



# Independent Commission for Reconciliation and Information Recovery

Handling a request:  
Making, determining, changing and  
withdrawing a request for an  
investigation

March 2026

# Document information

## Owner

The owner of this policy is the Commissioner for Investigations.

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The author of this document is the Senior Operational Policy, Assurance and Compliance Officer.

## Approver

The approver of this document is the Commissioner for Investigations.

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## Equality, diversity and inclusion (EDI) screening

This policy has been reviewed by the author in accordance with the ICRIR EDI Screening process.

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The next date for reviewing this policy is 30 March 2027

## References

ICRIR Safeguarding Policy  
Information Recovery – Investigations policy

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## **Introduction**

1. This policy sets out the form and manner of a request for an investigation under sections 9 and 10 of the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023 (the Act) and reflects the requirements upon the Commissioner for Investigations under section 11 of the Act, including how the Commission meets the requirements of Section 11(2)(b) of the Act; namely the circumstances in which a request for an investigation may be changed (including by changing particular questions included in the request) or withdrawn.

## **Scope of the policy**

2. The policy applies to all relevant activity undertaken by the Commission and its employees, staff and contractors.
3. This policy applies to requests for investigations made under section 9 (deaths) and section 10 (other harmful conduct) including requests for investigations made by eligible public office holders. This policy also applies to section 11 which sets out how the Commissioner for Investigations deals with requests for investigations.

## **Rationale for the policy**

4. This policy sets out how requesting individuals, or public office holders, can make a request for an investigation under section 9 or section 10 of the Act, and how the Commissioner for Investigations determines the Commission's response under section 11.
5. Section 11(2)(b) of the Act provides for the Commissioner for Investigations to decide "the circumstances (if any) in which a request for a review may be changed (including by changing particular questions included in the request) or withdrawn." This policy sets out the parameters of this process to facilitate robust and consistent decision-making.

## **Preparing to make a request – requesting individual**

6. A requesting individual can only make a request via the Case Support Team. Contact with the Commission is made via the Case Support Team and a request for an investigation must be made through them.

7. The assigned Case Support Worker will work with the requesting individual to determine the nature of the request they would wish to make. This includes establishing if it is likely that such a request would be considered eligible by the Commissioner for Investigations. Initial exploratory work can be undertaken by the Information Recovery Team in support of this engagement.
8. Engagement between Case Support and requesting individuals is informed by the Commission's [Safeguarding policy](#) and appropriate support will be put in place in cases where that policy is relevant.
9. Where a requesting individual has a legal guardian as a result of incapacity, the Case Support Worker will explore with the individual's legal guardian whether is appropriate for a request to be made, and how this could be achieved.
10. The Commission's processes are designed to be used by individuals themselves. However, where the requesting individual has the support of an advocacy service, NGO or legal representative, and wants them to also be involved on their behalf, this may happen can with the provision of written consent. The Case Support Worker will be guided by what the requesting individual prefers about how they are contacted, for example, directly or through their advocate. Direct contact between the Case Support Worker and the requesting individual is required prior to the submission of the request, and then on an ongoing basis in relation to substantial or significant updates.
11. Where the Commission is engaging with another family member, or another individual eligible to make a request into the same incident; or where the Commission is undertaking, or has undertaken an investigation into the same death or incident, the Case Support Worker will, in as much as is appropriate and informed by the Commission's commitment to a trauma and resiliency informed approach, advise the requesting individual of this and the process with regard to joining requests. As part of this conversation, the Case Support Worker will set out the possible impact of the joining of requests, the extent to which the views of a requesting individual can and will be taken into account, so they are able to make an informed decision prior to the submission of a request. This is set out further in the section on joining requests below.
12. Where the incident in question involved the death of, or serious harm caused to, more than one person, once a request has been made the Commission will take reasonable steps to contact the other bereaved families and others seriously harmed to make them aware of the investigation and establish if they wish to join the request.

13. Other close family members (as defined by the Act) and the close family of any others killed (or subsequently deceased having suffered serious physical or mental harm) or of those who suffered serious physical or mental harm, are entitled to receive the proposed report on the case towards the end of the investigation in order to make representations should they wish. This reflects the fact that the incident may have affected many people in a family. It allows other family members to make representations about the report and understand what will be said in advance of the report becoming public. To assist with the promotion of reconciliation, the Commission considers it important to begin engagement with the wider family group early in the process.
14. The reasonable steps that will be taken to identify other family members include asking the requesting individual, reviewing public records, asking identifiable relatives, and reviewing investigative materials.
15. Conversations with other family members, bereaved families and any others seriously harmed will be undertaken carefully and diplomatically. The approach taken to gathering and verifying information is governed and informed by:
  - a. Acknowledgement of the sensitivity of the issue.
  - b. A recognition of the need to build the trust and confidence of requesting individuals.
  - c. The pace and tone of discussions dictated by the requesting individual
  - d. The impact of the relationship breakdown on the family (where the other requesting individual is a member of the same family) which may include a lack of knowledge about contact details, locations, and wishes of other family members.
  - e. A need for an informed judgement to be made on the need to, and extent of, sharing information with the others noted above.
  - f. Ensure requesting individuals are clear on what information needs to be provided and why to inform the eligibility assessment.
  - g. How the Commission's principal objective of promoting reconciliation would be impacted by any decisions or actions.

## **Initial exploratory work by the Information Recovery Team**

16. Following an initial inquiry from a requesting individual, and the registration of the inquiry on the Commission's Case Management System, a Case Support Worker, is assigned.
17. Every ICRIR officer at the point they are tasked with becoming involved in an investigation in a capacity which would enable them to influence decision making in an investigation (including in a supervisory capacity) must complete a declaration to confirm that they have considered whether they have an actual,

potential or perceived conflict of interest in relation to the case. The Conflict-of-Interest Declaration must be completed. [The Conflict of Interest in Investigations policy](#) sets out how any potential issues identified should be addressed.

18. Initial exploratory work, known as pre-request scoping, can be undertaken by the Information Recovery team, as directed by an Assistant Commissioner for Investigations.
19. The results of initial exploratory work are shared, as appropriate, with the Case Support Worker and the requesting individual, to inform routes to establishing or clarifying eligibility.

## **Pausing the request**

20. A requesting individual may pause the process of making a request at any time. The Case Support Worker should ensure that the requesting individual is aware of the Data Retention policy and relevant implications of significant pauses in the process which may mean information they have provided to the Commission may be destroyed. Data will be held for a period set out in the Data Retention Policy. At the conclusion of the retention period, this information will be reviewed in line with the Data Retention Policy.

## **Declining to submit a request**

21. A requesting individual can decide not to proceed with making request of the Commission at any time prior to the submission of a request. Where this occurs, the Case Support Worker will provide the requesting individual with relevant information on the retention and use of any data they have provided to the Commission.

## **The form and manner of a request**

22. Some requesting individuals may decline on-going engagement with the Case Support Team. However, no requests for investigations submitted by other means, including letters and emails to the Commissioners or the Commission, can be accepted for consideration<sup>1</sup>.

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<sup>1</sup> Section 11(3) of the Act

23. As part of their request, the requesting individual can pose specific questions they would like the Commission to answer. The Case Support Worker will support the requesting individual as they develop and refine their questions.
24. The Case Support Worker may also begin to explore with the requesting individual the concept of making a personal statement.
25. When a requesting individual considers they are ready to make a request, the Case Support Worker may offer to arrange a meeting between the requesting individual and the investigators where initial exploratory work (if undertaken) to date may be discussed. If the Commission considers it is likely that it will reject a request this will be explained at the meeting so that further information can be provided, or consideration given to the requesting individual's explanation as to why they consider their request to be eligible.
26. A request for an investigation must include the following information to meet the requirements set out in section 11(2)(a) of the Act as to the 'form and manner of a request': There is no application form for the requesting individual to complete; the Case Support Worker will work with them to ensure that material necessary to establish their eligibility is submitted.

<b>Form of a request</b>
<p><b>Name of requesting individual</b></p> <p><b>Confirmation of identity</b> Evidence required equivalent to that used for domestic flights as listed below:</p> <ul style="list-style-type: none"> <li>• Driver's licence</li> <li>• Passport</li> <li>• Electoral Identity Card</li> <li>• Pension book</li> <li>• An expired Electoral Identity Card</li> <li>• A Translink Half Fare SmartPass</li> <li>• A Translink Senior SmartPass</li> <li>• A Translink 60+ SmartPass</li> <li>• A Translink War Disabled SmartPass</li> <li>• A Translink Blind Person's SmartPass</li> <li>• A Disabled Persons Blue Badge issued by the Roads Service</li> <li>• An Application Registration Card issued by the Home Office</li> <li>• A Biometric Immigration Document</li> <li>• A Student Card</li> </ul>
<p><b>Name of person deceased (s9 requests only)</b></p>
<p><b>Date of death (approx. if necessary) (s9 requests only)</b> At least an approximate date should be provided, though noting the impact of the possible age of requesting individual at the time of the incident which may mean this may be just the year of the death.</p>
<p><b>Location of incident (s9 and s10 requests)</b> At least an approximate location should be provided, though noting the impact of the possible age of the requesting individual at the time of the incident which may mean this may be just a town.</p>
<p><b>The incident was caused directly by conduct forming part of the Troubles/Conflict (s9 and s10 requests)</b> While not determinative, the Commission considers that the perpetrator (or suspected perpetrator) of any such incident must have been an active participant in the conflict for the incident to be Troubles/Conflict-related.</p>
<p><b>Requesting individual's relationship to the deceased (s9 requests only) and proof of relationship if deemed necessary</b> Requesting individual to provide proof of relationship if required (i.e. birth certificate, marriage certificate).</p>
<p><b>Nature of the serious harm (for s10 requests - other harmful conduct)</b> The requesting individual may be asked to provide consent for the Commission to access medical records on their behalf.</p>
<p><b>The request to be made of the Commission including questions.</b> At a minimum this must include an "investigation of the death/incident". Specific questions can also be included at this stage though are not required.</p>

**A personal statement may also be submitted at this stage, though this is not required and can be submitted at other points in the process.**

27. The Case Support Worker will draft the submission and share it with the requesting individual who must confirm they are content for the request to be submitted. The Charter must also have been explained to the requesting individual and any questions they have regarding it answered. The Case Support Worker will, once the submission has been made, confirm in writing, the details of the request.

## **Requests for investigations made by eligible public office holders**

28. Section 9 of the Act provides that persons other than close family members may make a request to the Commission for an investigation into a death, namely:

- (3) The Secretary of State may request a review of a death that was caused by conduct forming part of the Troubles (whether or not it was caused directly by the conduct).
- (4) The Attorney General for Northern Ireland may request a review of a death that was caused directly by conduct forming part of the Troubles.
- (5) The Advocate General for Northern Ireland may request a review of a death that was caused directly by conduct forming part of the Troubles if section 14(3) of the Coroners Act (Northern Ireland) 1959 applies to the death (inquest on orders of Advocate General if national security involved).
- (6) A request for a review of a death that was caused directly by conduct forming part of the Troubles may be made by any of the following persons—
  - (a) the coroner in Northern Ireland who was responsible for an inquest into that death which has been closed in accordance with section 16A(3) of the Coroners Act (Northern Ireland) 1959;
  - (b) the senior coroner in England and Wales who was responsible for conducting an investigation into that death which has been discontinued in accordance with paragraph 1(3) of Schedule 1A to the Coroners and Justice Act 2009;
  - (c) the Chief Coroner of England and Wales, if the Chief Coroner is prohibited by paragraph 2(4) of Schedule 1A to the Coroners and Justice Act 2009 from directing a senior coroner to conduct an investigation into the death;
  - (d) the sheriff in Scotland who was responsible for conducting an inquiry into that death which has been discontinued in accordance with paragraph 1(3) of Schedule A1 to the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016 (asp 2);
  - (e) the procurator fiscal in Scotland who was responsible for conducting an investigation into that death which has been discontinued in accordance with

paragraph 1(4)(b) of Schedule A1 to the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016;  
(f) the Lord Advocate, if the Lord Advocate is prohibited by paragraph 2(a) of Schedule A1 to the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016 from exercising functions so as to cause an inquiry to be held into the death.

29. The Commission expects that each office eligible to make a request under s.9 (3) – (6) should set out a policy or statement of approach to making a request to the Commission.

30. The Commission also has expectations about the approach that should be taken, and this is reflected in the requirements of the form and manner in which the request is made by a public office holder eligible to make a request. Before any formal request is made, the following steps should be undertaken:

- i. Notice should be given to the Commissioner for Investigations of a potential request in writing and as soon as practicable.
- ii. A meeting may also be held with the Commissioner for Investigations or someone acting on his delegated authority to discuss the potential request. This pre-request discussion may cover some or all of the following:
  - The views of the bereaved family/families and information about discussions had with them by the requesting authority, including whether they would support a request to the Commission, if known.
  - Information about the known volume and categories of existing material held by organisations and proposals from the requesting authority as to how that could be provided to the Commission.
  - Information about the size and complexity of the case sufficient to enable the Commission to understand the impact of the request in terms of the additional resourcing requirements.

31. Following a pre-request meeting, the Commission's Case Support Team may contact the bereaved family/families impacted by the proposed request and offer to meet with them to discuss the potential request. The Commission will offer the bereaved family/families the opportunity to make a request themselves, and to ask any specific questions they would want the Commission to seek to answer. If this cannot be done before the request is made, it will be done as soon as practicable following acceptance.

32. When a formal request for an investigation is made by any persons in s.9(ss.3 – 6) the Commission requests that:
- i. The requesting office has made an informed assessment of the wishes of the bereaved family or families who would be impacted by any request and that the request sets out what regard has been had to their interests. The Commission expects that meeting with the family or families involved would form part of any such assessment.
  - ii. The requesting office should take into account any review that has already been carried out by the Commission and address the obligation of the Commissioner for Investigations under s.11(7) to take into account any review that has already been carried out and to avoid duplication, unless that duplication is necessary.
  - iii. The requesting office should set out any specific issues or questions that may be required to be address in the investigation.
33. On the direction of the lead investigator, the Commission will, when appropriate, make the bereaved family or families aware of the request and any decisions taken in relation to it. If a close family member subsequently decides that they do wish to make a request, the Commission will consider whether it is appropriate to invite the requesting public office to withdraw their request. In any event, it is likely, depending on the stage that the investigation has reached and the wider circumstances of the investigation and the requests, that the Commissioner for Investigations would join the requests and any specific questions asked by the close family member added to the investigation.

## **Requests for investigations made by the Secretary of State for Northern Ireland**

34. The Commission expects that the Secretary of State, where such a request is being considered under s10(2), should set out a policy or statement of approach to making a request to the Commission.
35. Before any formal request is made, the following steps should be undertaken, where possible:
- i. Notice should be given to the Commissioner for Investigations of a potential request in writing and as soon as practicable.
  - ii. A meeting may also be held with the Commissioner for Investigations or someone acting on his delegated authority to discuss the potential request.

This pre-request discussion may cover some or all of the following:

- a. The views of any persons who are the victims of the other harmful conduct, where known, and information about any discussions had with them by the Secretary of State, including whether they would support a request to the Commission.
  - b. Information about the known volume and categories of existing material held by organisations and proposals from the Secretary of State as to how that could to be provided to the Commission.
  - c. Information about the size and complexity of the case sufficient to enable the Commission to understand the impact of the request in terms of the additional resourcing requirements.
36. Following a pre-request meeting, the Commission's Case Support Team may contact those who suffered serious physical or mental harm and offer the opportunity to make a request themselves, and to ask any specific questions they would want the Commission to seek to answer.
37. There may be circumstances where the views of the relevant interested persons cannot be sought pre-request. In such circumstances, the Commission will ensure that such views are sought as soon as is practicable and the impacted persons informed of the investigation and able to participate in the investigative process if they wish to do so.

## **Establishing eligibility**

38. The eligibility of a requesting individual will be confirmed by the Information Recovery Team.
39. For requests for investigations under section 9, the Information Recovery Team are required to establish:
- a. The identity of the requesting individual
  - b. The status of the requesting individual under the Act:
    - i. If the person is a close family member
    - ii. If there are no close family members, whether the requesting individual is a family member
    - iii. If (ii) applies, whether it is appropriate for the requesting individual to make the request.
    - iv. The conclusion at (iii) will be drawn on the basis of the evidence provided and must bear in mind the obligations at s.1(6)
  - c. The incident's date and location, and that the named deceased died at that incident or was seriously injured and died as a result of that incident
  - d. The incident was caused directly by conduct forming part of the Troubles/Conflict

- e. Whether another request for an investigation into the same death is in the process of being submitted by another family member.
  - f. Details of any other requests for investigations into the same death, or as relate to the same incident under consideration by the Commission, or any investigations into the same death or same incident already underway or which have already been completed by the Commission.
40. For requests for investigations under section 10, the Information Recovery Team are required to establish:
- a. The identity of the requesting individual
  - b. The incident's date and location
  - c. Confirmation of the status of the requesting individual under the Act via the tripart test:
    - i. The person has suffered serious physical or mental harm as listed in s1(6)
    - ii. The harm was caused by the incident about which they are requesting an investigation
    - iii. This incident meets the definition of "other harmful conduct forming part of the Troubles".
  - d. Details of any other requests for investigations into the same incident under consideration by the Commission, or investigations into the same incident which are underway or have already been completed by the Commission.
41. The Commissioner for Investigations, or where delegated, an Assistant Commissioner for Investigations, has the authority to determine whether, where there are no close family members of the deceased as set out at s9(2) of the Act, it is appropriate for a family member to make a request for an investigation.
42. Where the Lead Investigator, and where required by s9(7), the Commissioner for Investigations, is content that the individual meets the eligibility requirements, the Case Support Worker and requesting individual are informed and this is confirmed in writing.

## **Failure to establish eligibility**

43. For both requests under section 9 and section 10, where the Lead Investigator, and where required by s9(7) the Commissioner for Investigations, is not content the requesting individual has satisfied the eligibility checks, the Case Support Worker will engage with the requesting individual to seek further information. The Lead Investigator may also undertake further investigatory activity.
44. For requests under s10, the Lead Investigator may undertake further activities which may include, but are not limited to, accessing the medical records of a

requesting individual where consent has been provided; assessment of evidence of physical and / or mental harm by a clinical examiner; in-person assessment by a clinical examiner. Where a requesting individual declines to provide consent to access their medical records, or where required, undertake an assessment, the decision on eligibility will be undertaken on the information available.

45. Where eligibility cannot be established on the balance of probabilities or the request is established as not being eligible, the request will be rejected.
46. Requesting individuals should be informed in writing, setting out the reasons for the decision. The designated Case Support Worker will transmit the letter to them, and provide an opportunity for follow-up discussion, if required, and take appropriate steps to support the requesting individual.
47. Requesting individuals can, under the Commission's [Requests to review investigative decisions policy](#), request an internal review of the Commissioner for Investigations decision not to accept a request.

## **Accepting a request**

48. The decision for accepting a request lies with the Commissioner for Investigations or with the officer delegated with that authority, where:
  - a. the eligibility checks have been passed
  - b. the request is made in the correct manner and form
  - c. the request meets the criteria set out in section 9 or 10
  - d. and the request may not be joined with another request, as set out in section 11(5)(b) or section 11(7)(b).

If the above conditions are satisfied, the request will be accepted.

## **Joining a request**

49. In a case where the Commission has received requests for an investigation relating to the same death, or to the same incident, and both requesting individuals are eligible, the decision as to whether to join them will be informed by conversations undertaken by the Case Support Workers and the requesting individuals.
50. Where the request under consideration relates to a death or other harmful conduct already under investigation following a request made under sections 9 or 10, the Commissioner for Investigations may decide to join the requests.

51. Both the original requesting individual and the subsequent requesting individual will be given an explanation of how the joining of the requests might be implemented, (for example, whether their questions are being explored as part of the existing investigation). They will be given the opportunity to consider whether they wish to make any representations about the impact this may have on them.
52. To inform this decision, the Commissioner for Investigations (or the Commission officer to whom the decision has been delegated) will consider:
- a. The views of the existing requesting individual and any adverse consequences for them, including delay in answering a request, that may follow a decision to join requests.
  - b. The views of the subsequent requesting individual and any adverse consequences for them that may follow a decision to join requests.
  - c. The type and progress of the open investigation, and the potential impact on progress of joining a request - investigations which have progressed further are less likely to accommodate a subsequent request.
  - d. Whether a separate investigation would involve duplication of any ongoing investigation, and whether that duplication is necessary.
  - e. The proximity of the relationship between an existing and subsequent requesting individual (where they are the same family) and the deceased.
  - f. Any obligations on the Commission as a result of the engagement of Article 2 or 3 of the ECHR.
  - g. Whether the Commission's principal objective of promoting reconciliation would be assisted by the outcome of the decision.
53. Where there is good reason, the Commissioner for Investigations can accept both requests and undertake separate investigations if it would not involve duplication or the duplication is necessary.

## **Requests that relate to events that have already been investigated by the Commission**

54. Where an investigation by the Commission has already been completed into the same death or same incident, and a new request is received, the Commissioner for Investigations must take into account the investigation that has already been carried out; and ensure that the Commission does not do anything which duplicates any aspect of that investigation, unless the duplication is necessary.

55. To inform this decision, the Commissioner for Investigations (or the Assistant Commissioner for Investigations to whom the decision has been delegated) will consider:
- a. The type of investigation that was undertaken by the Commission, whether a report has been published and to what extent it was able to address the questions of the subsequent requesting individual.
  - b. An assessment of whether there has been a significant change of circumstances in relation to the case (such as a new witness or suspect or the investigation can now be linked to other investigations).
  - c. Whether the Commission's principal objective of promoting reconciliation would be assisted by the outcome of the decision.

## **Rejecting a request**

56. The Commissioner for Investigations may reject a request for an investigation that is not made in the required form or manner as set out in this policy.
57. The Commissioner for Investigations may reject a request where the request under consideration relates to a death or other harmful conduct already under investigation, or which has been carried out by the Commission, following a request made under section 9 or 10, and the requests are not to be joined.
58. A request can be rejected at any time including after acceptance if new information comes to light that the statutory criteria in sections 9 / 10 are not met.
59. Requesting individuals should be informed in writing, setting out the reasons for the decision, where their request is not accepted or is rejected on the basis set out above.
60. Requesting individuals should be informed in writing, setting out the reasons for the decision, where their request is not accepted.

## **Repeat requests**

61. There is no provision in the Act which prevents an individual from resubmitting a rejected request. A previously rejected request could become eligible (for example, through a change in the circumstances of the requesting individual like the death of a close family member). The burden to demonstrate any relevant change in circumstances lies with the requesting individual.

## **Changing or withdrawing a request**

62. A request may include particular questions asked by the Requesting Individual. There is a presumption that a request can be changed or withdrawn until such a time as the Terms of Reference are finalised. This allows the Requesting Individual to reflect on their questions in light of any information received during the scoping stage and to amend their request, or to withdraw it. Once the Terms of Reference are finalised, there is a much higher threshold for a change to or withdrawal of a request. After that point, the policy applies as set out below.
63. Where a requesting individual dies after a request has been accepted, the Case Support Team, working with the Information Recovery Team should take reasonable steps to identify if another family member(s) wish to become requesting individuals. Where no such person can be found, or where those who are likely to be eligible, decline to make a request, the Commissioner for Investigations can decide to withdraw the request. The consideration set out at paragraph 79 applies.

## Safeguarding

64. The Case Support Team, in building a constructive and supportive relationship with requesting individuals, should, where a requesting individual discusses or makes a request to change or withdraw a request, seek to understand the motivation of the requesting individual. In particular, the Case Support Team should be alive to the possibility that a requesting individual may be the subject of mental or physical ill health, family pressure, intimidation by external actors, harassment or victimisation.
65. Where the Case Support Team has a concern about a requesting individual, reference should be made to the ICRIR's [Safeguarding policy](#).
66. Where concerns are raised about the motivation for changing or withdrawing a request, no decision should be made by the Commissioner for Investigations, or where that decision has been delegated, to the Assistant Commissioner for Investigations, until such concerns have been satisfactorily resolved.

## Changing a request

67. An application to change a request for an investigation must be submitted in writing by the requesting individual or the eligible public office holder who made the request.
68. Where a proxy is in use by a requesting individual, an application can be made by the proxy but must be signed by the requesting individual. A meeting should also be offered to discuss the change request.
69. Where the request has been made by an eligible public office holder, the Commission will seek the views of any known bereaved family members and / or victims or survivors in the incident under investigation as to the proposed change to the request.
70. An application to change a request must include details of the requested changes, and where relevant, the reasons for these changes.
71. Factors that the Commissioner for Investigation may take into account when making a decision as to whether to permit the change of a request are set out in a non-exhaustive list below.
- i. Whether Articles 2 and / or 3 of the ECHR are engaged.
  - ii. There has been a significant change in the circumstances of the requesting individual or family (for example, bereavement or serious mental or physical ill health).
  - iii. The requesting individual is in possession of new, verified information and such a change is reasonable in terms of the efficient conduct of the investigation underway.
  - iv. The Commissioner for Investigations is content that the requesting individual has not been coerced to change or withdraw the request.
  - v. Whether the Commission's principal objective of promoting reconciliation would be assisted by the outcome of the decision.
  - vi. Any other factors that the Commissioner for Investigations considers to be reasonable grounds for changing a request including, where the request was made by an eligible public office holder, the views of any family members, victims or survivors.
72. Each request will be considered on a case-by-case basis. The further the investigation has progressed beyond the agreement of the Terms of Reference, the less likely it is that a request can be changed. Once the Information Recovery stage has concluded and the Chief Commissioner's Findings Team are considering their findings and recording them in a report, it is very unlikely that the request could be changed.

73. Any decision to permit or deny a request to be changed will be made by a Commission officer of at least the level of Assistant Commissioner for Investigations. The decision and rationale will be documented and will be communicated to all requesting individuals impacted by the decision.
74. Requesting individuals can, under the Commission's [Requests to review investigative decisions policy](#), request an internal review of the Commissioner for Investigations decision.

## **Process for withdrawing a request**

75. An application to withdraw a request for an investigation must be submitted in writing by the requesting individual or the eligible public office holder who made the request.
76. Where a proxy is in use by a requesting individual, an application can be made by the proxy but must be signed by the requesting individual and must include a meeting between the Case Support Worker and the requesting individual.
77. Where the request has been made by an eligible public office holder, the Commission will seek the views of any known bereaved family members and / or victims or survivors of the incident under investigation as to the proposal to withdraw the request.
78. An application to withdraw a request must include details, where relevant, of the reasons for the withdrawal of the request.
79. The compelling factors that the Commissioner for Investigation may take into account when making a decision as to whether to permit the withdrawal of a request are set out in a non-exhaustive list below.
- a. Whether Articles 2 and / or 3 of the ECHR are engaged.
  - b. There has been a significant change in the circumstances of the requesting individual or family (for example, bereavement or serious mental or physical ill health).
  - c. The Commissioner for Investigations is content that the requesting individual has not been coerced to withdraw the request.
  - d. Whether the Commission's principal objective of promoting reconciliation would be assisted by the outcome of the decision.
  - e. Any other compelling factors that the Commissioner for Investigations considers to be reasonable grounds for withdrawing a request including, where the request was made by an eligible public office holder, the views of any family members or victims or survivors.

80. Each request will be considered on a case-by-case basis. The further the investigation has progressed, the less likely it is that a request can be withdrawn. Once the Information Recovery stage has concluded and the Chief Commissioner's Findings Team are considering their findings and recording them in a report, it is very unlikely that the request could be withdrawn.
81. Any decision to permit or deny a request to be withdrawn will be made by a Commission officer of at least the level of Assistant Commissioner for Investigations. The decision and rationale will be documented and will be communicated to all requesting individuals impacted by the decision.
82. Requesting individuals can, under the Commission's [Requests to review investigative decisions policy](#), request an internal review of the Commissioner for Investigations decision.

## **Review**

The policy will be reviewed annually. The first review will take place one year from the date on which the Commission accepted its first request.