

Screening

Policy scoping

Information about the policy

Policy name	Right to Review Policy
Existing/Revised/New policy	New
What is the policy trying to achieve	The aim of the policy is to set out how the Commission handles requests by individuals or families to review a decision taken by the Commissioner for Investigations' Information Recovery Team. The Commission requires that all important decisions made by Information Recovery officers are provided in writing and with reasons as to how the decision was arrived at so those impacted are clear on how the decision was made. This policy applies to decisions made during the Information Recovery stage of the Commission's work and provides a mechanism by which the Commission can undertake a thorough, open-minded and careful reconsideration of the relevant decision with which an individual or family disagrees. The decisions in question relate to: • Accepting or rejecting a request for investigation • The type of investigation to be carried out (under s.13(7) in relation to whether a criminal investigation is to form part of a review) • Making a referral to the prosecutor (under s.25, in relation to a decision by the Commission to not refer a case to the DPPNI or DPP (England and Wales) or the Lord Advocate (Scotland). • Whether a request for an investigation may be changed or withdrawn • Whether a request is joined to an existing request

Policy author	The Information Recovery Programme Team, under the direction of the Commissioner for Investigation
Policy owner	Commissioner for Investigations

Are there any S75 categories which might be expected to benefit from the intended policy? If so, explain how.

While people with disabilities, those from different religious traditions, or with particular political opinions may be deemed to particularly benefit from this policy as they are most likely to make a request of the Commission, it is designed to ensure equal access and opportunity for all individuals regardless of their Section 75 category.

Those with a disability, those from different religious traditions, or with a particular political opinion, on the basis they are more likely to make a request of the Commission, may particularly benefit where they feel that a Commission decision regarding their request may be disadvantageous and detrimental to their personal circumstances. This policy will give them the option to request a review of a decision that has been made in relation their request and/or investigation. Individuals within these s75 groups may consider that the decision does not provide them with equal rights relating to participation, opportunity and access and this policy is therefore a mechanism to seek redress.

This policy will help to build public trust in the work of the Commission, and ensure accessibility, opportunity and participation is equally available to all including those who consider themselves to be part of these s75 categories through the commitment this policy makes to equal access.

Implementation factors

Are there any factors which could contribute to/detract from the intended aim/outcome of the policy/decision?

Those who use tactics where they believe it will benefit their case (for example, contacting the media, using political connections to lobby on behalf of them) may undermine this policy by using unwarranted tactics in order to reverse a different decision outcome instead of utilising this policy.

This policy provides for a fair and equitable means for individuals to request a review of a decision made by the Information Recovery team and using unjustified means to change a decision would undermine the ethos of the policy intent. This also may undermine the Trauma and Resiliency informed methodology (TRIM) the Commission has adopted in that it would potentially jeopardies the elements of safety, trustworthiness,

collaboration, empowerment and cultural consideration which provide structure for the Commission to follow

Main stakeholders affected

Who are the internal and external stakeholders (actual or potential) that the policy will impact upon?

Staff: Case Support Workers working with families who requested an investigation; Investigation team scoping and carrying out investigations.	Actual
People who use our service: those bereaved and seriously injured in the Troubles / Conflict who have an investigation or request with the Commission; those bereaved and seriously injured in the Troubles / Conflict who have participation rights in investigations.	Actual
Other public sector organisations	Potential
Voluntary/community/trade unions	Potential
Other, please specify	n/a

Other policies with a bearing on this policy

Name	Who Owns
Vexatious Communications policy	Commissioner for Investigations
Safeguarding policy	Head of Safeguarding
Publications Policy	Commissioner for Investigations
Types of Investigation Policy	Commissioner for Investigations
Case categorisation policy	Commissioner for Investigations
Handling a request policy	Commissioner for Investigations

Available evidence

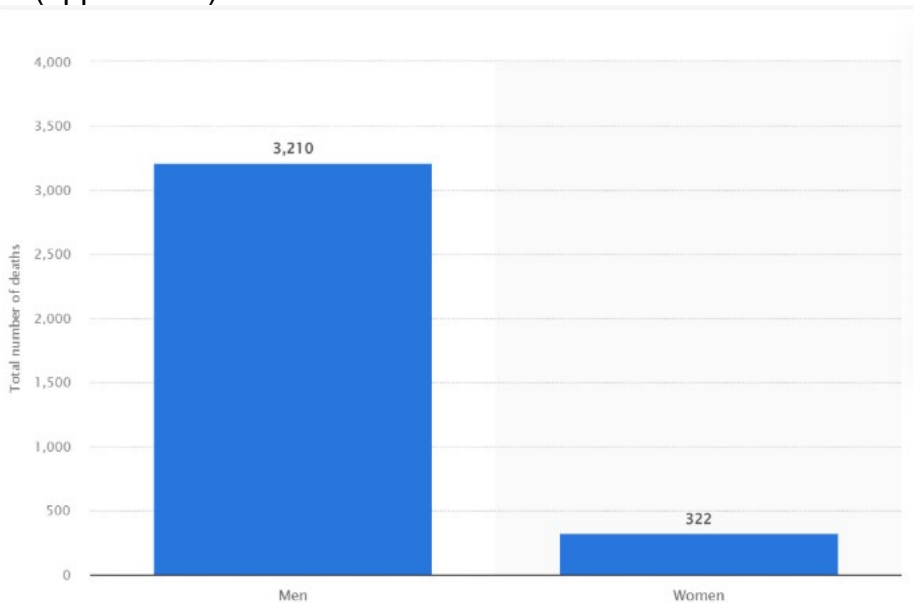
What evidence/information (both qualitative and quantitative) have you gathered to inform this policy? Specify details for each of the Section 75 categories.

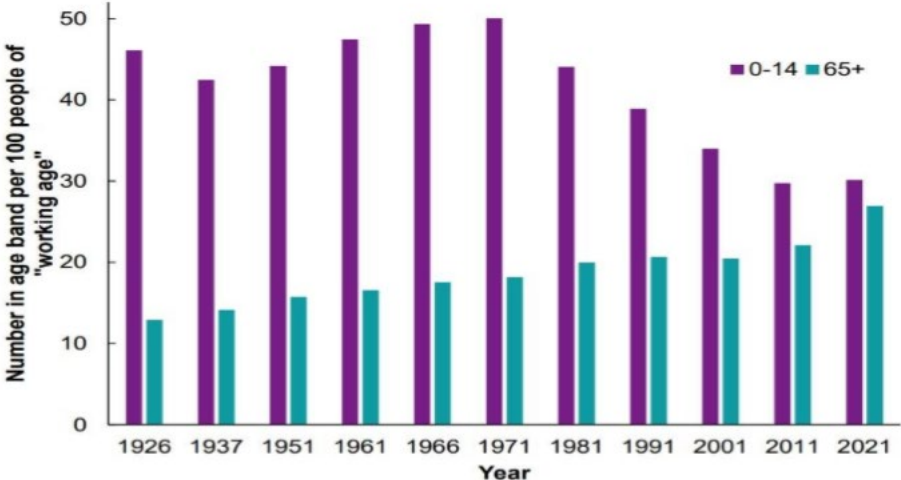
Please note policy written before any staff employed so no internal information available.

Religious Belief	On Census Day 2021 just under one person in five (19.0%) either had ‘no religion’ (17.4%) or ‘religion not stated’ (1.6%). The equivalent percentages for the main religions were: - Catholic (42.3%) - Presbyterian Church in Ireland (16.6%) - Church of Ireland (11.5%) - Methodist (2.4%) - Other Christian denominations (6.9%) - Other non-Christian Religions (1.3%)						
Census year	All usual residents	Catholic	Presbyterian Church in Ireland	Church of Ireland	Methodist Church in Ireland	Other religions	None/Not Stated
1961	1,425,042	34.91%	28.99%	24.20%	5.04%	5.00%	1.85%
1971	1,519,640	31.45%	26.70%	22.00%	4.69%	5.79%	9.38%
1981	1,481,959	27.97%	22.93%	18.99%	3.96%	7.61%	18.53%
1991	1,577,836	38.38%	21.35%	17.70%	3.77%	7.76%	11.03%
2001	1,685,267	40.26%	20.69%	15.30%	3.51%	6.36%	13.88%
2011	1,810,863	40.76%	19.06%	13.74%	3.00%	6.58%	16.87%
2021	1,903,178	42.31%	16.61%	11.55%	2.35%	8.19%	19.00%

	changed over the 1961 (just before the Troubles began). The table shows the increase in the population who have ‘no religion’ or ‘religion not stated’ over the last sixty years; this group is now second only to Catholic. This points to the increasingly secular nature of the population.																											
Political Opinion	The most recent census data of 2021 did collect information on the basis of identity as follows: <table><tr><th>All usual residents</th><th>British only</th><th>Irish only</th><th>Northern Irish only</th><th>British and Irish only</th><th>British and Northern Irish only</th><th>Irish and Northern Irish only</th><th>British, Irish and Northern Irish only</th><th>Other</th></tr><tr><td>1,903,175</td><td>606,263</td><td>554,415</td><td>376,444</td><td>11,768</td><td>151,327</td><td>33,581</td><td>28,050</td><td>141,327</td></tr><tr><td>1,903,175</td><td>31.86%</td><td>29.13%</td><td>19.78%</td><td>0.62%</td><td>7.95%</td><td>1.76%</td><td>1.47%</td><td>7.43%</td></tr></table> Source: Census 2021 main statistics for settlements and wards in Northern Ireland Northern Ireland Statistics and Research Agency (nisra.gov.uk) (Table MS-B15) In 2021, 31.86% of All Usual Residents declared their national identity as British Only; 29.13% selected Irish Only; and 19.78% stated Northern Irish Only. Since 2011, those declaring themselves as British Only and Northern Irish Only has declined by approximately 8 percentage points and 2 percentage points respectively in their share of the national identity categories. Other National Identities accounted for approximately one-fifth of the All-Usual Residents in the Northern Irish population. The highest of these were Polish (1.25%, 23,862), Lithuanian (0.62%, 11,879), Romanian (0.37%, 7,056) and Portuguese (0.36%, 6,853).	All usual residents	British only	Irish only	Northern Irish only	British and Irish only	British and Northern Irish only	Irish and Northern Irish only	British, Irish and Northern Irish only	Other	1,903,175	606,263	554,415	376,444	11,768	151,327	33,581	28,050	141,327	1,903,175	31.86%	29.13%	19.78%	0.62%	7.95%	1.76%	1.47%	7.43%
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Racial Group	Around 98% of Northern Ireland’s population identifies as white, with 2% belonging to minority ethnic groups (e.g., Black, Asian, Mixed). The 2021 Census data also revealed growth in the minority ethnic population. Within the time period in which the deaths and serious harm which the ICRIR can investigate occurred, the percentage of the population which identifies as white was even higher. In 2021, 31.86% of “All Usual Residents” declared their national identity as British Only; 29.13% selected Irish Only; and 19.78% stated Northern Irish Only. Since 2011, those declaring themselves as British Only and																											

	Northern Irish Only has declined by approximately 8 percentage points and 2 percentage points respectively in their share of the national identity categories. Source: Census 2021 main statistics for settlements and wards in Northern Ireland Northern Ireland Statistics and Research Agency (nisra.gov.uk) (Table MS-B15)
Age	Northern Ireland's workforce generally reflects an aging population, with approximately 18% of the population being over 65 and about 20% under 15. In the public sector, the average age of employees is typically between 35–55. Age-related issues in employment could include older employees facing challenges in adapting to new technologies or younger employees feeling underrepresented in leadership roles. Surveys from sources like the Northern Ireland Statistics and Research Agency (NISRA) show concerns about intergenerational fairness and age-based discrimination in the workplace, including opportunities for younger workers to access training and promotions, and challenges older workers may face when adapting to evolving work practices. ICRIR has the remit to investigate deaths and serious injuries related to the Troubles/Conflict in the period between 1 January 1966 and 10 April 1998 which caused serious physical or mental harm. A victim or survivor can request that the Commission investigates an incident involving a serious injury to them. A close family member of the deceased can ask the Commission to investigate an incident involving a death. Given the time period in which these deaths or serious crimes occurred, Requesting Individuals are likely to be older than the general population.
Marital Status	The most recent Northern Ireland Census shows a declining trend in marriage rates, with more people opting for civil partnerships or remaining single. Northern Ireland Census 2021 data shows a decline in marriage rates, with 42% of adults married, 11% divorced, and an increasing number of people opting for civil partnerships or remaining single.
Sexual Orientation	Sexual orientation data indicates around 2% of the population identifies as LGB (Lesbian, Gay, Bisexual) based on NISRA's Continuous Household Survey.

Men and Women Generally	The following diagram shows the total number of deaths during the Troubles/Conflict from 1969 to 2001, by gender. It clearly shows that for the period (which is noted goes beyond the period that the Commission can investigate that almost 10 times as many men (approx. 91%) died than women (approx. 9%) as a result of the Troubles/Conflict.  <table border="1"> <thead> <tr> <th>Gender</th> <th>Total number of deaths</th> </tr> </thead> <tbody> <tr> <td>Men</td> <td>3,210</td> </tr> <tr> <td>Women</td> <td>322</td> </tr> </tbody> </table> Source: The Troubles: deaths by gender 1969-2001 Statista Approximately 47,541 people were injured however there is no detail on the gender split of those injured. A possible outcome is that many men were killed and left mothers, wives, female siblings or other female relatives behind who have been campaigning to find out the details how their male family members were murdered. It is therefore likely that more women than men will likely approach the Commission to request an investigation and this policy will therefore impact more on women than men.	Gender	Total number of deaths	Men	3,210	Women	322
Gender	Total number of deaths						
Men	3,210						
Women	322						
Disability	According to the NISRA, around 21% of Northern Ireland's population lives with a disability. This percentage increases with age. Requesting Individuals who have themselves suffered serious harm as a result of a serious injury related to the Troubles / Conflict will be more likely than the general public to be living with a disability.						

Dependants	 Source: Census 2021 population and household estimates for Northern Ireland: Statistical bulletin (nisra.gov.uk) Census 2021 shows that there were 365,200 children (aged 0 to 14) or 19% of the population. While the population grows, household sizes continue to fall - the average household size has fallen from 2.54 in 2011 to 2.44 in 2021.
Gender Reassignment (required under Equality Act 2010):	Data on individuals who have undergone or are undergoing gender reassignment is scarce due to privacy concerns. However, estimates suggest that around 1% of the UK population identifies as transgender or non-binary. (Not required for section 75 but is required under the Equality Act)

Needs, experiences and priorities

Taking into account the information referred to above, what are the different needs, experiences and priorities of each of the following categories, in relation to the particular policy/decision?

Specify details of the needs, experiences and priorities for each of the Section 75 categories below:

Religious belief	Decisions taken on investigations may be more impactful on those from different, specific religious backgrounds given the sectarian nature of violence relating to the Troubles/ Conflict. Individuals who hold
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	specific religious beliefs may have had negative past experiences when engaging with state organisations. It is important that the Commission provides these individuals with equal rights relating to participation, opportunity and access as they relate to a review of a decision.
Political Opinion	Decisions taken on investigations may be more impactful on those who hold different political opinions, taking into consideration the political nature of violence relating to the Troubles/ Conflict. Individuals who hold specific political opinions may have had negative past experiences when engaging with state organisations. It is important that the Commission provides these individuals with equal rights relating to participation, opportunity and access as they relate to a review of a decision.
Racial Group	Neutral impact; policy applies regardless of race.
Age	The Commission recognises that older people are more likely to request an investigation and, potentially, will be more susceptible to the emotional impacts that an investigation may create. There is, therefore, a risk that they may also be negatively impacted by some decisions, particularly those which are complex and will require a significant period of time to complete.
Marital status	Neutral impact; policy applies regardless of marital status.
Sexual orientation	Neutral impact; policy applies regardless of sexual orientation.
Men and Women generally	The policy is likely to impact more on women than men as it has been evidenced that men were more likely to have died as a consequence of the Troubles/Conflict. Therefore, there is the potential for more women than men to approach the Commission seeking an investigation. It is important that the Commission provides these individuals with equal rights relating to participation, opportunity and access as they relate to a review of a decision
Disability	Individuals living with a disability may feel that a decision made by the Commission regarding their investigation may negatively impact on them due to their disability. These individuals will need assurance

	and support to ensure they have the opportunity to request a review of a decision on their case where they consider it will be detrimental to their circumstances
Dependants	Neutral impact; policy applies regardless of number of dependants.

Part 2. Screening questions

Introduction

1. **What is the likely impact on equality of opportunity for those affected by this policy for each of the Section 75 equality categories?**

Details of the likely policy impacts on **Religious belief**:

Assessment: Major Impact (positive)

Rationale: This policy may impact more on those those with different religious backgrounds in NI given that they will have been impacted by the violent incidents carried out throughout the period of the Troubles/Conflict. Moreover, this policy is more likely to impact those drawn from Northern Ireland's two main religious traditions.

Mitigations: Where a requesting individual considers that a decision made by the Commission is wrong, the Commission has put in place this policy and process so that requesting individuals have the opportunity to request a review of that decision. Further, this policy provides equitable access to the investigations process and is applied regardless of religious belief.

Level of Impact	Major	Minor	None
	x		

Details of the likely policy impacts on **Political Opinion**:

Assessment: Major Impact (positive)

Rationale: Those with specific political opinions would be impacted given that they will have been affected by incidents throughout the period of the Troubles/Conflict.

Statistical information is not collected but religion is often used as a proxy for Political opinion.

Mitigations: This policy will ensure that people with differing political opinions are able to fully engage with the Commission and request a review of a decision made by the Information Recovery Team.

Level of Impact	Major	Minor	None
	x		

Details of the likely policy impacts on **Racial Groups**:

Level of Impact	Major	Minor	None
			X

Details of the likely policy impacts on **age**:

Assessment: Minor impact

Rationale: The Northern Ireland Troubles (Legacy and Reconciliation) Act 2023 sets out that “the Troubles” means the events and conduct that related to Northern Ireland affairs which occurred between 1966 and 1998. The Commission recognises that the majority of Requesting Individuals are likely to be relatively old and therefore older people are most likely to make use of the policy.

Mitigations: This policy will ensure that people older people who may require additional support are able to fully engage with the Commission and request a review of a decision made by the Information Recovery Team.

Level of Impact	Major	Minor	None
		x	

Details of the likely policy impacts on **Marital Status**:

Level of Impact	Major	Minor	None
			x

Details of the likely policy impacts on **Sexual Orientation**:

Level of Impact	Major	Minor	None
			x

Details of the likely policy impacts on **Men and Women**:

Assessment: Minor impact

Rationale: The policy is likely to impact more on women than men as it has been evidenced that men were more likely to have died as a consequence of the Troubles/Conflict. Therefore, there is the potential for more women than men to approach the Commission seeking an investigation.

Mitigations: This policy will ensure that people with differing political opinions are able to fully engage with the Commission and request a review of a decision made by the Information Recovery Team.

Level of Impact	Major	Minor	None
		x	

Details of the likely policy impacts on **disability**:

Assessment: Those who are with a disability could be affected where there is the potential of a decision impacting on their personal circumstances.

Rationale: This policy may impact on Requesting Individuals who have themselves suffered serious harm as a result of a serious injury related to the Troubles/ Conflict and who are more likely than the general public to be living with a disability.

Mitigations: This policy will ensure that people with disabilities are able to fully engage with the Commission and request a review of a decision made by the Information Recovery Team.

Level of Impact	Major	Minor	None
	x		

Details of the likely policy impacts on **Dependants**:

Level of Impact	Major	Minor	None
			x

2. **Are there opportunities to better promote equality of opportunity for people within the Section 75 equalities categories?**

Detail opportunities of how this policy could promote equality of opportunity for people within each of the Section 75 Categories below:

The Commission will undertake the process of a review of relevant decisions made by the Information Recovery Team.

A review of a decision will only be taken in the following scenarios:

- The acceptance or rejection of a request for investigation
- Where there is disagreement on the type of investigation to be carried out (under s.13(7) in relation to whether a criminal investigation is to form part of a review)
- Where the Commission does not make a referral to the prosecutor (under s.25, in relation to a decision by the Commission to not refer a case to the DPPNI or DPP (England and Wales) or the Lord Advocate (Scotland)).
- Whether a request for an investigation may be changed or withdrawn
- Whether a request is joined to an existing request

It is anticipated that enabling individuals to request a review of certain decisions will help to better promote equality of opportunity for people within the s75 equality groups as the Commission will demonstrate, through its processes, that those who may disagree with a decision on an investigation have an opportunity to ask that the initial decision be reconsidered and reviewed. The Commission has also published its policies on its website

to ensure there is clarity and transparency for all that choose to use its services. Further, this policy protects rights set out under Article 2 and 3 of the Human Rights Act 1998.

The policy emphasises the TRIM approach the Commission is taking when carrying out investigations by giving individuals an opportunity to respond to how an investigation may or may not be progressed. In particular, in those cases, where a decision is taken that a request will not be accepted by the Commission, this policy demonstrates the Commission's understanding of the emotional and psychological toll that this process is likely to have on individuals and families and provides them some control over the process in that they can raise their disquiet with that decision.

The policy also demonstrates transparency and will help to build public trust in the Commission, and indirectly, its commitment to the promotion of the objective of reconciliation.

Religious Belief - If Yes, provide details: See above.

Political Opinion - If Yes, provide details: See above

Racial Group - If Yes, provide details: See above

Age - If Yes, provide details: See above

Marital Status - If Yes, provide details: See above

Sexual Orientation - If Yes, provide details: See above

Men and Women generally - If Yes, provide details: See above

Disability - If Yes, provide details: See above

Dependants - If Yes, provide details: See above

3. **To what extent is the policy likely to impact on good relations between people of different religious belief, political opinion or racial group?**

Please provide details of the likely policy impact and determine the level of impact for each of the categories below i.e. either minor, major or none.

Details of the likely policy impacts on **Religious belief**: Individuals who hold specific religious beliefs may have had negative past experiences when engaging with state organisations due to perceptions of bias towards them. By providing these individuals with

equal rights relating to participation, opportunity and access as they relate to a review of a decision, the Commission can change these perceptions and promote good relations.

What is the level of impact? Major (positive)

Details of the likely policy impacts on **Political Opinion**: Individuals who hold specific political opinions may have had negative past experiences when engaging with state organisations due to perceptions of bias towards them. By providing these individuals with equal rights relating to participation, opportunity and access as they relate to a review of a decision, the Commission can change these perceptions and promote good relations.

What is the level of impact? Major (positive)

Details of the likely policy impacts on **Racial Group**:

What is the level of impact? None

4. **Are there opportunities to better promote good relations between people of different religious belief, political opinion or racial group?**

Detail opportunities of how this policy could better promote good relations for people within each of the Section 75 Categories below:

The Commission is embedding a trauma and resilience informed methodology (TRIM) across its people, processes, external engagement and places. The requests to review decisions policy aligns with the TRIM approach that the Commission has adopted. This policy provides an opportunity for Requesting Individuals to demonstrate their resiliency and to challenge relevant decisions in line with this policy. The policy requires the Commission take an individualised approach to each decision and carefully balances the need for consistency with the specific facts of each case. This may be in cases where an individual feels that a decision on how an investigation is or is not being progressed will impact on them due to their religious beliefs, political opinions and/or their disability. The Commission will review each decision that is reviewed impartially to ensure a fair and equitable progression of each case whilst ensuring that Article 2 and 3 of ECHR are complied with.

It is anticipated that this will help to better promote good relations for people with the S75 equality groups.

Additional considerations

Multiple identity

It is recognised that the requests to review decisions policy may positively impact on people with multiple identities, especially those who will obviously intersect on these specific s75 groups:

- have a disability,
- from different religious backgrounds,
- who have different political opinions,
- who are older women

The Commission had embedded a TRIM approach to its work and will also ensure that Articles 2 and 3 of ECHR are complied with in the undertaking of all of its work. Therefore, regardless of what s75 Group a requesting individual falls under, they will have fair and equitable opportunity to request a review into a decision made by the Commission and will not receive any less of a service due to their s75 characteristics whether that fall under one or several categories. This aim of this policy is to ensure that all individuals who approach the Commission can garner the best outcomes possible and they are provided with the opportunity to request a review of a relevant decision.

In this policy, the Commission recognises the different needs of all those individuals who approach the Commission seeking an investigation regardless of their s75 characteristics. The overarching aim of the policy is to ensure that they have full participation, access and opportunity in the investigative process and that any issues they may raise are fully considered in the decisions taken by the Commission.

Part 3. Screening decision

Screening outcome: Screened out

Decision: The decision is not to conduct an equality impact assessment for the Right to Review Policy.

Mitigation

The aim of the policy is to set out how the Commission handles requests by individuals to review a decision taken by the Commission. The requests to review decisions also ensures that the Commission is able to deliver effectively for all impacted by the Troubles / Conflict by ensuring relevant opportunity for individuals to raise concerns or questions on how an investigation may be undertaken.

The policy provides for a case-by-case reconsideration, when requested, on the following decisions:

- The acceptance or rejection of a request for investigation
- Where there is disagreement on the type of investigation to be carried out (under s.13(7) in relation to whether a criminal investigation is to form part of a review)
- Where the Commission does not make a referral to the prosecutor (under s.25, in relation to a decision by the Commission to not refer a case to the DPPNI or DPP (England and Wales) or the Lord Advocate (Scotland)).
- Whether a request for an investigation may be changed or withdrawn
- Whether a request is joined to an existing request

This policy demonstrates the Commission is committed to reviewing its decisions to help accommodate individuals, ensuring that the investigative process remains accessible, impartial and fair to all.

Approval and authorisation

Screened by: Establishment Programme Team

Date: 17 September 2024

Screened by: OPAC

Date: 3 April 2026

Approved by: Commissioner for Investigations

Date: 1 May 2026