

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



**Delivering an Independent and Confidential Service**

## **WHAT IS THE ROLE OF THE INDEPENDENT ASSESSOR?**

The Independent Assessor plays an important role in the complaint handling arrangements of the Public Prosecution Service. The Independent Assessor oversees not only the process itself, but also the development of guidelines and protocols relating to complaint handling. He can also comment on the procedures used and how they were applied, including quality of service, and can make recommendations for improvement to the Director of Public Prosecutions as Head of the PPS.

The Independent Assessor can investigate your complaint only after that complaint has been investigated by the PPS, and once that has been concluded, you are still not satisfied. An overview of the PPS complaint handling arrangements is presented at Appendix A.

The Independent Assessor will not act as your advocate and cannot enforce your 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.

### **About the Independent Assessor**

Alan Henry OBE was appointed as Independent Assessor for the Public Prosecution Service on 30<sup>th</sup> April 2013. He has 25 years' experience in human resources, organisational development and equal opportunities.

Alan was formerly a Commissioner of the Equal Opportunities Commission, and the Human Rights Commission and was a Civil Service Commissioner. He is a lay panellist for the Office of Industrial and Fair Employment Tribunals. He is a Governor of the South East Regional College and a school Governor.

Alan is a member of the Doctors' and Dentists' Remuneration Board and a member of the NI Practice and Education Council.

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 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.

### **WHICH COMPLAINTS, AND FROM WHOM ARE ELIGIBLE FOR INVESTIGATION?**

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 or not to prosecute in a particular case. Such matters and all requests for a review of a prosecutorial decision should be directed to the PPS (see Appendix A).

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 staff of the PPS, or by someone acting on behalf of the PPS.
- Any failure to adhere to the PPS's Code for Prosecutors, or Code of Ethics. Copies of these documents may be obtained from the PPS.

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

## **HOW LONG WILL THE PROCESS TAKE?**

The Independent Assessor will take a maximum of eight weeks to investigate, progress and conclude your complaint. At the outset of the investigation, you will be told the likely timetable for your case and will be kept up to date on any changes in the original estimates for the time required.

## **WHAT DO I NEED TO DO?**

You should submit your complaint normally in writing. This might simply be by letter, providing an outline of your complaint, or you may submit it by email, on tape, in Braille or other media, or in a language other than English.

The Independent Assessor has discretion to interview you and / or your representative in person, but will not normally do so. In the event that he wishes to interview you, he will write to you providing details of location, and what may be involved.

## **HOW MUCH WILL IT COST?**

The scheme is free to complainants. You do not need independent or legal advice when making a complaint to the Independent Assessor. The Independent Assessor cannot award costs, or compensation.

## **WHAT HAPPENS WHEN THE INVESTIGATION IS COMPLETED?**

When the Independent Assessor has completed his investigation of your complaint, he will write to you about his conclusion.

## **WHAT REMEDIES ARE 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.

## **WHAT ARE THE ADVANTAGES AND DISADVANTAGES OF THE INDEPENDENT ASSESSOR'S SERVICE?**

### ***Advantages***

- It is private to the complainant.
- It is independent of the PPS.
- It is free.
- It can result in a complaint being further investigated.
- It can result in improvements in the way the PPS operates.
- It can result in improved ways of handling complaints.

### ***Disadvantages***

- It is not binding on PPS; the Independent Assessor may only recommend.
- It provides no financial redress.
- The conclusion of the Independent Assessor is the final step in the complaint handling process, but please note there may be other routes to achieving resolution.

## **HOW DO I CONTACT THE INDEPENDENT ASSESSOR?**

You may contact the Independent Assessor as follows:

### ***By letter:***

Alan Henry OBE  
Independent Assessor of Complaints for the Public Prosecution Service  
PO Box 928  
Belfast  
BT1 9AN

### ***By email:***

[independent.assessor@gmail.com](mailto:independent.assessor@gmail.com)

## **APPENDIX A:**

### **THE COMPLAINT HANDLING ARRANGEMENTS OF THE PPS**

The PPS has a three tier process for handling complaints, as follows:

#### **Step 1**

If you wish to make a complaint about the PPS, this can be done in a number of different ways, including by letter, using the PPS website, by email, telephone or text phone. When at court, a complaint may also be made by speaking to any member of staff of the PPS.

Where it is possible to resolve an issue informally at the time of reporting, the matter may not need to go further.

#### **Step 2**

Most complainants are satisfied at the initial investigation stage. However where this is not possible, you may refer your complaint in writing to the senior management team at PPS Headquarters, via the Central Management Unit (see below). It should be noted that any complaint may be brought directly to PPS Headquarters from the outset.

#### **Step 3**

If you are still dissatisfied, you may bring your complaint to the Independent Assessor.

It should be noted that separate arrangements apply for anyone wishing to ask PPS for reasons for a prosecution decision or wishing to have a prosecution decision reviewed. If you wish to request reasons for a decision or a review of a decision, please write to your local Regional Prosecutor (See Appendix B). Alternatively an email facility is available for enquiries of this kind at [info@ppsni.gsi.gov.uk](mailto:info@ppsni.gsi.gov.uk).

Full details of the complaint handling procedures, including relevant telephone numbers and correspondence addresses, are set out in the PPS's complaints

guidance, “How to Make a Complaint about the Public Prosecution Service”.  
For a copy of this guidance, please refer to the PPS website  
([www.ppsni.gov.uk](http://www.ppsni.gov.uk)) or get in touch with the PPS’s Central Management Unit:

Head of Central Management Unit  
Public Prosecution Service  
Belfast Chambers  
93 Chichester Street  
Belfast BT1 3JR

Tel: (028) 90 897100

Text Phone: (028) 90 897011

Email: [info@ppsni.gsi.gov.uk](mailto:info@ppsni.gsi.gov.uk)

**APPENDIX B:**  
**USEFUL CONTACTS.**

Belfast & Eastern Region

Assistant Director  
Public Prosecution Service  
Belfast Chambers  
93 Chichester Street  
Belfast BT1 3JR

Western and Southern Region

Assistant Director  
Public Prosecution Service  
Foyle Chambers  
35 Limavady Road  
Londonderry BT47 6LP

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