Commissioned vs Pro Bono Case Policy

Department: Case Files & Investigations
Policy ID: CFI-08
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1. Policy Title

Commissioned vs Pro Bono Case Policy

2. Authority & Legal Standing

2.1 **Binding Instrument.**
This Commissioned vs Pro Bono Case Policy ("Policy") is a binding operational and governance instrument governing how investigative Cases are classified as commissioned or pro bono, and how that classification constrains process, expectations, and obligations.

2.2 **Condition of Engagement.**
Engagement with the Organisation—including requesting investigative services, submitting materials, or participating in a Case—constitutes acceptance of this Policy as a condition of Case initiation and continuation.

2.3 **Reliance & Defensibility.**
This Policy is drafted to be relied upon in judicial, regulatory, contractual, and oversight contexts as evidence that the Organisation maintains structural separation between paid work and public-interest work, and does not permit financial incentives to distort investigative process.

2.4 **No Implied Outcomes or Duties.**
Case classification does not imply priority, outcome, success, obligation to continue, or duty beyond the procedural standards set by the Organisation.

3. Purpose

3.1 **Primary Objective.**
To establish clear, auditable rules distinguishing commissioned Cases from pro bono Cases, and to ensure that classification does not affect investigative neutrality, legality, or procedural integrity.

3.2 **Risk Containment Objective.**
To prevent financial considerations, donor expectations, or public-interest framing from influencing investigative scope, direction, or outcomes.

3.3 **Integrity Objective.**
To ensure that all Cases—regardless of funding status—are subject to the same investigative standards, constraints, and termination rights.

3.4 **Non-Determination.**
This Policy does not determine whether a Case is “worthy,” “important,” or “credible.” It governs classification only.

4. Scope & Applicability

4.1 **What this Policy applies to.**
This Policy applies to the classification, governance, and administrative handling of Cases designated as commissioned or pro bono.

4.2 **Who it applies to.**
This Policy applies to all personnel, contractors, and authorised contributors involved in Case initiation, management, or delivery.

4.3 **When it applies.**
This Policy applies from pre-opening classification through suspension, termination, or closure of a Case.

4.4 **Where it applies.**
This Policy applies irrespective of jurisdiction, platform, or operational environment.

4.5 **Explicit Scope Limitation Clause.**
This Policy does **not** govern investigative conduct, tool usage, bias mitigation, escalation, suspension, termination criteria, evidence handling, publication decisions, funding ethics, or external reporting. Those matters are governed by separate immutable policies.

5. Definitions (Local Only)

For the purposes of this Policy only:

5.1 **Commissioned Case.**
A Case undertaken pursuant to a paid engagement, contract, or fee-based arrangement.

5.2 **Pro Bono Case.**
A Case undertaken without fee or expectation of payment, typically in the public interest or where access to justice considerations apply.

5.3 **Case Classification.**
The formal designation of a Case as commissioned or pro bono at or before opening.

5.4 **Classification Record.**
The documented record indicating Case classification and any subsequent re-classification decision.

Definitions are local to this Policy and have no force outside it.

6. Permitted Activities

Within the strict scope of this Policy, the Organisation may:

6.1 Classify Cases as commissioned or pro bono prior to opening.

6.2 Apply identical investigative standards to both classifications.

6.3 Refuse, suspend, or terminate Cases of either classification under applicable policies.

6.4 Decline to convert a pro bono Case into a commissioned Case, or vice versa.

6.5 Re-classify a Case where circumstances materially change, subject to documentation.

Anything not expressly permitted is disallowed within this Policy's scope.

7. Prohibited Activities

The following are expressly prohibited:

7.1 Allowing payment, non-payment, or public-interest framing to influence investigative conclusions.

7.2 Treating commissioned Cases as entitled to favourable treatment, accelerated outcomes, or expanded scope.

7.3 Treating pro bono Cases as lower-standard, experimental, or exempt from procedural controls.

7.4 Using pro bono status to bypass safeguards, legal checks, or termination rights.

7.5 Using Case classification as a marketing claim implying endorsement, validation, or moral superiority.

7.6 Retroactively altering classification to justify decisions already taken.

8. Procedural Requirements

8.1 **Mandatory Classification at Opening.**
Every Case must be classified as commissioned or pro bono before investigative activity begins.

8.2 **Documentation Requirement.**
Case classification must be recorded in the Case File, including the basis for classification.

8.3 **Neutral Standards Requirement.**
All investigative standards, controls, and termination rights apply equally regardless of classification.

8.4 **Re-Classification Conditions.**
A Case may be re-classified only where circumstances materially change and must generate a new Classification Record stating:

(a) original classification;
(b) new classification;
(c) reason for change;
(d) effective date;
(e) confirmation that standards remain unchanged.

8.5 **No Automatic Conversion.**
Pro bono Cases do not convert into commissioned Cases through time spent, publicity, or perceived value, and commissioned Cases do not convert into pro bono Cases absent an explicit decision.

9. Safeguards & Risk Controls

9.1 **Financial Neutrality Safeguard.**
Investigative personnel must not be informed of fee arrangements where unnecessary to perform their role.

9.2 **Expectation Control.**
Commissioning parties must not be given expectations of outcomes, findings, or prioritisation based on payment.

9.3 **Public-Interest Integrity Control.**
Pro bono status must not be used to imply advocacy, alignment, or endorsement of any party or narrative.

9.4 **Equal Termination Control.**
Both commissioned and pro bono Cases are equally subject to suspension and termination under applicable policies.

9.5 **Auditability Control.**
Classification decisions must be auditable without revealing commercial terms unless legally required.

10. Enforcement & Compliance Mechanisms

10.1 **Access Controls.**
Failure to comply with classification rules may result in restriction or revocation of Case access.

10.2 **Governance Review.**
Classification decisions may be reviewed for compliance and neutrality.

10.3 **Corrective Action.**
Non-compliant classification practices may require corrective documentation, re-classification, or Case termination.

11. Breach Handling & Remediation

11.1 **Breach Definition.**
A breach includes misclassification, outcome-linked classification, concealment of funding influence, or misuse of pro bono designation.

11.2 **Containment.**
On breach detection, the Case may be paused pending review.

11.3 **Remediation.**
Remediation may include re-classification, exclusion of tainted materials, termination of the Case, or restriction of roles.

11.4 **Integrity Priority.**
Where classification breach undermines defensibility, the Case may be terminated to preserve organisational integrity.

12. Limitation of Liability

12.1 **Procedural Classification Only.**
The Organisation classifies Cases; it does not guarantee outcomes or continuation.

12.2 **No Liability for Good-Faith Decisions.**
The Organisation is not liable for losses or dissatisfaction arising from good-faith classification or re-classification.

12.3 **No Liability for External Interpretation.**
The Organisation is not liable for third-party interpretation of Case classification.

12.4 **No Limitation Where Prohibited.**
Nothing limits liability where prohibited by law.

13. Non-Delegation & Non-Expansion Clause

13.1 This Policy confers no investigative, enforcement, or publication authority.

13.2 This Policy may not be used to override other organisational controls.

13.3 Case classification is an administrative constraint, not an authorisation mechanism.

14. Jurisdiction & Governing Law

This Policy is governed by the laws of England and Wales.
Jurisdiction lies with the courts of England and Wales, subject to mandatory statutory obligations.

15. Amendments & Version Control

15.1 Amendments may be made only by the Organisation.
15.2 Amendments take effect upon publication.
15.3 The version in force at Case opening governs classification unless formally re-classified.

16. Supremacy Within Scope

Within the domain of Case classification as commissioned or pro bono, this Policy is authoritative. Outside that domain, it has no force.