

Report to:	QSMTM
Report by:	Euan McCulloch, Head of Enforcement
Meeting Date:	13 November 2025
Subject/ Title: (and VC no)	Investigations performance report 2025/26 Q2
Attached Papers (title and VC no)	None

Purpose of report

The purpose of this Committee Report (CR) is

- to update the Senior Management Team (SMT), and provide it with assurance, on investigations performance in Quarter 2 of 2025/26
- to make recommendations to SMT as set out below

Recommendation and actions

1. I recommend:

- that SMT notes investigations performance in Quarter 2 of 2025/26, specifically
 - a) effective performance against all measures, for cases under active investigation
 - b) the substantial – and continuing – upsurge in incoming cases
 - c) the consequent challenges in progressing the full caseload, particularly the remaining “Blue” cases
 - d) the additional challenges presented by particular groups of applications
- that SMT considers and makes decisions on the following
 - a) HOE to be asked to report back to SMT on progress with the “Blue” caseload, at the earliest opportunity in 2026
- that this report and accompanying papers are published in line with the “Publication” section below.

Executive summary

2. Investigations performance for the Quarter is summarised in the following reports presented to the relevant Investigations Performance Meetings

- VC 233676 (August)
- VC 235411 (September)
- VC 237178 (October)

and considered in the following minutes of those meetings

- VC 234511 (August)

- VC 235787 (September)
- VC 237822 (October)

2. From these reports and minutes, I would highlight the following for further consideration by SMT

- The steady – but substantial – increase in application numbers identified in Q1 has continued: 519 applications (502 in the report to 30 September, since adjusted to allow for cases received but not opened in September) were received in the first six months of the current year.
- To place that six-month total in context, the average annual number of applications received in the previous eight years was 548.
- While performance against all measures has remained effective, as regards cases under active investigation, this has been achieved at the expense of making very little progress in allocating the remaining backlog (“Blue”) caseload for investigation in the current year.
- Therefore, while excellent progress has been made with the “Blue” caseload to date (65.4% closed as at the time of writing this report, with a further 4.4% under investigation), we need to remain aware that this has not been maintained at the same level in 2025/26 and to consider what measures need to be taken if we are not in a position to improve progress by the beginning of Q4.
- While “Green” cases continue to be allocated within a reasonable timescale from validation, we need to keep this under review in the light of numbers received.
- Substantial batches of new applications have been received and can present particular challenges, at least partly related to the indiscriminate use of AI: we need to continue to monitor these and make early, appropriate decisions as to their handling.

3. While not directly covered by the above reports/minutes (although rights requests as a whole are reported on separately), and while largely an unavoidable incident of the role, we should also be mindful of the number (and, in some cases at least, complexity) of case-related information requests and subject access requests which the team must deal with, with consequent impact on investigation performance.

Risk impact

4. In the light of the above, the key risk must be failure to have the “Blue” caseload fully allocated for investigation by May 2026, as previously undertaken to Parliament (and with consequent reputational risks). As suggested above, this should be reviewed at the beginning of Q4 to determine whether it remains achievable.
5. Previously untested means of dealing with challenging applications, particularly those received in substantial batches, will carry with them the risk of legal challenge. This, including the prospect of a challenge being successful, needs to be considered fully in each case when determining the appropriate course of action.

Equalities impact

6. No impact on any of the protected characteristics has been identified.

Privacy impact

7. None: nothing in this report relates directly to specific identifiable individuals.

Resources impact

8. The upsurge in application numbers presents inevitable challenges for the existing staffing establishment, however effectively the incoming caseload is managed. It is to be hoped that temporary measures put in place for the current year, together with more permanent measures proposed for 2026/27 (if approved in the budget allocation), will be adequate to meet these challenges, but the situation will require regular monitoring.

Operational/ strategic plan impact

9. This a key element of the performance monitoring and review required as part of Activity 2 under “Regulation and Enforcement” in the current Operational Plan. This monitoring and review also has a key contribution to make to ensuring that we meet Objective 4 (*Deliver fair defendable decisions in a timely manner*) in the 2024/28 Strategic Plan.

Records management impact (including any key documents actions)

10. None

Consultation and Communication

11. The Deputy Heads of Enforcement have been consulted in the preparation of this CR.

Publication

12. I recommend that this CR (and attached papers – see table at the start of this CR) are published in full.