commissioner was nominated by the four senior judges across the United Kingdom – the President of the Supreme Court, and the Chief Justices of Northern Ireland, England & Wales and Scotland against objective criteria for the role. That nomination was accepted by the then Secretary of State and Sir Declan Morgan was announced as the first Chief Commissioner, subject to completion of the legislation in May 2023.

The post of Commissioner for Investigations was publicly advertised with objective criteria on 11 May 2023. An independent selection panel was formed, consisting of Sir Declan Morgan, Chief Commissioner-designate, Wendy Williams, Inspector of Constabulary; Robert Beckley, Assistant Commissioner of Metropolitan Police; and Dr David Porter, formerly Chief of Staff to the Archbishop of Canterbury. The recruitment process followed good practice with the panel objectively assessing candidates through a number of exercises. An executive search firm supported the competition to develop as wide a field as possible and support fair and objective selection practices. The panel recommended the appointment of Peter Sheridan and his identification as the first Commissioner for Investigations was announced on 14 September 2023.

Four Non-Executive Commissioner roles were advertised on 24 July 2023. These competitions were carried out under the regulation of the UK Commissioner for Public Appointments. The Chief Commissioner-designate nominated a selection panel and the panel interviewed short-listed candidates before providing a recommendation that Lindsay Todd, Kathleen Russ, Rogelio Alonso and Brice Dickson be appointed as Commissioners.

The Chief Commissioner-designate, in consultation with the Non-Executive Commissioners-designate who would form the Remuneration and Nomination Committee on legal establishment recommended the appointment of Tristan Pedelty as the Commission's first Chief Executive Officer and Commissioner. In parallel, they also began a fair and open competition for the appointment of the next Chief Executive Officer and Louise Warde Hunter has now been appointed following that process, taking office on 7 September 2024.

Independent members of the Audit and Risk Committee and Remuneration and Nomination Committee were appointed by the independent Commission's Board.

In addition to the Commissioners, skilled and trained staff are essential for the Commission to deliver its objectives. However, as the Commission can only investigate where individuals or certain public office holders make a request, the investigative workload of the Commission is inherently hard to predict, and therefore to provide sufficient staffing to manage. This will improve over time as the Commission has a more stable complement of staff and a mixed set of investigations at different stages. Two aspects of design embedded are a flatter structure and matrix management so that individual staff can be assigned to a number of investigations and to utilise capacity and skill sets across organisations.

Reflecting that there will always likely be a lag in terms of the Commission understanding requirements for specific investigations and being able to draw in further investigators, recruitment activities have been designed so that they can be improved and re-used for future waves of recruitment. Recruitment principles have been adopted and these are also [published](#). Planning has been undertaken that envisaged regular recruitment rounds to build a list of qualified and skilled investigators who can be taken on where the Commission has turn over to manage new, or additional, cases. The use of fixed term appointments as part of the workforce mix is also important so that if there are fewer investigations the Commission can correspondingly adjust its workforce.

Work was undertaken to understand the requirements of onboarding processes, including rigorous assessment of the declarations of outside interests to identify and decide an appropriate way of dealing with any actual, perceived, or potential conflicts of interest; understanding vetting requirements and timelines; and ensuring that some training and induction could also be undertaken in this onboarding period.

The diversity of the workforce is also a key consideration. As a new organisation, there is an opportunity to build an inclusive and diverse workplace from the very beginning. Role criteria were scrutinised to ensure that they were not unduly restrictive. Recruitment panels are required to have at least gender diversity as well as a panel member from outside the area of the organisation recruiting. As many of the workforces where investigative skills are readily available have certain diversity imbalances, as the Commission grows it must carefully monitor and take action in its recruitments to build a more balanced workforce.

Following recruitments by the Commissioner for Investigations for three Assistant Commissioners to support him (each with different responsibilities), in early February recruitment was launched for the first operational roles of Senior Investigative Officers and Case Support Workers. This was followed by further recruitments for

Investigative Officers and other roles to support investigations, such as establishing a Major Incident Room to manage the flow of information into the Commission about investigations. In total these initial recruitments aimed to build an investigative staff of around 70, not including the Findings Team to support the Chief Commissioner in producing reports.

Recruitment for a further 50 posts, including a Findings Team is underway. These posts are in various stages of being filled, with many jobs offered to candidates who are now working out notice periods or obtaining the right level of vetting so that victims, survivors and families who come to the Commission can be confident in the integrity and probity of those who are investigating and making findings in the case.

By 31 August 2024, as a result of recruitment activity, the Commission employed 86 staff, of whom 8 are in the temporary establishment programme team which will be concluded in the coming months and 35 are in the business units primarily responsible for delivering the Commission's Operational Design Framework (The Engagement Team, Case Support Team, Information Recovery Team, Findings Team and Operational Assurance Team – see below as 'Operational' in the table). The authorised headcount for these units totals approximately 125. The Commission expects staffing levels to grow swiftly over the autumn and winter.

The Commission believes that diversity in its workforce will lead to better support for those who come to it, better investigative and findings work and improved overall decision-making. Therefore, it considers it important to report regularly on its overall staff composition:

The ICIR staff composition as of 31 August 2024

Gender

	Male	Female
Total Staff*	41%	59%
Operational***	50%	50%

Ethnicity

	White/English/ Scottish/Welsh/ NI	Prefer not to say	White Irish	Other**
Total Staff*	52%	32%	10%	6%
Operational***	53%	40%	Other**	7%

Disability

	Yes	No	Prefer not to say
Total Staff*	16%	57%	27%
Operational***	Other**	Other**	Other**

* 92% of staff declared their diversity information

** Data is withheld for groups of staff with fewer than 10 respondents

*** 86% of Operational staff declared their diversity information

The Commission is legally required to ensure, as far as it is reasonably practicable that in seconding or employing persons, the officers of the ICIR include:

(a) persons who have experience of conducting criminal investigations in Northern Ireland, and

(b) persons who do not have that experience but have experience of conducting criminal investigations outside Northern Ireland.

The steps that we have taken to meet, as far as is reasonably practicable, this requirement are: setting clear role criteria that make clear that experience of either is important, advertising roles openly, with the exception of an Expressions of Interest process for Operation Kenova staff to be given fixed term appointments at the Commission, and highlighting the range of experience and backgrounds we require through public and media engagement by the Commissioner for Investigations.

As at 31 August 2024, of the **35** people working in roles to deliver the Commission's Operational Design Framework, **17** have experience conducting criminal investigations in Northern Ireland, while **13** do not have that experience in Northern Ireland but have experience conducting criminal investigations outside of Northern

Ireland. The remainder have experience relevant to the tasks that the Commission is carrying out to deliver the Commission's Design Framework, such as the Findings Team. These candidates have all been assessed against objective, published criteria by a selection panel.

As the Commission's staff grows in line with the current recruitments and plans, it will be essential to ensure the diversity of staff, including experience and backgrounds, is maximised. The Commission's policy on the Declaration and Management of Outside Interests requires that previous roles or employment be declared and taken into account in relation to both overall ability to meet the Commission's Code of Conduct requirement of impartiality, and also in terms of the duties and responsibilities assigned to that member of staff. The Commission considers that it is important that it draws on experience obtained within Northern Ireland, for example serving as an RUC or PSNI officer, or an officer engaged in providing assistance to the Chief Constable of the PSNI under section 98(1) of the Police Act 1996, such as Operation Kenova. The data above on those with experience of carrying out criminal investigations in Northern Ireland includes officers who have worked in Operation Kenova, as well as those from other backgrounds, such as the Office of the Police Ombudsman Northern Ireland and the PSNI. It is also essential that the Commission engages staff who have the requisite experience, but have not previously engaged in investigative work in Northern Ireland. This will mean that overall, given the range of deaths and serious injuries it is likely to investigate, it can deploy its officers to investigate cases in a way which maintains impartiality and integrity in respect of the specific investigation. To support this rigorous approach, all officers assigned to a case are required to abide by a further, ongoing, conflicts of interest check in relation to each specific case. This is set out in the Commission's [ICRIR policy on conflicts in investigations - Independent Commission for Reconciliation & Information Recovery](#). Adherence will be audited by the Operational Assurance team.

Independence

The independence of the Commission from all other bodies, be that the UK Government, the Northern Ireland Executive, the PSNI or any other groups, is vital so that it can investigate without fear or favour, treating all those who come to the Commission to request an investigation fairly and equally. This is not to say that the Commission cannot or should not have professional relationships with a range of bodies, including some who it may in individual cases be investigating, whether that be the PSNI or UK Government bodies. However, such interactions should be against an open framework and be clearly understood. The Commission also has to be accountable for its stewardship of public funding, ultimately to Parliament. The Commission has therefore set out its governance arrangements, including the Framework Document with the Northern Ireland Office. Unless there are good reasons not to, it will also set out any formal arrangements that it reaches with other organisations, such as any Information Disclosure Protocols entered into under its powers in its founding legislation.

The Commission will set out an annual assessment in relation to each reporting period of its consideration of the level of independence it has, reflecting that this can be a dynamic situation and has a number of elements across funding, legal powers, behaviours, information provision and such like. Changes in any one aspect may not necessarily affect independence but over time the overall position may change. The Commission's ability to publicly raise concerns, and to bring legal challenges is important in it being able to challenge any real or perceived erosion of its independence and to call for changes where it considers that independence should be strengthened.

To date, the Commission does not consider there have been any challenges to its independence. The governance framework and funding mechanisms set out at that stage gave it early confidence that it was able to act independently. And the High Court's findings in February gave external assurance. However, the Commission recognised that there could be greater risks at the point that the Commission became operational and that the situation may change over time. One action it took to recognise this was to stipulate to the Northern Ireland Office that it considered that were any statutory guidance proposed to be issued to the Commission pursuant to the Secretary of State's powers to give guidance about how the Commission discharged its duties under Section 4(1) of its founding legislation, that this should be subject to a full public consultation.

Contact from victims, survivors and families about Commission investigations

In May, when the Commission was able to receive requests for investigations, it published information about how individuals can contact the Commission and what the journey might look like for those connecting with its services. It launched dedicated telephone, email, and postal routes for the public to contact the Commission. These channels were established to ensure accessible communication and to encourage public participation in the Commission's work.

In July, the Commission finalised and published the Operational Design Framework, based upon the formal consultation and responses to it. This underlined the Commission's commitment to supporting all who engage with the Commission. The Operational Design Framework is supplemented by more detailed policies and procedures to ensure consistency, compliance with promises the Commission has made and with the requirements of the ECHR and other legislation, and that a trauma and resiliency informed approach is taken.

The Operational Design Framework sets out four elements to the Commission's work in information recovery. As a first element, the Commission needs to ensure general awareness of what it can offer and how it can be accessed. This is an ongoing process through wider media awareness, information being provided in a range of accessible contents through a range of outlets, and more bespoke engagement via stakeholders.

Where individuals choose to come to the Commission, there are then three, interlocking stages to their journey through the Commission:

Stage 1: Support

This is the start of an individual's journey with the Commission. Dedicated Case Support workers will help individuals and families better understand how the Commission may be able help them (and what it will not be able to do), the different options available to them and the information the Commission will need to move to the next stage. While this is the first stage of the journey, that support will be available throughout the entire process. The case support team will provide a single point of contact and consistent, objective support for the requesting individual and family throughout their time with the Commission. They will respond to any questions and provide people with the space, time and information to make decisions that are right for them and the information recovery outcomes they seek.

Stage 2: Information Recovery

In this next stage, a team of investigators will gather information and evidence and seek to answer the questions the requesting individual and family have raised. The team will need a range of skill sets, to comb through archives, interview witnesses and secure evidence. Investigators will work across a range of different cases at any one time to maximise progress and efficiency. Each investigation will be overseen by a Senior Investigative Officer. Investigators will be able to require access to all material from any previous fact-finding and determination processes, as well as all material held by the state, no matter how sensitive. They may also undertake new investigative work. Investigative teams will follow defined terms of reference for each investigation, which will start with a scoping exercise, based on an approach to cold case reviews that follows with internationally recognised best practice. This will inform the Commissioner for Investigation's decision on which of three investigative routes will be most appropriate for the case. All three routes will embed the features required for an ECHR compliant investigation.

Stage 3: Findings

The Chief Commissioner is responsible for the production of reports at the conclusion of investigations. In this work, they are supported by the Findings Team. A Findings Officer from the unit will be assigned to each investigation from an early stage and will independently challenge the direction of investigative work. As the investigation nears its conclusion, the Commissioner for Investigations and team will present their evidence to the Chief Commissioner who will assess and evaluate it to determine findings. Further investigative work may be requested. Reports will be produced to record the findings that have been made and to seek to address the requesting individual's questions.

The Commission is an organisation committed to treating victims, survivors and families with respect, and acknowledging that for many, they will have experienced very difficult and traumatic situations and may also have negative experiences of engaging with previous investigations or inquiries into the death or serious injury that they are now requesting the Commission to investigate.

It is essential to the Commission that individuals are given the space and privacy to consider whether they wish to make a request of the Commission. Their request may relate to a serious injury to themselves or the death of a close member of their family. At the heart of these investigations are the people affected and the Commission must remember to treat all its investigations as such, and not another case number. At the same time, there is legitimate public interest in the Commission being accountable for its performance and the investigations that it is carrying out are an important part of this. The Commission will publish summary details of the cases where it has accepted a request for investigation and is actively carrying out the information recovery stage, unless there are good reasons not to. This will allow potential witnesses to come forward and wider family members who may have a right to see the draft report to contact the Commission. More information is available here: <https://icrir.independent-inquiry.uk/live-investigations-in-information-recovery/>

Alongside this information, the Commission will publish on a bi-annual basis wider information about its information recovery work. Reporting over time may become more detailed, but at this first stage the information below reflects initial work. We share the numbers of individuals and cases with their knowledge and with the clear understanding that these are not just numbers, they are loved ones, family members, victims and survivors who seek answers.

In the period from 1 May 2024 when the Commission's operational powers to investigate were commenced, to 31 August 2024, 85 separate substantive enquiries from victims, survivors or families about whether the Commission can investigate their injury or the death of their loved one have been received and registered. A dedicated Case Support Worker engages with each person who comes to the Commission. They are trained to work with individuals in a trauma-informed way and offer a bespoke service to support each person's different context. The Case Support Workers are the single point of contact for individuals interacting with the Commission, and should that individual have a request for investigation accepted, will support individuals throughout their journey with the Commission.

During the Support stage, as set out above, the Case Support Worker will work with individuals to give them the information they need to make a formal request of the

Commission to carry out an investigation. The Case Support Worker will answer questions, discuss and explain how the Commission works and what it can deliver; begin to carry out exploratory work to better understand the circumstances of the death or serious injury; and work with each person about what the questions they want the Commission investigation to answer. The time taken for this depends on the requesting individual and they should have the information and support to move at a pace that they choose. How the Commission's policies and practices will investigate the death, or serious injury will be explained in advance, reflecting a trauma and resiliency informed model that explains what control and involvement the requesting individual will have once the Commission has accepted their request.

As at 31 August, 10 requests for investigation have been formally made, of which 8 have been accepted and none determined as not being eligible. Cases may not be eligible if they are not requested in the format required or if they do not meet the statutory criteria. More information is set out in the Commission's policy on handling a request [ICRIR Handling a request - Independent Commission for Reconciliation & Information Recovery](#) at paragraphs 35 and 36.

Once the Commission has accepted a request, the information recovery stage begins with a scoping exercise and proceeds in line with the steps outlined in the Commission's Operational Design Framework. There are 8 requests for investigation now at the information recovery stage. The Commission may join requests that have been accepted together if they meet the requirements set out in [ICRIR Handling a request - Independent Commission for Reconciliation & Information Recovery](#) at paragraphs 45 to 49. This means that the number of investigations in the information recovery stage may be lower than the number of requests accepted. Of the 8 accepted requests, none have been joined into a single investigation in the information recovery stage.

The requesting individual's Case Support Worker will continue with them on the journey and a member of the Findings Team is assigned to the case to prepare for the findings stage. The time taken for each investigation to proceed will depend on a case-by-case basis. Some investigations will be incredibly complex and may take years, other investigations may proceed more swiftly if the requesting individual is asking specific questions that can be obtained from material that the Commission has access to.

The final stage in the investigation is the Findings stage. The work that the investigation has undertaken and the evidence it has obtained will be presented to the Chief Commissioner and his Findings Team. They will provide internal,

independent challenge and testing of the evidence so that they can make findings and record these in a report which will be published.

At this point the Commission has not been recording or asking for specific information about the protected characteristics of those making requests of the Commission, and the data set for the requesting individuals who have had their cases accepted is currently too small to report on such characteristics. This information reflects the early stages of the Commission's operational work. As with the wider organisation, reporting will mature over time and we are also improving our data collection while undertaking direct feedback with those who are engaged with the Commission about what information they are willing to provide, how we are accountable about our activities while recognising their very important considerations about not confining lives lost and injuries suffered to being just numbers of cases.