

## Screening

### Policy scoping

#### Information about the policy

|                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|---------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Policy name</b>                          | Witness Pathway Policy                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>Existing/Revised/New policy</b>          | New                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>What is the policy trying to achieve</b> | Develop a trauma informed pathway by which the Commission can recover best evidence from witnesses while complying with the requirements of the Act. It draws on engagement with relevant stakeholders, the experiences of senior operational colleagues, and incorporates feedback provided as part of the Commission's <a href="#">public consultation</a> (though the consultation itself made no direct reference to witnesses). The Commission's engagement with witnesses provides an opportunity to promote reconciliation and achieve optimal information recovery in a trauma and resiliency informed way. |
| <b>Policy author</b>                        | The Information Recovery Programme Team, under the direction of the Commissioner for Investigations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>Policy owner</b>                         | Commissioner for Investigations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

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

This policy may be deemed to be favourable to those people with disabilities, older people, those from different religious traditions, or with particular political opinions, in that they are more likely to have suffered a bereavement or serious injury as a result of the Troubles/Conflict and / or been witnesses to incidents from the Troubles / Conflict. However, this policy is designed to ensure equal access for all individuals across the Section 75 categories.

**Disability:** Vulnerable witnesses, including people with disabilities, are provided with special accommodations, ensuring their needs are addressed.

**Religious belief and political opinion:** The policy ensures that witnesses are treated fairly, without bias based on their religion or political opinion, crucial in Northern Ireland's socio-political context.

**Men and women:** The policy is gender-neutral and ensures equal treatment for all.  
**Dependants and Age:** Provisions for flexibility and support for witnesses with caring responsibilities or those who are older, reflecting the inclusivity of the policy.

## Implementation factors

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

Factors that may detract from the policy's effectiveness:

- Financial and logistical challenges in providing trauma-informed services and ensuring that vulnerable witnesses are adequately supported.
- Cross-jurisdictional complexities when dealing with witnesses from other regions (e.g., England, Wales, Scotland), and those from outside the UK.
- Hostility to the Commission meaning that witnesses decline to provide information voluntarily and have to rely on s14 powers.
- Poor handling of a witness (for example, who suffers traumatisation) inhibits other witnesses from coming forward
- Negative impact on a witness after being named in a report with resultant safety and security consequences

## Main stakeholders affected

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

|                                                                                                                                       |           |
|---------------------------------------------------------------------------------------------------------------------------------------|-----------|
| Staff: Information Recovery Team                                                                                                      | Actual    |
| People who use our service: Witnesses, victims' families, legal representatives                                                       | Actual    |
| Other public sector organisations: civil society organisations, other organisations within the criminal justice sector such as courts | Potential |
| Voluntary/community/trade unions: victim support organisations, proxy groups                                                          | Potential |
| Other, please specify                                                                                                                 | n/a       |

## Other policies with a bearing on this policy

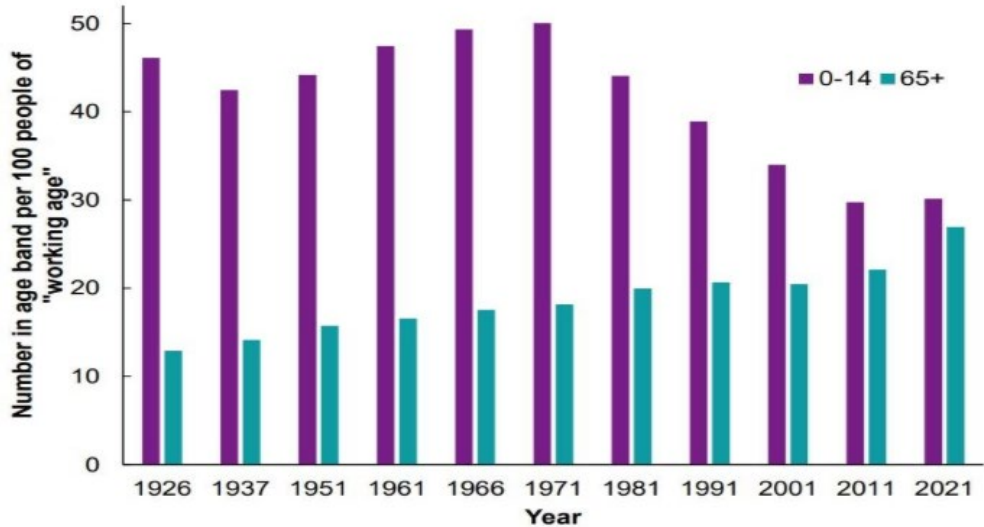
| Name                                            | Who owns                                   |
|-------------------------------------------------|--------------------------------------------|
| Investigations Policy                           | Commissioner for Investigations            |
| Provision of evidence policy                    | Commissioner for Investigations            |
| Covert Human Intelligence Sources (CHIS) policy | Commissioner for Investigations            |
| Need to Know policy                             | Commissioner for Investigations            |
| Data Protection policy                          | Director of Finance and Corporate Services |
| Section 14 policy                               | Commissioner for Investigations            |
| Enhanced Inquisitorial Proceedings policy       | Commissioner for Investigations            |
| Disclosure policy                               | Commissioner for Investigations            |
| Initial Handling and Ingest policy              | Commissioner for Investigations            |
| Witness expenses policy                         | Commissioner for Investigations            |
| Safeguarding Policy                             | Director of Finance and Corporate Services |
| Mental Capacity Guidelines                      | Commissioner for Investigations            |
| Witness Charter                                 | 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.

|                         |                                                                                                                                                                                                                |
|-------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Religious Belief</b> | As per the 2021 Census, the population breakdown in Northern Ireland was as follows:<br><ul style="list-style-type: none"> <li>• Catholic: 42.31%</li> <li>• Protestant and other Christian: 40.76%</li> </ul> |
|-------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|--------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                          | <ul style="list-style-type: none"> <li>• Other religions: 1.31%</li> <li>• No religion/not stated: 16.87%</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>Political Opinion</b> | <p>The political landscape in Northern Ireland is unique, with political opinions often aligning with religious or national identity.</p> <p>Political affiliations in Northern Ireland often correlate with religious and national identity, with Unionists (typically Protestant) and Nationalists (typically Catholic) making up the largest groups. However, no precise statistics on political opinions are routinely collected due to sensitivities surrounding this information.</p> <p>British only: 31.86%</p> <ul style="list-style-type: none"> <li>• Irish only: 29.13%</li> <li>• Northern Irish only: 19.78%</li> <li>• Other identities (Polish, Lithuanian, etc.): 7.43%</li> </ul> |
| <b>Racial Group</b>      | <p>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.</p> <ul style="list-style-type: none"> <li>• White ethnic group: 96.6%</li> <li>• Minority ethnic groups: 3.4%, with the largest being Polish (1.25%), followed by Indian, Chinese, and mixed ethnic backgrounds.</li> </ul>                                                            |
| <b>Age</b>               | <p>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.</p> <p>A victim or survivor can request that the Commission investigates an incident involving a serious injury to them.</p> <p>A close family member of the deceased can ask the Commission to investigate an incident involving a death.</p> <p>Given the time period in which these deaths or serious crimes occurred, Requesting Individuals are likely to be older than the general population.</p>                                                                                    |
| <b>Marital Status</b>    | <p>The most recent Northern Ireland Census shows a declining trend in marriage rates, with more people opting for civil partnerships or remaining single.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

|                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|--------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                | 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.                                                                                                                                                                                                                                                                                                                                                                      |
| <b>Sexual Orientation</b>      | Sexual orientation data indicates around 2% of the population identifies as LGB (Lesbian, Gay, Bisexual) based on NISRA's Continuous Household Survey.                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Men and Women Generally</b> | 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.                                                                                                                                                                                                                          |
| <b>Disability</b>              | 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.                                                                                                                                                                                                                          |
| <b>Dependants</b>              |  <p>Source: <a href="https://www.nisra.gov.uk/census-2021-population-and-household-estimates-for-northern-ireland">Census 2021 population and household estimates for Northern Ireland: Statistical bulletin (nisra.gov.uk)</a></p> <p>Census 2021 shows that there were 365,200 children (aged 0 to 14) or 19% of the population.</p> <p>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.</p> |

|                                                                |                                                                                                                                                                                                                                                                                                     |
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| <b>Gender Reassignment (required under Equality Act 2010):</b> | 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.<br><br>(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:

|                                |                                                                                                                                                                                                                                                                                                                         |
|--------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Religious belief</b>        | The policy ensures impartiality and respect for all religious groups, promoting fairness. The policy recognises that religious background and political opinion are perceived as being linked and therefore there is scope to meet particular, relevant needs such as the ability to be interviewed in a neutral venue. |
| <b>Political Opinion</b>       | The Commission remains neutral regarding political opinion, ensuring fair treatment. There is also the provision of neutral venues where individuals can provide information to the Commission if required (safety concerns based on being seen to go into a Commission building, for example).                         |
| <b>Racial Group</b>            | The policy ensures impartiality and respect for all racial groups, promoting fairness.                                                                                                                                                                                                                                  |
| <b>Age</b>                     | Provisions are made for older witnesses, particularly with respect to vulnerability due to trauma or disability.                                                                                                                                                                                                        |
| <b>Marital status</b>          | No impact identified as the policy applies equally to all witnesses.                                                                                                                                                                                                                                                    |
| <b>Sexual orientation</b>      | The policy is inclusive and makes no distinctions based on sexual orientation.                                                                                                                                                                                                                                          |
| <b>Men and Women generally</b> | The policy applies equally to all genders and enables flexibility and support where this is required.                                                                                                                                                                                                                   |
| <b>Disability</b>              | The policy addresses the needs of witnesses with disabilities, providing for reasonable adjustments including support measures, and special measures for vulnerable witnesses.                                                                                                                                          |

|                   |                                                                                                         |
|-------------------|---------------------------------------------------------------------------------------------------------|
| <b>Dependants</b> | Flexible arrangements for witnesses with dependants ensure they can participate equally in the process. |
|-------------------|---------------------------------------------------------------------------------------------------------|

## 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:** Minor impact.

**Rationale:** Witnesses who hold certain religious beliefs may be unwilling to provide information to the Commission due to fear of intimidation from members of their community or if they fear there might be a risk of serious harm to them if they provide evidence to the Commission.

**Mitigation:** The Lead Investigator for the relevant case will work with the police force to put in place measures to protect and support intimidated witnesses, if applicable. The Commission will support witnesses by providing a neutral venue which will assist the witness to give their best evidence.

| Level of Impact | Major | Minor | None |
|-----------------|-------|-------|------|
|                 |       | x     |      |

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

**Assessment:** Minor impact.

**Rationale:** Witnesses who hold certain political opinions may be unwilling to provide information to the Commission due to fear of intimidation from members of their community or if they fear there might be a risk of serious harm to them if they provide evidence to the Commission.

**Mitigation:** The Lead Investigator for the relevant case will work with the police force to put in place measures to protect and support intimidated witnesses, if applicable. The Commission will support witnesses by providing a neutral venue which will assist the witness to give their best evidence.

| 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:** Older witnesses may not have the means or ability to travel to certain venues to give evidence, nor may they have the necessary technology to facilitate a remote interview.

**Mitigation:** The Commission will provide an accessible venue for an interview which takes into consideration a witness's age and specific needs. The Commission will also offer remote interviews where the individual has the capability to facilitate this.

| 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**:

| Level of Impact | Major | Minor | None |
|-----------------|-------|-------|------|
|                 |       |       | x    |

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

**Assessment:** Minor impact.

**Rationale:** Witnesses living with a disability are likely to meet the definition of a vulnerable witness as defined in [s4 of The Criminal Evidence \(Northern Ireland\) Order 1999](#).

**Mitigation:** The Commission will provide appropriate reasonable adjustments to allow witnesses living with a disability to give evidence. This may include the implementation of special measures at interview, such as including a registered intermediary to assist with questioning.

| Level of Impact | Major | Minor | None |
|-----------------|-------|-------|------|
|                 |       | x     |      |

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

**Assessment:** Minor impact.

**Rationale:** Witnesses with dependants might not be able to attend certain venues at certain times to give evidence due to childcare and/or and caring commitments.

**Mitigation:** The Commission will support witnesses with dependants who are required to give evidence. This could be done by arranging a venue with appropriate child-care facilities, or by organising a remote interview where attendance at a venue to give evidence would lead to a detriment to the witness and their dependant.

| 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:

Yes, through the tailored, personalised approach to the identification of an individual's needs and the provision of relevant support measures. The implementation of this policy will be monitored to ensure its effectiveness. Any identified impacts will be periodically reviewed to enhance the policy's inclusivity and responsiveness.

**Religious Belief** - If Yes, provide details:

**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: None identified.

**Sexual Orientation** - If Yes, provide details: None identified.

**Men and Women generally** - If Yes, provide details: None identified.

**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**:

No significant impact on relations between religious groups as the policy emphasizes equality and impartiality and takes a personalised approach to the needs of witnesses.

What is the level of impact? Minor.

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

No significant impact on relations between those with different political opinions as the policy emphasizes equality and impartiality and takes a personalised approach to the needs of witnesses.

What is the level of impact? Minor.

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

No significant impact on relations between those of different racial groups is expected, as the policy emphasizes equality and impartiality, and takes a personalised approach to the needs of witnesses.

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:

As noted above, the provision of information to the Commission is, in many ways, an act of reconciliation. The focus on reconciliation seeks to promote good relations and provides an opportunity for the commonality of experiences of the conflict to be recognised.

## **Additional considerations**

### **Multiple identity**

It is recognised that this policy may impact on people with multiple identities. The Commission acknowledges that individuals with multiple identities may experience unique impacts. We will ensure that these are fully considered, and accommodations are made where necessary.

The Commission recognises the diverse needs of individuals with disabilities, older people, those from different religious and community backgrounds, those with differing political opinions are statistically more likely to have been impacted by the Troubles/Conflict and therefore more likely to be witnesses. The policy has been deliberately designed to provide an individualised approach, in part to recognise the needs of those with multiple identities. The provision of measures to support witnesses are also tailored to each witness' specific circumstances

To continually assess the policy's effectiveness and inclusivity, feedback mechanisms will be established for witnesses to share their experiences. This feedback will be integral in informing future reviews of the policy and ensuring that it continues to promote equality of opportunity

## Part 3. Screening decision

### Screening outcome: Screened out

Decision: The decision is not to conduct an equality impact assessment.

### Mitigation

The policy provides equitable access to the witness process with sufficient flexibility to meet the needs of those who may require additional support during the process. It makes a concerted and significant effort to identify needs and to respond where possible with support and / or specific measures.

To continually assess the policy's effectiveness and inclusivity, the policy includes reference to seeking feedback from witnesses to share their experiences. This feedback will be integral in informing future reviews of the policy and ensuring that it continues to promote equality of opportunity

Overall, while the policy may not directly address each of the nine listed categories under S75 of the Northern Ireland Act 1998, its principles and procedures contribute to creating an environment where equal opportunity and good relations are upheld and respected.

### Approval and authorisation

**Screened by:** Operational Policy Assurance and Compliance

**Date:** September 2024

**Screened by:** Operational Policy Assurance and Compliance

**Date:** 7 April 2026

**Approved by:** Commissioner for Investigations

**Date:** 1 May 2026