



Independent Commission for Reconciliation and Information Recovery

Pilot policy: End to end Case
Categorisation

1. Introduction

- 1.1 The Commission's investigations must be article 2 compliant, which means that they must be independent, effective, prompt and open to public scrutiny and participation for next of kin. To guarantee an article 2 compliant investigation, the Commission must carefully consider how it allocates finite resources and balances competing pressures to achieve prompt and effective investigations.
- 1.2 The Commissioner for Investigations has operational control over the conduct of investigations¹. In exercising this power, he must comply with the requirements imposed by section 13, including deciding how and when different investigations are to be carried out. In addition to these requirements, the Commissioner for Investigations must exercise his discretion in a manner that is consistent with the scope and objective of the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023. These statutory powers must be exercised in a lawful, proportionate and rational manner.
- 1.3 On 9 July 2024, the Commission published the Case Categorisation policy, which set out the ICRIR's approach to case categorisation within the Information Recovery stage. As we are continually reflecting on the operational experience of the Commission, and the experience of those who are coming forward to make requests, we will now pilot an approach to case categorisation as an end-to-end process, beginning with the first contact from an individual to the Commission right through to the Finding's stage when the report of the Chief Commissioner is published.
- 1.4 Undertaking a policy pilot will allow the approach to be tested, evaluated and adjusted where necessary, before being settled as a final policy. The application of the policy during this pilot stage will be closely monitored not only to inform implementation but also to identify and prevent unintended consequences. This is an important part of the Commission's regular policy monitoring and evaluation.
- 1.5 The pilot will begin in December and run for an initial period of 6 months, to May 2025. This pilot policy replaces the existing policy on Case Categorisation during this period.

¹ S.13(2) Northern Ireland Troubles (Legacy and Reconciliation) Act 2023

2. The end-to-end policy

- 2.1 Investigations are categorised for the purposes of resourcing, with those cases in Category A attracting the most Commission resource. This does not inexorably mean that cases in Category A will always conclude the most quickly, as they may include cases which are of significant complexity, or which will be referred to a prosecutor and cannot be reported upon until that process is complete. Cases will proceed in parallel where this can be matched with Commission resource. Where the Commission has more cases than resource available, the progression of cases in Category A will be prioritised.
- 2.2 The factors that place a case in Category A reflect the mission and purpose of the Commission to promote reconciliation, to deliver the greatest impacts for Requesting Individuals by recovering information and answering their questions and to refer cases to prosecutors when we consider there is evidence capable of supporting a prosecution. We consider that the publication of reports can build public confidence in the Commission, and for that reason cases which are considered capable of leading to the publication of a report in 2025 will be placed in Category A during this pilot phase.
- 2.3 This Case Categorisation policy begins at the Support stage and applies all the way through to Findings. There are fixed points at which Categorisation is formally assessed or re-assessed, namely:
- (I) **When the request for an investigation is accepted.** There may be some cases where relatively little is known about the case, or any investigative opportunities. Categorisation is undertaken based on the available facts.
 - (II) **When the Scoping exercise is complete.** Once existing material has been reviewed, relevant lines of inquiry identified, the terms of reference are complete, and the type of investigation determined a more informed decision can be made about categorisation of the investigation.
 - (III) **At the Findings stage.** This allows a re-assessment of any factors which may require greater resource allocation post-investigation.
- 2.4 Categorisation is done on the basis of the available facts at the point of application. Investigations can be re-categorised outside of the formal points of re-assessment if there is new information about the case or the personal circumstances of the requesting individual that would change the assessment and move the case into another category.

- 2.5 Requesting individuals will have the current Commission's resources and workload explained to them as well as be asked for any specific information relevant to the categorisation so that these can be properly taken into account in the assessment. Following the decision they will be updated about the potential timescales for the investigation to be progressed. The category of the case does not indicate the order in which it may be completed, as more complex cases may be given more resource but take longer to complete, whereas some cases in Category C may complete swiftly.
- 2.6 At all stages the decision on categorisation must give due regard to the primary objective of the Commission to promote reconciliation. This means that the decision maker must give conscious consideration to the impact on the promotion of reconciliation of the decision to place the case in any category.
- 2.7 Consideration of appropriate categorisation should be supported by an assessment of the impact of delay, harm and risk. The Case Support Worker will engage with the Requesting Individual to establish if there are any particular or changing characteristics of the Requesting Individual or family which should be considered as part of the case categorisation assessment, and this should be provided to the Lead Officer. Where there are issues of illness or infirmity raised, these should be supported by information provided by the Requesting Individual or their family or obtained by the Commission.
- 2.8 Advanced stage inquest cases will be treated separately as a transitional measure reflecting the work that has already been carried out and the overall stage that they are at in investigation. These cases will always be assigned to Category A (see category table below) for the first 12 months from 1 May 2024.

3. Support Stage

- 3.1 In accordance with [Operational Design Framework](#), before a requesting individual makes a request for an investigation they will be allocated a dedicated Case Support Worker who will meet with individuals and families to listen to their stories and experiences, to share information about how the Commission goes about its investigative work, the possibilities and limitations of its work as set out in the legislation, including what it can and it cannot do, the different options available to them and what information the Commission needs to progress cases.
- 3.2 Initial appointments to meet with individuals who wish to explore making a request to the Commission are dealt with in chronological order of contact. Subsequent appointments with the Case Support Worker are arranged at a pace agreed with the individual and their family, or proxy, and the Case Support Worker.
- 3.3 In cases where the individual who wishes to make a request is **critically or terminally ill**, the Case Support Worker will expedite the progress of the request as far as is reasonably practicable, whilst still proceeding at a pace agreed with the individual themselves.

4. Information Recovery

- 4.1 Once a request for an investigation has been accepted, the Commissioner for Investigations will allocate resource to complete the Scoping exercise and a case categorisation exercise will be undertaken.
- 4.2 Where there are more cases ready to proceed to Scoping than resource available, resources will be sequenced to cases in Category A first, and thereafter to cases in Category B and then to Category C. Cases that are not able to proceed to Scoping because there is insufficient resource available will be considered 'pending'. This will be reviewed every quarter. The length of time that a case has been 'pending' without resource being allocated to complete Scoping will be an additional factor that the Commissioner for Investigations will take into account when making a decision on sequencing of cases in Category B and C.
- 4.3 All features in the corresponding category list carry equal weight. If a case has more than one feature within a category, that may mean that it attracts the most operational resource within that category. That will be an operational decision based on the facts of the case.

Category	Features (the presence of one or more features will place the case in the relevant category). If a case has more than one feature within a category, that may mean that it attracts the most operational resource within that category.
Category A	<ul style="list-style-type: none">• Humanitarian considerations, including that the requesting individual is critically or terminally ill or that the requesting individual is elderly (over 75)• There is known to be a contemporary suspect of interest as a result of previous investigative activity• There is a significant witness who is elderly (over 75) or in poor health• It is more likely than not that the Findings report of the Chief Commissioner can be published in 2025.
Category B	<ul style="list-style-type: none">• The case involves significant volumes or complexity in the material to be reviewed or the nature of that material

	<ul style="list-style-type: none"> • The investigation is likely to involve requests for material held outside of the jurisdiction • There is significant public interest in the conclusion of the investigation • None of the factors in Category A are present
Category C	<ul style="list-style-type: none"> • None of the factors in Category A or B are present.

Conscious consideration should be given to the promotion of reconciliation and how this is impacted by the decision to place a case in any particular category.

Post-Scoping

4.4 Once the Scoping exercise is completed, the Scoping report will make a recommendation as to the categorisation of the investigation itself. Categorisation takes place within the different investigation types so that resource can be focused across all types of case rather than favouring a specific type.

4.5 The presence of **one or more** of the factors listed will place the case in the corresponding category. If a case has more than one feature within a category, that may mean that it attracts the most operational resource within that category. That will be an operational decision based on the facts of the case.

Category A	<ul style="list-style-type: none"> • Humanitarian considerations, including that the requesting individual is critically or terminally ill or that the requesting individual is elderly (over 75) • In a Liability investigation: there is a known contemporary suspect of interest • There are investigations into connected offences involving the same suspect(s) • It is more likely than not that the Findings report of the Chief Commissioner can be published in 2025
-------------------	---

Category B	<ul style="list-style-type: none"> • The case involves significant complexity in the volume of material, the number of witnesses or the nature of the material • There are new investigative opportunities to be pursued that could confirm the identity of a suspect • There is significant public interest in the conclusion of the investigation • None of the factors in Category A are present
Category C	<ul style="list-style-type: none"> • None of the factors in Category A or B are present. • The case can conclude without the allocation of additional resources.

Conscious consideration should be given to the promotion of reconciliation and how this is impacted by the decision to place a case in any particular category.

4.6 Following the categorisation of the case, the Commissioner for Investigations will allocate investigative resource. There is no requirement for the uninterrupted completion of an investigation, only that it is allocated sufficient resources for completion to be achieved. The progress of each case, including its categorisation, will be reviewed by the Commissioner for Investigations on a quarterly basis.

4.7 Where there is available resource, investigations will not be worked on in order of category and the Commission will match resources with demand and undertake a range of investigations in parallel.

4.8 Where there are insufficient available immediate resources to meet the needs of investigations identified as appropriate to commence, then cases will be sequenced so that Category A cases are allocated resource first, followed by B and C.

5. Reassessment and Review

- 5.1 If Commission capacity is such that there are Scoping exercises or investigations to which resources are not immediately allocated, these are considered pending and are subject to a quarterly reassessment. The length of time which has elapsed from the acceptance of the request (for cases in the Scoping stage) or from agreement of the Terms of Reference (for cases post-Scoping) is then also taken into consideration when considering the resources that need to be allocated to progress the case.
- 5.2 Where the characteristics of a case change, for example, in terms of the availability of evidence, or new information which could inform the categorisation of the case becomes available, these matters will also be taken into account when the case is subject to a quarterly assessment, or at any point before then when the information becomes known.
- 5.3 Investigations, once commenced, cannot be closed unless the Commissioner for Investigations decides to treat the request as withdrawn. However, the Commissioner for Investigations can decide to pause an investigation where required – for example, where the ill health of a witness means the only line of inquiry cannot currently be pursued.

6. Findings Stage

6.1 The work of the Chief Commissioner's Finding's team differs from that of the Commissioner for Investigations' Directorate such that the resource implications are different and impacted by different considerations.

6.2 Cases in which there has been a contemporary suspect of interest will not proceed to Findings until any criminal proceedings have concluded. Consequently, that is not a factor that needs to be taken account of at the Chief Commissioner's Findings stage.

6.3 The presence of **one or more** of the factors listed will place the case in the corresponding category. If a case has more than one feature within a category, that may mean that it attracts the most operational resource within that category. That will be an operational decision based on the facts of the case.

Category A	<ul style="list-style-type: none">• Humanitarian considerations, including that the requesting individual is critically or terminally ill or that the requesting individual is elderly (over 75)• It is more likely than not that the Findings report of the Chief Commissioner can be published in 2025.
Category B	<ul style="list-style-type: none">• The case involves significant complexity in the volume of material, the number of witnesses whose accounts are to be assessed or the nature of the material• There is significant public interest in the publication of the report.• The case involves a significant number of relevant family members entitled to see copies of the draft report.• Individuals or public authorities face criticism and are entitled to the draft report and to make representations• The report relates to an incident in which other deaths or serious harm were caused

	<p>and those relevant family members are also entitled to a draft of the report and to make representations</p> <ul style="list-style-type: none"> • None of the factors in Category A are present
Category C	<ul style="list-style-type: none"> • None of the factors in Category A or B are present. • The case can conclude without the allocation of additional resources.

Conscious consideration should be given to the promotion of reconciliation and how this is impacted by the decision to place a case in any particular category.

6.4 Where there is available resource, investigations will not be worked on in order of category and the Commission will match resources with demand and undertake a range of reports in parallel. Where there is insufficient resource for all cases to proceed simultaneously, they will be sequenced so that Category A cases are dealt with first, followed by category B and C.

6.5 Progress of cases will be reviewed by the Chief Commissioner on a quarterly basis. The length of time which has elapsed from the acceptance of the request (for cases in the Scoping stage) or from agreement of the Terms of Reference (for cases post-Scoping) is then also taken into consideration when considering the resources that need to be allocated to progress the case.