



Independent Commission for Reconciliation and Information Recovery

Summary of operational policy:
Conflicts of interest in
investigations

July 2025

Version 1.2

Contents

Introduction.....	3
Scope of the policy.....	3
Rationale for the policy	4
Managing conflicts of interest	4
Identifying a conflict.....	5
Process to be followed.....	5
Governance	5

Introduction

1. This policy sets out the Commission's position in relation to conflicts of interest that are actual, potential or perceived in relation to the involvement of ICRIR officers in their operational duties.
2. The Commission requires a commitment from all those engaged in operational work to:
 - identify actual, potential and perceived conflicts of interests
 - take all reasonable steps to avoid conflicts of interest
 - seek advice if uncertain whether a conflict of interest exists
 - report any conflicts of interest when they become aware of them
 - cooperate in the management and resolution of conflicts of interest
 - report any change in circumstances relating to conflicts of interest
3. The Commission's [Code of Conduct](#) emphasises the importance of operating to high standards to gain public trust and confidence. The Code of Conduct provides further information on the standards of professional behaviour that assist Commission staff in working and behaving in a way that delivers on those high standards.

Scope of the policy

4. All staff employed by the Commission, whether directly, as contractors or on secondment, are required to complete a Declaration of Interest before taking up post. The Declaration and Management of Interests requires an annual update and there is an on-going duty on staff to update it if there is any change to the declaration over the course of the year. This policy should be read in conjunction with the [Declaration and Management of Outside Interest Policy](#), the Raising a Concern policy and the [Code of Conduct](#).
5. This policy applies to all operational staff in the Investigations Directorate (Case Support and Information Recovery) and the Findings Team, including secondees and agency workers. It applies to both those with permanent and fixed term arrangements, including those on probation. It also applies to officers in the General Counsel's Directorate to the extent that their advice or support to an investigation (which could include litigation about an investigation) is such as to give rise to conflict concerns.
6. It does not replace the guidance in the [Declaration and Management of Outside Interest Policy](#), but provides further operational guidance and the steps that must be followed in every case. The emphasis is on the declaration that there is no conflict or impediment that would prevent an officer from being involved in every case they work on.

Rationale for the policy

7. The Commission must take account of the clear and constant line of decisions of the Strasbourg Court which establish the need for an effective investigation where individuals were killed by the use of force. To be effective, the investigation must be independent from those implicated in the events. Such independence has two elements:
 - there must be a lack of hierarchical or institutional connection between the investigators and those implicated in the events and
 - the investigation must have practical independence.
8. Compliance with Article 2 and 3 mandates that the persons and bodies responsible for the investigation are sufficiently independent of the persons and structures who may be responsible for the death or inhuman or degrading treatment which is the subject of the investigation. The investigation must be structured in such a way that the Commission is able to demonstrate that it is an independent investigation.

Managing conflicts of interest

9. All staff who work on the Commission's cases (including before they are formal requests for investigations) must always display impartiality and must have no actual conflict of interest in any given case on which they are working or in which they are involved, including direct management responsibility.
10. The Commission defines a conflict of interest, as set out in paragraph 7 of the Declaration and Management of Outside Interests policy as 'A set of circumstances that creates a risk that an individual's ability to apply judgement or act in one role is, or could be, impaired or influenced by a secondary interest. It can occur in any situation where an individual or organisation can exploit a professional or official role for personal or other benefit. Conflicts can exist if the circumstances create a risk that decisions may be influenced, regardless of whether the individual benefits. The perception of competing interests, impaired judgement or undue influence can also be a conflict of interest'.
11. The Commission is committed to ensuring a clear and consistent approach is taken to managing conflicts of interest. It is essential that ICRIR officers consider actual or perceived conflicts of interest in every case that they are involved in, are made aware of, discuss, or actively work on. This includes, but is not limited to, any knowledge an investigator has of a requesting individual or family, as well as any knowledge of a person of interest in any investigation carried out by the Commission or anyone who may be named in a Commission report. The [Declaration and Management of Outside Interests](#) policy gives further details on areas of potential conflicts.

Identifying a conflict

12. The central question for the officer in each case to answer is 'is there a risk that a fair and impartial member of the public would not have confidence in the independence of the investigation by the Commission if they knew of my involvement in it'.
13. Conflicts can exist if the circumstances create a risk that decisions may be influenced, regardless of whether the individual is caused a benefit or a detriment. The perception of competing interests, impaired judgement or undue influence can also be a conflict of interest.
14. The questions to be applied by the ICRIR officer to themselves shall also be considered in view of the position of the interests of their close family members or even close friends or associates. The officer shall consider broadly whether any person who could influence them has a conflict in relation to the case.

Process to be followed

15. 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. This Conflict of Interest Declaration must be completed.
16. In any case in which a perceived, potential or actual conflict of interest is identified, the officer must bring this for the immediate attention of their line manager and the officer must not conduct any work on the case until they have discussed the conflict of interest with their line manager and the conflict of interest assessment has been completed providing the confirmation that is permitted.
17. Conflicts of interest can also develop over time. ICRIR officers must ensure that conflicts of interest are considered and reviewed as cases develop.

Governance

18. If a conflict of interest is concealed through failure to follow proper procedure this could result in more serious consequences, such as disciplinary action against the ICRIR officer.
19. There is also a duty on ICRIR officers to highlight a potential conflict of interest affecting another member of staff.

20. Dip sampling of Declarations and reporting on compliance shall be undertaken on a triannual basis by the Operational Policy, Assurance and Compliance team.