

**The Independent Assessor of Complaints for the
Public Prosecution Service**

Annual Report

2013 - 2014

Mr Alan Henry OBE

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Chapter 1

Background

I was appointed to the post of Independent Assessor of Complaints for the PPS in May 2013, succeeding Mr Alasdair MacLaughlin who had carried out the role since its inception in 2005. I would like to express my sincere thanks to Mr MacLaughlin for his invaluable assistance in inducting me into my new role, and allowing me to draw on his knowledge and experience. He gave most generously of his time and I wish him every success in all his present and future endeavours.

This is the 9th Annual Report on the work of the Independent Assessor. The Report covers the period from 1 April 2013 to 31 March 2014 and statistical information is drawn from that period.

The Report provides information on complaints handling within the PPS, and statistical information for 2013/2014, and comparison with previous years.

Detailed reports on cases referred to the Independent Assessor are shown at Chapter 2. In the cases which I investigated, I obtained all of the case files, and tracked the complaint through the internal management tiers of the PPS. I subsequently produced detailed reports on each case, both in relation to the handling of the case in line with the PPS Complaints Procedure, and also in relation to the specific complaint(s) itself. My reports include my findings and also my recommendations where I believe there are opportunities for amendment and improvement. I have also recorded the many instances where the PPS handled the complaints professionally and effectively.

This Annual Report also provides information on my other work as Independent Assessor including benchmarking with complaints handling procedures in other organisations, with the aim of ensuring that complaints handling in the PPS meets best practice standards externally. Effective complaints handling is an important and an integral function of any organisation delivering a public service, particularly so in a public prosecution service, where it is crucial to maintain and improve public confidence in that service. I also report on the complaints handling procedures themselves and note the ongoing and proposed amendments to them to reflect best practice generally, and to reflect the dynamic nature of the requirement to meet a constantly changing external environment, and public expectation. I report on my benchmarking work at Chapter 3.

A further aspect of my work is the audit function. As Independent Assessor, I receive cases which have normally been through the internal processes in the PPS, but where the complainant remains dissatisfied with the responses which he/she has received. This historically amounts to 7 or 8 cases a year, although in 2013/2014 the total was 9. This included a spike of cases in the first 3 months of the year. I would not expect this to be an ongoing trend. However, the majority of complaints are dealt with and concluded within the PPS, and in recent years the total here has been 65 to 70, and in 2013/2014, the total was 73. I reviewed and audited the large majority of these cases, and this is reported on at Chapter 4.

At Chapter 5 of the report, I display the number of complaints handled this year, an analysis of the complaints and my comments on each.

At Chapter 6, I outline the Complaints Handling Process of the PPS and at Chapter 7 I lay out my role and remit as Independent Assessor.

During the year I met with the Director and Deputy Director of the PPS, and at various times I also met with the Senior Assistant Director, Regions, Prosecutions (Stephen Herron), the Senior Assistant Director, Resources and Change (Ian Hearst) and all the Regional Prosecutors.

I would like to record my thanks and appreciation for the invaluable support and assistance which I have received throughout the year from the Central Coordination Team in the PPS.

Chapter 2

Case handling work of the Independent Assessor in 2013/2014

I took up post as Independent Assessor in late May 2013. My predecessor had commenced and concluded a number of cases by that time, and I have shown these cases, along with cases which I took over from my predecessor, and any new cases referred to me.

Case1

The first complaint was from a person who had been assaulted. When the PPS had examined the case they came to the conclusion that a “no prosecution” decision for the alleged perpetrator was appropriate. The person wrote to the Regional Prosecutor concerned explaining the decision that had been taken. The complainant then wrote to the Independent Assessor complaining that the PPS had not handled the case properly. It was not known at that stage whether the description he used had referred to the prosecutorial decision concerned (in which case it would not have been in the Independent Assessor’s remit), or whether he was complaining about the nature of the service he had received (in which case it could have been within Independent Assessor’s remit). Having referred to the files and read the material carefully, it was quite clear that the PPS had handled the matter entirely as it should. The Independent Assessor wrote to the complainant to this effect, and explained to him the process involved. The Independent Assessor did not see the need to make any suggestions or recommendations to the Director in this complaint.

Case 2

The second complaint was sensitive and complex involving a person whose work took him around the corridors of the PPS. The complainant felt that he was being victimised and had begun to read all sorts of conspiracies into his life and outside of it. He believed that there was a case to be had against individual and collective police personnel, and he had begun to believe that the PPS was also against him, and that they had given him less than good service. The facts of the matter were that, as his job gave him access to the most senior managers in PPS, he had raised his worries with several of them. They in turn had leaned over backwards to assist him and to explain the limitations under the law facing PPS and the police in his case. Nevertheless, he felt it appropriate to complain to the Independent Assessor, and was specific about the way he felt that these senior persons had behaved towards him. The plain fact was that the complainant did not like that no case could be brought: there was not enough or insufficient evidence to bring a case in which he believed he was the victim. Accordingly, he had become angry and abusive with the very persons in PPS who had set out to assist him.

The Independent Assessor examined the files very carefully and there was not one shred of evidence which could support his complaint against PPS. It was his opinion that the complainant was abusing his privilege of access to senior people in PPS. The Independent Assessor wrote to the Director accordingly and suggested that PPS Senior Management should discuss the approach that should be used in such circumstances, and also to decide on an appropriate line across which such a person should not be allowed to stray. The Director's secretary wrote to the Independent Assessor in a letter dated 13th May 2013, telling him that when the Director had an opportunity to consider the matters that this complaint had raised, he would send him a substantive reply.

Case 3

The third case was an unusual one in which the complainant had been taken to court on three different counts of criminal behaviour resulting from a dispute with her neighbours. She had accused the PPS of many misdemeanours, including lying and changes of plea not being communicated. The Independent Assessor accessed the files in this complaint, and found that for the most part her dissatisfaction had arisen from three sources. Firstly, she was complaining over matters over which the PPS had no influence (for example, dates of hearings and changes). Secondly she had changed her legal team part way through - in the Independent Assessor's experience, not generally a good idea - which had resulted in the second team not recognising that she had made a plea through her first team of which the second team was unaware. Thirdly, when she had taken the matter to the Director PPS, she took exception to the fact that the reply had been in the name and signature of the principal private secretary. The complainant did not understand that this person was in fact a legal professional.

In responding to this complaint, the Independent Assessor advised the complainant that it was his opinion that the PPS was not found wanting prior to the receipt of her complaint into the system. Thereafter, the Complaints Handling System had not been followed correctly.

Case 4

The fourth complaint was referred to the Independent Assessor himself by the PPS, as it was felt that the level of abusive comment from the complainant and her son had reached a level where it was likely that she would lodge a complaint at the third tier. She had also threatened to politicise the case and take it to the press. The essence of the case was that she felt that the PPS and other agencies in the justice system were discriminating against her and deliberately making her life a misery, because of her background. The facts of the case disclosed to the Independent Assessor no reason for a complaint against the PPS except that the responses, which had all been appropriate to the circumstances and made by the Regional Prosecutor in a timely and courteous fashion, had all been delivered by email. That methodology is, of course, for the PPS to determine, but the Independent Assessor had stated many times in his Annual Reports that he believed that good complaints

handling should be conducted mainly in hard copy, by surface mail; that way, the potential confusion that can arise from the immediacy of emailing can be more easily avoided.

In mid-June, it was clear that no complaint had been made by the person concerned or her son to the third and independent tier in the Complaints Handling System. Accordingly, it was decided there and then to terminate any further work on the files at the independent tier.

Case 5

The fifth complaint was yet another unusual and sensitive case. Basically, a young policeman had been caught in possession of drugs, had been charged appropriately, and having pleaded guilty was duly sentenced. His father, a former high ranking policeman who did not agree with the verdict, brought the complaint to the Independent Assessor after it had been considered properly by the PPS. When a verdict is made and a sentence declared, that is normally the end of the matter, although the Independent Assessor's opinion in the issue has no legal standing. The matters about which the complainant was taking issue related to police behaviour and alleged procedural violations for which he felt the PPS should have prosecuted those who had not followed those procedures. Examination of the files determined for the Independent Assessor that the PPS had no case to answer, except in relation to the timetables of responding to a complainant at the second tier. The Assistant Director concerned had dealt with the process of the complaint correctly, thoroughly and courteously, but had not done so to the timetables laid down by the PPS.

The Independent Assessor wrote to the Director on 2nd June 2013, as a result of this case, and commented that all staff should be reminded again about the importance of keeping to the timetables contained in the PPS' own procedures.

Case 6

The sixth complaint was once again unusual, with an additional overlay of political involvement, which always has the potential for raising profile and sensitivity. This referred to a case where the victim, who lived in England, had been the subject of a fraud perpetrated by persons in N. Ireland. The victim had become unwell because of the stress brought about by the fraud, and the large financial loss which he had incurred. As a result the complaint was pursued by a friend. The original complaint related to the initial delay in taking the prosecution decision, a period of just over two years, and the complainant alleged that the victim's financial loss arising from the fraud had been exacerbated by the considerable delay in taking the prosecution decision. He also alleged that the victim had been given advice by someone in authority, although it was not clear by whom, in relation to his financial arrangements, which again had compounded his financial loss. The case progressed through the Complaints Handling System, and was subsequently referred to me. By this time the complainant had added a number of other aspects to his complaint relating to the manner in which his complaint had been handled, and the timeliness. Subsequently,

further elements of complaint were added as court hearings took place in relation to the fraud.

I carried out a thorough investigation of all the papers in relation to this case, and to all the complaints which had been raised. I commenced my report, but with the agreement of the complainant, did not complete it until after the last court hearing.

Clearly there were some obvious failings by the PPS in this case. The two year delay in reaching and communicating the prosecution decision was unacceptable. While there were some commendable aspects of the PPS' handling of the case, in relation to communications sent in response to the complainant, others were unsatisfactory, particularly at the very early stages, which set the scene for a long running and fraught relationship between the PPS and the complainant. In relation to the victim's financial position, I was satisfied that no-one in the PPS gave the victim financial advice and the issue of recompense to the victim was a matter for the PPS.

I submitted my report, with my findings and recommendations, to the Director. I received a full response from the Director to my report. The Director also wrote to the complainant. I am satisfied that remedial measures have been put in place to respond to my recommendations.

Case 7

The seventh case related to a complainant who had been charged with an assault, and was querying why two persons who had entered his home without invitation had not also been charged.

I carried out a full review of the papers in this case, and found that the complaint had been handled in an appropriate and timely manner. I advised the complainant of this, and also that, as the complaint related to a prosecution decision, it was not within my remit and that if he wished to pursue this aspect of his complaint he should do so directly with the PPS.

Case 8

The eighth complaint was a revisitation of a complaint brought in 2011, and which was concluded properly at the time. In summary the "new" complaint was really an expression of dissatisfaction with the results in the courts of subsequent trials with the complainant trying to blame the PPS for poor handling of the case through the courts. As such, it was therefore very easily and quickly dealt with as not being eligible in the Independent Assessor's view to be entered into the Complaints Handling System at this stage.

Case 9

The ninth complaint arose from a minor traffic accident in January 2013. The complainant was unhappy with the fact that she had been prosecuted following the accident. The case had been progressed fully through the Complaints Handling System. The complainant had

raised a considerable number of issues, including the prosecution decision itself, the PPS' review of the police investigation of the accident, requests by her solicitors for a review of the prosecution decision, how disclosure of items had been dealt with by the PPS prior to the court hearings, alleged breaches of the Code for Prosecutors, and the PPS' overall handling of her complaint. Some of the issues raised by the complainant were outwith my remit as they referred directly to the prosecution decision.

I reviewed all of the papers in this case, and prepared and submitted a full report to the Director, including my findings and recommendations. As the timing of the submission of my report fell out outside the period of this Annual Report, I will report more fully on it in my next Annual Report.

Other Cases

In addition to these cases, a further five communications were received from complainants during the year. In each of these cases, after making enquiries with the PPS and the complainants, I was able to establish that the complaints had not been progressed fully through the PPS Complaints Handling System, or only partially so, so with the agreement of each of the complainants, I referred the complaints back to the PPS. I assured the complainants that if they remained dissatisfied with the responses from the PPS they could still bring their complaint to me. The Complaints Handling System allows complainants to come directly to me at the second tier stage, in appropriate circumstances, but in all of these cases the complainants were content to allow the PPS to investigate their complaint, with the option of referral to me if they remained dissatisfied.

Chapter 3

Benchmarking

As part of my work as Independent Assessor I have devoted time to benchmarking the PPS's Complaints Procedures with other organisations. Benchmarking is the process of comparing processes in one organisation against best practice in other similar organisations. This allows the development of appropriate amendments to the process in line with current best practice, and to ensure continuous improvement.

During the year, I met with senior management in a number of organisations, who were good enough to share and discuss with me their complaints processes and procedures. The organisations were the Criminal Justice Inspectorate, the Office of the Police Ombudsman, the Northern Ireland Ombudsman and the Consumer Council for Northern Ireland. I have also surveyed complaints and processes of other organisations on the internet .I have also been in contact with the Independent Assessor of Complaints for the CPS, who has recently taken up post. I will be meeting the CPS Independent Assessor in the current year, and as this is the most analogous post to that of the Independent Assessor for the PPS, sharing best practice will be invaluable for both roles.

Arising from my benchmarking, some amendments have been made to the PPS Complaints Procedures, most notably the establishment of a facility for complainants to submit their complaint directly to the PPS on the PPS website. This helps the PPS to fulfil one of the principles of effective complaints handling in providing simple and accessible procedures for lodging a complaint.

A further development of the PPS procedures is the establishment of a single point of contact within the PPS for all complainants, which is currently under consideration. This is again one of the principles of effective complaints handling, and ensures that all complaints are, firstly, recorded, and then subsequently dealt with in a clear and consistent manner compliant with best practice.

A further result of benchmarking understands the importance of a statement of a clear and unambiguous definition of a complaint. It is important that the definition is communicated and understood throughout the PPS to ensure that a consistent standard and approach is taken to all contacts from the public and stakeholders. The definition currently used by the PPS is:

“Any communication which expresses dissatisfaction with, or criticism of the service provided to the community by the PPS. “

Such complaints may relate to:

- the effectiveness and efficiency of the work of the prosecution (for example the time taken to process a case or the promptness of payment of witness expenses)
- the manner in which a person was treated by a member of staff of the PPS or someone acting on behalf of the PPS
- any failure to adhere to the prosecution service's Code for Prosecutors to Code of Ethics , which does not relate to a prosecution decision

Separate arrangements apply for anyone wishing to ask PPS for reasons for a prosecution decision or wishing to have a prosecution decision reviewed.

As with all aspects of the PPS Complaints Procedures, the definition of a complaint will be subject to ongoing review and amendment as appropriate.

A further series of amendments to the Complaints Procedures is being considered, and will be introduced in 2014 / 2015.

Chapter 4

Audit

As Independent Assessor, part of my work has been auditing complaints and handling of cases which were dealt with within the PPS, and which did not come to me at the third tier of the Complaints Handling Process.

I carried out a full audit of 50 such cases, representing the large majority of all complaints at level 2 dealt with and concluded internally. I produced my Audit Report and submitted to the Director of Public Prosecutions. The main findings of my audit were:

- The variation in numbers of reported complaints between Regional Offices. It would have been expected that the number of complaints arising from each office would have been roughly similar, but this turned out not to be the case. I was unable to clearly establish the reason(s) for this disparity, but one explanation may be variations in the interpretation of the definition of a complaint. I refer to this in more detail at Chapter 5 of this Report. This is an area which will be focused on in 2014/2015.
- There were many examples of exemplary complaints handling, indeed this was the case in the majority of files which I audited. These examples demonstrated the qualities of professionalism, excellent timeliness, courtesy and, importantly, responses from the PPS which clearly showed that a full and thorough investigation had been carried out. The responses were also comprehensive, excellently drafted, and totally clear and jargon free. It was also noticeable that none of these cases were taken any further by the complainants, and in a number of cases complainants expressed appreciation as to how the complaint had been handled.

Inevitably there some examples of complaints handling where there were clear opportunities for improvement. These were:

- lack of acknowledgement of receipt of complaint;
- lack of an apology, or the proffering of a partial apology;
- use of internal terminology, which would not be understood by members of the public;
- incomplete responses, where not all of the complaint's issues had been addressed;

- Response letters from the PPS which were not personally signed off.

I did not detect or patterns or themes in the complaints which I audited.

Further issues which arose were:

- Instances where correspondence from the PPS had been sent to incorrect addresses. Clearly, this leads to acute embarrassment to all concerned, particularly given the sensitive nature of PPS work. While it is true that the PPS is generally dependent on the police to supply the correct addresses, I advised that the PPS should consider what might be done to address the problem. In response the PPS have assured me their operational checks and follow up by the Business Assurance Team will identify lessons learned and lead to a reduction or elimination of this problem
- Instances where victims or witnesses were not informed of key information or dates, or were advised belatedly. In some instances, some victims or witnesses were advised, but not others. Some of the problems arose from errors or omissions by PPS support units. This is clearly unacceptable. On the positive side, in all of these cases the errors or omissions were acknowledged by the Regional Prosecutor, and a full apology delivered. Victims and Witness Care Units have been established covering all of N. Ireland. These Units will keep victims and witnesses informed, and assess their needs in the event that they are required for Court. This is a significant enhancement in the service provided by the PPS and police, and should improve the overall experience of victims and witnesses. Additionally, in coming months the PPS will launch a new Victim Information Portal where victims will be able to log in to a secure website to obtain details of their case.

I am satisfied that the measures which the PPS are putting in place will address the issues identified in my audit, and I will continue to monitor the situation through my audit process, and my individual investigations.

A further area which I highlighted in my audit was that of the PPS Review process as laid down in the Code for Prosecutors. In these instances I found that the Reviews were invariably carried out appropriately, in compliance with the Code. The actual outcome of the Review is, of course, solely a matter for the PPS.

Chapter 5

Complaints Handling in the PPS 2013/2014

The PPS maintain comprehensive records of complaints, and an analysis and breakdown of the figures by various categories. These are shown below with my comments on each category,

In previous years, the Independent Assessor's Annual Reports have shown complaints information for each calendar year, January to December. This year, and for the future, the complaints figures will correspond with the period of my Annual Report, i.e. April to March. For completeness, I have also shown the figures for January 2013 to March 2013.

1. Total Complaints

Numbers of complaints and written requests

Year	Complaints Logged	Written Requests
2006	39	126
2007	28	115
2008	41	137
2009	49	109
2010	65	107
2011	70	141
2012	70	160
2013 (Jan – Mar)	17	49
2013 / 2014	73	147

In terms of the total number of complaints handled, the total numbers for each 12 month period have remained relatively stable in recent years. The numbers have increased significantly from 39 in 2006 to 73 in 2013/2014. The increase from 2006 to 2010 does not necessarily give major cause for concern, or reflect a worsening in the service provided by the PPS, but is more a consequence of better complaints recording and logging, and more efficient methods by which the public can access the complaints handling system. However, I would expect the total numbers to continue to flatten out, and indeed decline, to reflect PPS service improvements, and more effective and efficient complaints handling.

In terms of the total numbers of complaints, it should be borne in mind that the PPS handles around 50,000 prosecution cases each year, and the number of complaints represents less than 1% of total cases. This is a remarkably low figure and should be a matter of some satisfaction for the PPS. However, for an organisation striving to achieve its vision of becoming a first class prosecution service, reducing the level of complaints, and handling those which arise both professionally and effectively, is an important objective. Part of that complaints handling process includes thorough investigations into complaints, learning the lessons from them as appropriate and reviewing and adjusting services and/or complaints handling processes as necessary. In the case of Tier 3 complaints which I have dealt with, I am satisfied that the recommendations which I have made, have been taken on board by the PPS, and the appropriate remedial and improvement measures taken.

Outcome of complaints

Year	Upheld	Partially Upheld	Dismissed	Resolved Informally	No further action required	Outstanding	Total
2006	9	5	10	1	12	2	39
2007	4	0	5	0	15	4	28
2008	8	3	12	0	5	13	41
2009	9	7	12	0	7	14	49
2010	12	2	19	1	3	25	66
2011	19	10	19	0	9	13	70

Year	Upheld	Partially Upheld	Dismissed	Resolved Informally	No further action required	Outstanding	Total
2012	14	6	27	17	6	0	70
2013 (Jan – Mar)	2	0	7	5	3	0	17
2013/2014	11	2	15	32	13	0	73

Complaints Substantiated (Partially or wholly upheld)

Year	Number of Complaints	% Substantiated
2006	39	14
2007	28	36
2008	41	27
2009	49	33
2010	65	20
2011	70	50
2012	70	29
2013/2014	73	18

Of the 73 cases in total in 2013/2014, 11 were upheld and 2 partially upheld, representing 18% of total cases. This represents a considerable improvement in the percentage of cases upheld or partially upheld in recent years which was 2012 29%, 2011 50%, 2010 20% and 2009 27%. It is hoped that this improving trend will continue, representing a continuing improvement in one measure of operational efficiency, delivery of service and efficient complaints handling. The numbers of cases resolved informally has increased significantly this year and last, perhaps representing a more proactive and timely response to complaints at the initial stages, a welcome development.

Reasons for complaints

	2013 (Jan – Mar)	2013/2014
Case Handling	9	32
Primarily prosecutorial	2	4
Communication / Information	4	15
Standard of communication	0	3
Conduct of staff / Counsel	0	9
Court Outcomes	0	6
Court Performance	0	2
Administration errors	0	3
Other	3	12
Total	18	86

(Note - a complaint can comprise of a number of issues)

This year the categories of reasons for complaints have been changed to represent current circumstances, and therefore valid comparisons with previous years are not possible.

On the positive side, the numbers 'in court' complaints remains relatively low (10%). However, the number of complaints relating to case handling and communication/information totalled 50, or 58% of all complaints. 32 (37%) referred to case handling, and 18 (21%), related to communications /information. It is obviously a matter of concern that there is this level of complaint in these areas, and it is important to focus on these areas in the current year. Priority should be given to analyse the data further, review the cases involved, and identify exactly what the problems are. Following that, the necessary remedial action needs to be taken to address them.

2. Complaints by Regional Area

Total number of complaints received

	Belfast	Eastern	Northern	West / South	Total
2013(Jan-Mar)	4	11	1	1	17
2013/2014	18 (25%)	36 (49%)	12 (16%)	7 (10%)	73

The total number of cases received and dealt with demonstrates a significant disparity between Regional Offices. In % terms, Belfast dealt with 25%, Eastern 49%, Northern 16%, and West/South 10%.

I understand that the pattern of Regional Offices was established to deal with a roughly equivalent number of prosecution cases, and I have confirmed that this is the case. I would therefore expect that the number of complaints arising from each area would be roughly equivalent. However, as I found in my Annual Audit, this is clearly not the case. There is, at present, no clear explanation for the disparity in numbers, but one possible reason is a difference in the interpretation of the definition of a complaint from Regional Office to Regional Office. I expect the issue to be thoroughly analysed, and whatever remedial measures are required put in place to ensure a common agreed understanding of the definition of a complaint. Clearly if there are any other factors playing a part in this situation, these need to be addressed as well. The success of the remedial measures taken should result in a greater balancing of the numbers of complaints arising from each Regional Area.

Complaints Substantiated (Partially or wholly upheld)

	Belfast	Eastern	Northern	West /South	Total
2013 (Jan–Mar)	0	2	0	0	2
2013/2014	8/18 (44%)	1/36 (3%)	4/12 (33%)	0/7 (0%)	13/73 (18%)

Overall 18% of complaints were wholly or partially substantiated, ranging from 0% to 44% between Regional Offices. As already stated, the overall figure of 18% of complaints substantiated is a good outcome and the best over recent years. There are significant

variations between Regional Offices and it is important that these cases are analysed, improvement opportunities identified and remedial measures put in place as appropriate.

Numbers of complaints acknowledged within 5 days

	Belfast	Eastern	Northern	West / South	Total
2013 (Jan–Mar)	3 (75%)	5 (45%)	1 (100%)	1 (100%)	10 (59%)
2013/2014	13/18 (72%)	20/36 (56%)	5/12 (42%)	3/7 (43%)	42/73 (58%)

The figures show that only 58 % of all complaints received by the PPS were acknowledged within 5 days, with percentages ranging from 42% to 72% between Regional Offices. This is clearly an unacceptable situation, particularly as the 5 day target is a fundamental aspect of the Complaints Handling Process. It is difficult to understand why a standardised process can not be in place to ensure that a simple acknowledgement by email or letter is despatched to a complainant within 5 working days. I am aware that consideration is being given to centralising the initial response acknowledgement process, and this appears to me to be a sensible step forward, and indeed potentially could address the problem completely, and assist in achieving a 100% response rate.

However, whatever measures are taken, this is clearly a situation which requires urgent attention, and I expect significant progress in the current year. The point of a 5 day response is not just a statistical exercise, but that the research and indeed best practice, demonstrates that the manner in which a complaint is handled at the very initial stage has a significant influence on the attitude of the complainant, and on the eventual outcome of the case.

Numbers of complaints dealt within 20 days

	Belfast	Eastern	Northern	West / South	Total
2013 (Jan–Mar)	4 (100%)	8 (73%)	1 (100%)	0 (0%)	13 (76%)
2013/2014	14/18 (78%)	20/36 (56%)	5/12 (42%)	3/7 (43%)	42/73 (58%)

A total of 58% of cases were dealt within 20 days, with figure ranging from 42% to 78% between Regional Offices. Clearly it would be satisfying to see these figures improved. I am however very conscious of the need to carry out thorough investigations, and I am aware that this can take time, resulting in the 20 day standard not being achieved. If this is the case, then it is essential that the complainant is advised of this, and advised of a new final response timescale, as specified in the Case Handling Procedures. Once again there are significant variations between Regional Offices. There are no figures on the numbers and percentages of case progress communications sent to complainants. I have emphasised, at another part of this Report, the importance and necessity of thorough investigations relating to each complaint, and I am content if this necessitates an extension of the 20 day target, as long as the complainant is advised.

Chapter 6

Complaints Handling Processes in the PPS

1. General

The Case Handling Process in the PPS has been successfully in place for a numbers of years. The PPS is committed to providing a high standard of service at all times. If the PPS provide an ineffective or inefficient service or treat someone impolitely or unfairly or if there is a failure to adhere to the PPS' Code of Ethics or Code for Prosecutors, the complaints process provides a sound and practical mechanism for the PPS to learn about it. The really important aspect is that the PPS investigates the complaint thoroughly and, where it is justified, ensures that the lessons are learnt, and the PPS strive to put things right, and improve the overall standard of service it provides to the public. A key component of complaints handling is that the complaint is handled professionally, and with sensitivity and courtesy at all times.

2. The Principles

The Principles underlying the PPS Complaints Handling Process are:

- The Complaints process will be open and accessible;
- Complaints will be dealt with in a timely ,effective and consistent manner;
- Complaints will be investigated and dealt with by individuals other than those about whom the complaint is made;
- Complaints will be considered fairly and impartially;
- Members of the public making a complaint will be dealt with professionally and with sensitivity and courtesy at all times;
- Complaints will be fully considered in line with policy and procedures set out in the PPS Complaint Handling Policy;
- The Complaints Handling Process will deliver continuous improvement;
- The Independent Assessor will audit a proportion of all complaints received. One purpose of this is to identify any patterns and to obtain a clearer picture of the types of complaints being raised.

The Independent Assessor will consider all complaints properly referred to him and also report annually to the Director of Public Prosecutions. He may make recommendations, and the Director is obliged to respond to these recommendations.

3. Definition of a complaint

The PPS definition of a complaint is:

“Any communication which expresses dissatisfaction with, or criticism of, the service provided to the community by the PPS”.

Such complaints may relate to:

- a) The effectiveness and efficiency of the work of the prosecution service (for example, the time taken to process a case, or the promptness of payment of witness expenses).
- b) The manner in which a person was treated by a member of staff of the PPS or by someone acting on behalf of the PPS; or
- c) Any failure to adhere to the prosecution service’s Code for Prosecutors or Code of ethics, which does not relate to a prosecution decision.

Separate arrangements are in place for anyone wishing to ask the PPS for reasons for a prosecution decision or wishing to have a prosecution decision reviewed.

4. Who can make a complaint

Any person who has had contact with the PPS in whatever capacity can make a complaint. A complaint may be made directly by an individual or through their nominated representative (for example a family member, solicitor, support group or public representative).

5. How can a complaint be made?

Complaints may be made in a variety of ways –by letter, by email, by telephone, by text phone, directly on the PPS website, and at court. The details of how to make a complaint by each of these methods is laid out on the PPS website, and is available by hard copy from the PPS directly.

6. Timeliness of handling complaints

The PPS will acknowledge receipt of a complaint, by the complainants preferred method of contact, within 5 working days. A full response will normally be made within 20 working days. Where it is not possible to provide a full response within 20 days, the complainant will be advised why the response has been delayed and given a revised date for doing so.

7. How the complaint will be handled

Initially, a complaint will be made to, and dealt with by, one of the 4 Regional Prosecutor's Offices. Most complainants are satisfied at this initial stage. If the complainant is dissatisfied with the response received, he/she may refer the complaint to PPS Headquarters, where the complaint will be dealt with by a Senior Manager. Any complaint may be brought directly to PPS Headquarters from the outset. If the complainant remains dissatisfied, he/she may refer the matter to me as Independent Assessor of Complaints for the PPS. I work with full independence from the PPS. I can investigate the complaint only:

- a) If the matter has been investigated and concluded by the PPS, and when the complainant remains dissatisfied; and
- b) If it is not prosecutorial in nature.

I work in a confidential and secure manner and upon receipt of the complaint, I will deal directly with the complainant, and fully explain my role and remit. At the conclusion of my investigation I will prepare a full report, along with my finding and any recommendations. Normally, my full report will be sent to the Director of Prosecutions, and made available to the complainant.

Chapter 7

THE ROLE AND REMIT OF THE INDEPENDENT ASSESSOR of COMPLAINTS for the PPS

The Independent Assessor oversees not only the PPS complaints handling arrangements themselves, but also the development of guidelines and protocols relating to complaints handling. He can also comment on the procedures used and how they were applied, including quality of service, and can make recommendations for improvements to the Director of Prosecutions as Head of the PPS.

The Independent Assessor can investigate a complaint only after that complaint has been investigated by the PPS, and that having been concluded, the complainant remains dissatisfied. An overview of the PPS complaint handling arrangements is shown at Chapter 6. The Independent Assessor will produce a report for each case he investigates, to include his findings, and, where appropriate, his recommendations. These will be forwarded to the Director of Public Prosecutions, for him to consider and respond.

The Independent Assessor will not act as a complainant's advocate, and cannot enforce the complainant's rights. His role has to do with determining whether or not a complaint was handled fairly, thoroughly and impartially by the PPS, and also to influence the adoption of best practice in dealing with complaints. The PPS is obliged by its policies to aim for the highest standards in all that it does, including handling complaints.

As well as handling complaints properly referred to him, the Independent Assessor reviews and audits a proportion of all complaints made to the PPS. The purpose of this is to identify any patterns or themes and to obtain a clearer picture of the types of complaints being raised, as well as changes in patterns year by year.

The Independent Assessor is required to report annually to the Director, and may also make recommendations. The Director is obliged to respond to these recommendations.

Complaints which may be investigated

The Independent Assessor may investigate all complaints, with the exception of those which are mainly prosecutorial in nature, that is where they are primarily in relation to a decision by the PPS to prosecute in a particular case. All requests for the review of a prosecutorial decision should be directed to the PPS.

The types of complaints investigated by the Independent Assessor may include:

- ✓ The effectiveness/efficiency of the work of the prosecution service (for example, the time taken to process a case, or the promptness of payment of witness expenses).
- ✓ The manner in which a person was treated by a member of the staff of the PPS, or by someone acting on behalf of the PPS.
- ✓ Any failure to adhere to the PPS's Code of Prosecutors, or Code of Ethics.

Length of time the process will take

The Independent Assessor will take a maximum of 8 weeks to investigate, progress, and conclude a complaint. At the outset of the investigation, the complainant will be told the likely timetable for the case and the complainant advised on any changes in the original estimates for the time required.

What the complainant needs to do

The complainant should normally submit their complaint in writing. This may simply be by letter, providing an outline of the complaint, or he/she may submit by it by email, on tape, in Braille, or other media, or in a language other than English.

The Independent Assessor has discretion to interview the complainant and/or their representative in person, but will not normally do so.

The Cost of making a complainant

The process is free to the complainant. The complainant does not need independent or legal advice when making a complaint to the Independent Assessor. The Independent Assessor cannot award costs or compensation.

Completion of the investigation

When the Independent Assessor has completed the investigation, he will communicate the outcome and his findings to the complainant.

Remedies available to the Independent Assessor

The Independent Assessor may make recommendations to the PPS. The Director is obliged to consider these, and to respond to the Independent Assessor, however, he is not obliged to implement the recommendations.

Chapter 8

Concluding Notes and Recommendations

I have now been Independent Assessor for just over a year and found the role both interesting and rewarding. I see the role as truly independent from the PPS but I believe that the role and remit allow me to contribute and add value to its work. Through my investigations, audit and benchmarking, I can identify opportunities for service and delivery improvements and also adjustments to the Complaints Handling Process itself, which again has the aim of providing a better service to complainants, who, should, at all times, be at the heart of any complaints handling systems.

In relation to 2013/2014, a number of amendments have been made to the complaints handling procedures with the aim of improving their efficiency and effectiveness. This includes the opportunity for complainants to lodge their complaint directly on the PPS website, and relevant additions to the Principles of the Complaints Handling Procedures. A major change currently under consideration is the centralisation of the receipt and acknowledgement of complaints which I believe will much enhance the process. I recommend that this is done along with other changes to the Tier structure of the procedures which again will improve overall efficiency and timeliness of complaint responses.

Associated with the amendments already mentioned, I recommend that attention is given to the following areas:

- A high level of attainment of the five day acknowledgement of complaints target.
- Improvement in the percentage of full responses sent to the complainant within 20 days.
- An analysis of the reasons for the disparity in number of complaints arising within each Regional Office area, and remedial action implemented as appropriate.
- The maintenance or reduction in the level of complaints substantiated.
- Analysis of the reasons for the relatively high levels of complaint types under the headings of communications/information and complaints handling, and remedial action implemented as appropriate.
- Focus on the initial response to any complaint, as this is often crucial to the eventual outcome.

- Response letters to be personally signed off.
- Thorough investigation of the background to all complaints.
- The use of clear and jargon free responses to all complainants.
- The proffering of a full apology at an early stage, where it is appropriate.

In terms of operational issues:

- A fully effective system to ensure that all cases received for a prosecution decision are reviewed in an effective manner to ensure that the prosecution/non prosecution decisions are taken in a timely and efficient fashion.
- Effective action taken to ensure that correspondence from the PPS is delivered to the correct address/recipient.
- All victims and witnesses to be communicated with in a timely and appropriate manner.

Finally, may I emphasise that the PPS as an organisation is subject a remarkably low level of complaints, less than 1% in relation to the approximately 50,000 cases handled annually, which is highly commendable and a very positive reflection on the PPS. Equally, very many, indeed the majority, of complaints received by the PPS are handled and responded to in an exemplary and highly professional manner, which again is worthy of high commendation. I am aware, however, that the PPS believes in continuous improvement and my recommendations are aimed at assisting the PPS to achieve its vision of becoming a first class prosecution service.

About the Independent Assessor

Alan Henry OBE was appointed as the Independent Assessor of Complaints for the PPS on 30th April 2013. He has 25 years experience in human resources, organisational development and equal opportunities.

He was formerly a Commissioner of the Equality Commission and the Human Rights Commission and was a Civil Service Commissioner. He was an

Independent Assessor for the Commissioner for Public Appointments. He is a Lay Panellist for the Office if Industrial and Fair Employment Tribunals. He is a Member of the Doctor's and Dentist's Remuneration Board. He is also a Governor of the South Eastern Regional College and a Chair of the Board of Governors of an Integrated College.