



The
Independent Assessor
for the

Public
Prosecution Service

of Northern Ireland

The
Independent
Assessor

Second
Formal Report

Alasdair MacLaughlin
31st March 2007





CONTENTS

Letter to Acting Director

Background	page 3
Activity during 2006	page 4
Complaints Handling in PPS	page 7
Recommendations	page 11
Concluding Note.....	page 12

Appendices

1. Alasdair MacLaughlin – The Independent Assessor
Who is he?
2. Recommendations from the first Formal Report dated
March 31st 2006
3. Recommendations made to the Director PPS in respect
of a complaint concluded by The Independent Assessor
in August 2006

The Independent Assessor
*for the **Public Prosecution Service***
-independent
-impartial

Londonderry House
21 Chichester Street
BELFAST
BT1 4JJ
email: a.maclaughlin@btinternet.com

Mr Roy Junkin
The Acting Director
Public Prosecution Service
Belfast Chambers
93 Chichester Street
BELFAST
BT1 3JR

31st March 2007

I have the honour to present to you my second Formal Report for the Public Prosecution Service of Northern Ireland.

The period of my second Formal Report is from 1st April 2006 to 31st March 2007. It is presented in a timetable that I believe, and hope, may be helpful to you as you finalise your own Annual Report for the year concerned.

The purpose of my Report is to provide what I hope will be an appropriate basis for reflection on the progress of Complaints Handling in PPS and also my work as The Independent Assessor. I believe that there has been very considerable accomplishment by PPS in this respect in the initial period since the inception of the new Service in June 2005. I am pleased also to be able to report continuing activity and achievement at the independent level.

I conclude by paying tribute to you and to members of your staff in PPS for the ready help, assistance and responsive support that I have received in my work in the past year. Once again, I note the strenuous efforts made to ensure my function is truly independent of the PPS.

Alasdair MacLaughlin

investigating complaints
overseeing and auditing complaints handling process
The Independent Assessor is Alasdair MacLaughlin



Background


1. This is my second Formal Report to the Public Prosecution Service of Northern Ireland (PPS). On this occasion, I am reporting to the Acting Director. My first Formal Report covered the nine months period since the inception of the PPS in June 2005 to 31st March 2006. This Formal Report covers the period from 1st April 2006 to 31st March 2007.
2. The Complaints Handling function within PPS began with the inception of the Service in June 2005. While the new function connected with what had gone before in the former Department of Public Prosecutions, there were many radical differences reflecting the very different role for the PPS.
3. The Complaints Handling Processes had been pre-designed before the new Service began but needed to be developed to encompass an independent element. Accordingly, there is now a three tier process, where a stakeholder can bring a complaint against PPS and have that complaint treated serially, subject to continuing dissatisfaction, at the work interface, by top management and finally by an independent person, The Independent Assessor for the Public Prosecution Service of Northern Ireland. A complaint can be entered directly at the second tier at which point it must be received in written form. While it is not essential to use a form, there is one available to assist complainants provide the necessary information.
4. PPS regards a complaint by a stakeholder as a complaint, which warrants proper consideration. It is not subject to definitional filters designed to exclude certain types of complaint. Furthermore the Director has made it clear that complaints must be treated seriously and that they be dealt with thoroughly, fairly and expeditiously. The processes involved must aim to reach the highest standards of excellence.
5. It has also been made clear that the processing of complaints should not be seen as an exercise in pinning blame – although where that is necessary, the PPS will not flinch from doing so. Rather it is about ensuring that the receipt of a complaint is an opportunity to put specific things right where possible, but more importantly is used to assist PPS provide excellence in fulfilling its part in delivering justice.
6. I have the honour to have been appointed as the first Independent Assessor in June 2005. As such, I was asked by the Director to:
 - Develop initially the Complaints Handling Processes of the PPS; this was to be interpreted against the background of excellence, as professed by the Director for the entire organisation
 - Oversee from an independent standpoint, the Complaints Handling Processes of PPS
 - Deal with any complaints brought to me at the independent third tier
 - Make recommendations to the Director in the context of a complaint investigation, and in regular reports

Excluded from this remit were complaints very specifically focussed on purely prosecutorial matters while employee complaints are dealt with under other policies.

7. The PPS in effect is still being rolled out as it continues to add staff and provide full organisational coverage. Nevertheless, the Complaints Handling Function has been in full operation effectively since October 2005. It is worthy of comment that the PPS has had to provide a seamless process from the Complaints Handling Processes of the former DPP into the new PPS and its developing role.
8. Against this background of new roles, organisational changes and very rapidly increasing staff numbers, it might be logically expected that there would be a massive influx of complaints. It is a tribute to PPS that this has not happened, even though there is a clear recognition that one complaint is one too many. The detail of these assertions will be further developed in the body of this Report.
9. It is also worth noting that the PPS is the first prosecutorial body in these islands to have a fully independent tier in its Complaints Handling Processes. Again it is a tribute to the PPS that the organisation has been able to absorb this level of external scrutiny in relation to complaints, that it has fully respected my independence and has been prepared to learn from the reports that have been made to the Director and others.
10. The timetable with in which it has been agreed I should report has been chosen so that its content will inform the Acting Director in good time as he prepares his own Annual Report. The latter covers the same twelve months period, and is published in or around mid-summer.

Activity during 2006 – The Independent Assessor

11. During the twelve-month period concerned I have investigated three substantive complaints that have been referred to me. Two of these have been concluded, and the third is in its final stages. The **first** of these concerned an incident, which resulted in the complainant being charged with an offence, when he believed he was the victim, and which was later withdrawn. The complaint had not been concluded after ten years, and so had spilled over from the former DPP. This case resulted in my identifying **seven specific recommendations for change in PPS**. (For interest, these recommendations are recorded at Appendix 3 to this Report.) Above all, no complaint should be allowed to fester on for such a lengthy period, not least as the aggrieved persons will have developed such deeply held opinions about the complaint that their alleviation will become all but impossible. The resources that had been allocated over the years to this particular complaint had been substantial, and had involved senior management including the Director and the Deputy Director. Despite this, the complaint had still not been concluded.
12. The **second** complaint was brought to me by a solicitor, and concerned the provision of a specific piece of advice to the Court by a PPS prosecutor in relation to Legal Aid. The solicitor regarded this as improper and wanted to establish independently whether or not PPS had changed policy on this matter. He also wanted to establish what steps would be taken to ensure that prosecutors understood the correct policy, and followed the policy correctly. This complaint resulted in an identification of **one specific recommendation to PPS**. This was to do with appropriate training or refreshment of the rules of the Inns of Court necessary for new prosecutors.

- 
- 13.** The **third** complaint has been substantially completed in so far as the investigation is concerned, but the recommendations and conclusion of the complaint will not issue until after the date of this Report. This was a most unusual complaint in that the Director decided to refer the matter to me direct prior to the second tier of complaint having been exhausted. This was a case where a PPS prosecutor had directed an assault case to be taken but where instead of the papers being referred to police for action, they were filed in error by a clerk at PPS. Because of the nature of the case, there was a six month time-bar, and by the time that the direction had been traced and had emerged, the time bar was in operation. The victims in the assault case were understandably very angry at the outcome, and as the assailant was known to them personally and lived nearby in a small community, they felt very vulnerable, let down and believed that the scales of justice had been tilted too far against them.
 - 14.** However, the Director had perceptively recognised that there were a number of other issues involved in addition to the misfiling of the direction to prosecute, and so asked me to investigate. This complaint has yet to be concluded, but it is likely that it will result in a further **six recommendations for improvement to PPS.**
 - 15.** During the calendar year 2006, PPS has logged a total of 81 'complaints' into the formal system for Complaints Handling. These figures require very careful analysis, as they in effect rather overstate the actual complaints that they represent. There appears to be a matter of double counting, which requires to be unravelled. This will be dealt with later in my Report.
 - 16.** As part of my duties I have audited 50% of these complaints. This process simply involves perusal of each file, selected for audit at random, to ensure that the appropriate processes, language, approach and tone has been used, as well as to gain a 'feel' for the types of complaints being brought forward. It is worthy of note that this is a power which very few Ombudsmen or Complaints Investigators have been given in other sectors, and is another reflection of the quality of approach adopted by the PPS.
 - 17.** It is, at least in part, the power to audit complaints taken against PPS at level two which have been taken no further by complainants that has helped to unravel the problems noted in the previous paragraph.
 - 18.** I have been able, both via the issues raised and in discussion with a number of staff in PPS who fulfil a variety of roles, to make an assessment of the degree to which the Complaints Handling Processes in PPS have been understood and implemented in PPS. I have found some deficiencies, which require to be put right. Again this will be considered later in my Report.
 - 19.** During the year, the PPS leaflet directed at stakeholders of PPS advising them how to go about making a complaint against PPS has had to be rewritten to encompass the enhanced Complaint Handling Process and to reflect the level of priority given by the Director to high quality Complaints Handling. Accordingly a new leaflet has been prepared and was published and made available in February 2007. I have yet to be satisfied that copies are made widely enough available, and also, and even more importantly, that they are known and understood

appropriately by staff in PPS at all levels. It is also important that other bodies working closely with PPS should know to an acceptable level and understand that these potentials are available to persons who wish to complain.

- 20.** In addition I have published a leaflet on the role and remit of The Independent Assessor for the Public Prosecution Service. Copies have been available since October 2006. Again, I require to be convinced that these have been made available widely and are understood sufficiently and by appropriate people and organisations.
- 21.** In regard to these points, I must clarify that there is a strong distinction between achieving a wide degree of knowledge and profile of the Complaints Handling Processes, and in proactively selling the concept as a service. Emphatically, I do not advocate the latter.
- 22.** During the year I have had meetings with the Director, the Deputy Director, and with a number of senior management and, I also met with staff in Community Liaison. However, my most regular contacts have been with Mr Raymond Kitson, Senior Assistant Director, and with Mr Peter Grant, Departmental Records and Information Manager. I wish to thank them all, and their support staffs for their help, and in particular the generosity of time they have afforded me in responding to my requirements.
- 23.** I have also consulted with other ombudsmen and independent complaints handlers in other jurisdictions in these islands independently and through the British and Irish Ombudsman Association. They have helped me keep up to date with latest thinking and practice. I am particularly grateful to the Complaints Handling Department, and to the Training and Development Department of the Crown Prosecution Service in Great Britain, who have met with me to discuss Complaints Handling, Recording and Training and Development.
- 24.** During the year the Criminal Justice Inspectorate carried out a generic investigation of Complaints Handling across the Criminal Justice System in Northern Ireland. In this context, I met with the investigating officer.
- 25.** All of this activity has helped to identify many issues. As recommended in my first Formal Report, I confirm that regular meetings take place with Mr Raymond Kitson, Senior Assistant Director at which informal reports are given. Resulting discussions also take place with Mr Kitson, and with Mr Peter Grant, Departmental Records and Information Manager.
- 26.** I have to report that both persons in their respective functions are most responsive to any points, which I raise with them. Issues for discussions can be summarised under the following headings:
 - Clarity of roles at all levels in PPS in relation to handling complaints
 - Good systems which are constantly being adapted to meet changing needs in relation to handling complaints
 - Recording, measuring and appraising the performance of Complaints Handling Processes in PPS and in the independent tier

- Identifying issues and ensuring action in the learning organisation
Each of these require individual attention, but working together provide a properly integrated whole. It is in this way that Complaints Handling plays a part in the delivery of the path to excellence.

Complaints Handling in PPS

27. In my first Formal Report in 2006, I stated that it was still too early to provide statistical data on Complaints Handling activity within PPS. However this year we now have some material, which can provide the basis of relevant statistics and which can in due course provide statistical 'runs'.
28. Complaints made at the first tier of the process are difficult to quantify. The reason for this is that these are usually presented verbally, are very often simple to deal with, and as such are part of the process of providing a quality service. Probably the most common type of complaint is occasioned by the lack of an expected action, which when taken, albeit later than should have originally been the case, concludes the complaint without further ado. Typical examples include where an expected letter has not been received, or where a witness has not been paid expenses. While obviously an alert management must be on the lookout for excessive instances of such problems, there is little to be gained by recording every instance. Further, the remedy is obvious, and all that is needed in this example, is the issue of a new copy of the missing letter, or the payment of the expenses, with an accompanying apology. Nevertheless, officers should be encouraged to note in writing to their line managers any matter at this level, which they believe has the very real potential of a complaint developing at the second tier.
29. Complaints which reach the second tier however are a different matter, as it is essential that these be recorded in writing, whether presented verbally or in writing in the first instance. These complaints arise by being presented directly at the second tier level or as a result of a failed attempt at tier one. This is part of the formal complaints handling process. But there is a practical problem of definition, which has arisen.
30. It is now obvious that PPS believes that it receives two types of written complaint at the second tier level. The **first** is a clearcut complaint which needs to be dealt with in the manner set down in the procedure. The **second** type of complaint is simply an expression from a stakeholder that a prosecution should have been directed when it was not, or should not have been directed when it was, or indeed was directed at the wrong level. It will be quite evident that in a prosecutorial setting, the offender is likely to feel that he has been treated too harshly, while the victim (and maybe others) may feel the offender has been treated too leniently.
31. The very nature of such understandable perceptions will lead to a request for a review or for further information in a few cases. The best that can usually be done in this case is to provide an explanation in simple terms. However, sometimes the request results in a review, which alters a prosecutorial decision. Very occasionally the way in which the prosecutorial direction was handled may lead to a complaint.

- 32.** It is not reasonable to equate these kinds of dissatisfactions with complaints to do with where PPS has perpetrated inefficiencies, errors, omissions, or discourtesies. It is also not unreasonable that a prosecution service doing its job effectively will still be subject to challenges in relation to prosecutions or directions. It is clearly right that an appeal process, or to have more information in the context of a prosecution made available, is open to a person who feels aggrieved; but this should not be compared with a genuine complaint emanating for other reasons. It must also be stated that the PPS may well get things wrong when it comes to a prosecution, and so a review can lead to a different prosecutorial decision; these instances need to be carefully noted and recorded and relevant action taken to minimise their instance in future.
- 33.** In the collection of data to do with complaints the PPS makes a peculiar differentiation in these matters, which in my view should be clarified. When a straight forward request for a review of a prosecution direction or where a stakeholder wishes an explanation as to why such a direction was made, these are recorded in a 'Request for Review' file. Where however, the request is accompanied by an emotional expression (eg of disgust or of an expression of dissatisfaction) this is interpreted by PPS as a complaint, and is recorded along with other complaints. Hence two separate files are kept each with an inaccurate statement of the real state of affairs. In either case the alteration of a prosecution can arise as a result of a review, or the provision of more information.
- 34.** In these circumstances, it is my view that it does not much matter what categories are used. What does matter it seems to me is that these cases should not be regarded, on the face of it, as complaints comparable to a real shortfall of service for other reasons. I am also not saying that the recording of reviews is a counterproductive exercise. It is in fact a most important matter to keep track of reviews and requests for more information, and the proportion of requested reviews, which result in a change of prosecution. Prosecutorial appeals, particularly where there is the incidence of a successful review are matters of real substance, and need to be recorded. And there may well be a learning opportunity in a review for PPS, in addition.
- 35.** To state therefore that there have been 81 complaints in the calendar year 2006 and that there have been 87 requests for information, reasons or review tells us little. But, it is important to know that there were amongst the 81 complaints, 42 for review and 39 for complaints, along with 87 requests for information, reasons or review, which were not recorded as complaints. The real position, therefore is that during 2006, there were 39 complaints brought by stakeholders. In addition there were requests for review, some of which disclosed mistakes, which if they had not arisen could well have avoided the stakeholder bringing forward the case. It seems to me that, although the data is not currently available, it might well be important and illuminating for it to be collected and analysed; as I see it, this is a task for the Information Department to compile from the outcomes of the prosecutorial reviews, the requests for further information and those reviews which are currently treated as complaints.

- 36.** Currently although we know there were 39 complaints in 2006, we do not know how many reviews give rise to other points, which inform the Complaints Process. For example, it happens from time to time that the dissatisfaction with a prosecutorial decision, which might otherwise not have resulted in a complaint, may have been provoked by an inefficiency or mishandling in some other way which should not have happened. These matters need discussion and resolution to provide a more accurate picture.
- 37.** Analysis of the geographical and organisational source of complaints has been undertaken. There is no direct evidence at this early stage to suggest that significant differences arise in one area or organisational source against any of the others. Thus, there is no indication yet, suggesting that there are differences of approach within the various parts of PPS.
- 38.** Procedures, which were introduced by PPS originally, provided targets for the timetabling of Complaints Handling. For instance, PPS undertakes to acknowledge receipt of a complaint within 5 working days. PPS further undertakes to respond to a complaint within 15 working days. In 2006, out of 81 complaints (as defined by PPS), 32 were acknowledged within 5 working days. This is clearly unacceptable, even though the target is perfectly reasonable. A complaint when received, should be registered and then acknowledged within 5 working days; I see no reason why this cannot be accomplished.
- 39.** In the case of the response to the complainant, in 2006 out of the 81 cases, 37 were responded to in 15 working days. I take a different view of this particular target, as there are complex cases, which simply cannot be investigated properly, thought out carefully and concluded in such a short period of time. PPS I know agrees with me in this matter. A much more sensible approach would be, in each case, on the receipt and acknowledgement of a complaint to provide an estimate of the likely time required to conclude the complaint. Where it turns out in the process of investigating the complaint that an extension is required, a new estimate can be provided. It is surely an agreed position that it is much better for all concerned – PPS and stakeholder alike - that the conclusion of a complaint is achieved through a thorough and careful process, and not through a process dominated by seeking to achieve unrealistic targets.
- 40.** It is legitimate for any complainant to take his/her complaint to PPS through a third party. During 2006, 2 complaints were taken via a Parliamentarian. There is little other evidence of a need felt by complainants to take a complaint via a professional intermediary.
- 41.** Information on the outcomes of complaints provides interesting information. In 2006, outcomes were as follows:
- | | |
|---------------------------|----------|
| ■ Upheld | 11 cases |
| ■ Partially upheld | 5 cases |
| ■ Dismissed | 36 cases |
| ■ Resolved informally | 1 case |
| ■ No action required | 17 cases |
| ■ Incomplete (until 2007) | 11 cases |
| ■ TOTAL | 81 cases |

This does not present a picture where PPS has sought to be defensive in relation to complaints. Nor does it suggest in any way that complaints are generally vexatious or without foundation. The fact that 16 complaints were either upheld or partially upheld, and that a further single case was resolved informally suggests that there was sufficient substance in the complaints in at least 20% of the complaints made, for PPS to find that the complaints were justified. This is indicative of an organisation that deals seriously with the complaints that are made to it.

- 42.** In terms of tone and quality of communication, I have been able to form a clear impression both from the complaints brought directly to me and the files that I have audited, that PPS needs to look carefully at its use of language in its responses to complainants. While I found no incidence of defensiveness, there is a tendency to hide behind language that it would be more appropriate to use between legal professionals than towards lay complainants. There is also a need for a more empathetic and in some cases a warmer tone in communicating with stakeholders in this and other contexts. It should be axiomatic that at all times clear and simple English should be used in communications to do with complaints; this is in clear contrast to the need for legal language to be used within the prosecutorial setting.

Recommendations

- 43.** In my first Formal Report, I made **six** Recommendations to PPS (see Appendix 2 of this Report). The content of my present Formal Report for 2006 indicates that some progress is required to attain my second Recommendation (standardising the structure of a response to a complaint), and also my fourth Recommendation (understanding the Complaints Handling Process including the persona and role of the Independent Assessor) needs more attention. There has been achievement against the other recommendations.
- 44.** In my second Formal Report, I advance a further **five** Recommendations:

1. A wider understanding of Complaints Handling in PPS

I recommend that attention be given to ensuring that the Complaints Handling Processes of PPS are much better understood within PPS at all levels. A deeper understanding and familiarity with these processes is needed amongst prosecutors and community liaison staff. Senior management require to consider ways in which they can give greater profile and emphasis to the importance of treating complaints seriously and with the required levels of commitment.

2. Awareness of the three tiers of Complaints Handling in PPS and amongst Stakeholders

I recommend a review of the circulation of the relevant available leaflets in PPS is undertaken. In the light of this review I further recommend that copies are made available as required, along with the message that complaints and their handling are important to PPS and why. The profile of Complaints Handling needs to be raised in PPS and amongst stakeholders to a level that is acceptable, without 'selling' the concept as a service.

3. Improved statistical records and analysis

I recommend that the recording of complaints be separated appropriately from the recording of requests for information, explanations and reviews, and that a more appropriate analysis of the nature and outcome of complaints be undertaken. This suggests also that attention be given to information gathering and classification.

4. Better communication with Complainants and Stakeholders

I recommend that the use and tone of language in communicating both verbally/orally and in written form in relation to complaints handling be carefully reviewed. Any necessary guidance, training and development should then be made available to appropriate levels of staff.

5. Publish second Formal Report

I recommend that PPS at an early date review the desirability of publishing and making widely available within PPS and externally to the Criminal Justice Agencies copies of my second Formal Report.

Concluding Note

- 45.** It is important for PPS to recognise that at the third tier, The Independent Assessor must work to the same high standards of excellence required by PPS and underlined by the British & Irish Ombudsman Association (BIOA). At present work is under way to define and apply standards via BIOA in a number of aspects of the work of Independent Assessors and Ombudsmen. I remain in contact with developments in this context.
- 46.** Also, I operate to the highest standards that are expected in PPS. So, for example, I give due attention to matters of courtesy, communication, timetabling and contact to achieve the highest standards..
- 47.** The question of reference points for PPS for comparative performance from outside its own boundaries arises. At this stage, I take the view that the processes are sufficiently immature to seek or provide any conclusive comparisons, with for example other equivalent organisations. Nevertheless, it is potentially important to maintain contact with other prosecutorial bodies, so that when the time is ripe meaningful comparisons can be made. I estimate that four years experience in PPS will be an appropriate time for comparisons to be made, from which PPS can learn appropriate lessons.
- 48.** During the year it was decided that my First Formal Report should be made public. Accordingly, in January 2007, this was provided to all on the PPS website. Also, anyone who requested a copy could have one printed in hard copy – providing they knew of its existence on the website. It is felt by me and by PPS that this is not sufficient, and it is likely that this Formal Report will be printed and distributed in addition to being made available on the PPS website.

- 49.** I would re-iterate the points I made in my Concluding Note in my last report. There remains an imbalance between subjective and objective material with a bias towards the former. However as data accumulates, this will correct itself gradually. Again, I estimate that at the end of four years reporting there will be a useful objective database.
- 50.** I again re-emphasise that my role is principally advisory except where I investigate third tier complaints. Much of the credit therefore for the work undertaken in Complaints Handling, and upon which I am reporting is due to PPS and various members of its staff. I conclude my thanks to them for their work and for their responsiveness to my role.

Alasdair MacLaughlin
31st March 2007



Appendix 1

Alasdair MacLaughlin – The Independent Assessor of PPS

Who is he?

Alasdair MacLaughlin has extensive experience of private, voluntary and public sector work in Northern Ireland, Great Britain, Ireland, the EU and the USA. He was trained as an economist, and his career has been as a manager in manufacturing and consultancy (15 years), the CBI Director Northern Ireland (10 years), and the Director General of the Ulster Farmers' Union (10 years).

Currently, he is a Member of the Probation Board for Northern Ireland, The Lay Observer for Northern Ireland, an Assessor for the CCEA – the curriculum authority in Northern Ireland, and is a member of the Industrial Tribunals. He has recently retired as Chairman and Director of CfA Ltd – the UK company contracted to hold and develop National Vocational Qualifications (NVQs) in Administration. In addition he is a Trustee of RELATE and the Belfast Association for the Blind.

Previous activity includes membership of the Council of the University of Ulster, a Governor of a Grammar School, membership of two EU Monitoring Committees, Lay Assessor for the Institute of Chartered Accountants in Ireland, a panel member of the Social Security Tribunals, and a member of the Standing Advisory Commission on Human Rights. He has also been an advisor to the Wales Assembly Government and the authorities in Poland on EU representation.

Additionally, he is an organist and is interested in nature, walking and travel, with occasional golf for fun.

Appendix 2

Recommendations contained in the first Formal Report dated 31st March 2006

1. Reporting by The Independent Assessor

I recommend that informal quarterly reports will be made to the Assistant Director in March, June, September and December each year. Informal discussions should be undertaken with the Director in April and October each year. An Annual Formal Report will be presented at the end of March each year.

It is noted that the question of publication needs to be considered. I recommend that the Formal Report should be presented in draft form at the end of March annually. Subsequent to an informal discussion with the Director, the decision will be taken on the form and extent to which the Report is to be published in the current year, 2006. It is my opinion that my Report should indeed be made publicly available within this suggested protocol.

2. Standardising the PPS Response to Complainants

I recommend that there should be a standard pattern of process to each complaint when it is received. Having been received and acknowledged, each complaint should be subjected to the following process:

- Articulated in writing
- Facts collected
- Judgements made
- Concluding Report issued

The PPS Concluding Report should make it clear that if still dissatisfied, the complainant can have recourse to The Independent Assessor.

I recommend that there should be an agreed tone adopted in all concluding reports; this should be generally empathetic towards the complainant. PPS Concluding Reports should be provided in letter form, unless for good reason a more formal report is required.

3. Managing Complainants Perceptions

I recommend that attention is given not simply to the specific facets of the complaint, but that the perceptions and viewpoints of the complainant are clearly understood in order to give satisfaction to a complainant. It is only when there is an understanding at this level that the perceptions of the complainant can be managed successfully. In this context, the last thing that is required is a tick-box approach. Nevertheless, the feasibility of designing a form upon which details of a complaint can be summarised and agreed should be examined, in the context of understanding the perceptions of the complainant; the form should not be seen as the primary point of entry of the complaint. I am very willing to assist with advice on the implementation of this recommendation.

4. Independence and Personalisation of The Independent Assessor

I recommend that the independence of The Independent Assessor needs to be made clear and unequivocal. The current leaflet is not adequate in this respect. The Independent Assessor must be given a personal identity by the use of my name and credentials for the task. The methodology of contact with me should be clearly separated from the PPS.

I recommend that the availability of access to me and transparency of role needs to be given emphasis. My existence, personal information and identity, and my role need to be made clear to all PPS staff.

5. Reference to Parliamentary and other Ombudsmen

I recommend that research is undertaken to clarify and ensure staff of PPS know which other Ombudsmen and independent assessors may impinge upon the work of PPS, and where appropriate to have organisational clarity of avenues for approach to any whose remits are relevant. This recommendation is made in the light of the appointment of The Independent Assessor.

6. Record of Relevant Statistics required

I recommend that there will be a section in my next Formal Report dealing with the necessary statistics for internal comparisons to be made as well as the isolation where possible of appropriate trends. In addition, attention will be given to external comparisons and benchmarking to enable the Director to have comparisons of relevance. I undertake to work with the appropriate officer in PPS to ensure that this is achieved.

31st March 2006



Appendix 3

Recommendation 1

- it is recommended that no complaint should be regarded as valid within the PPS Complaints Handling Process unless it is received within a finite period of the incident/s complained of taking place. The only circumstance in which this might not apply is where new factors have arisen since the original date.

Recommendation 2

- it is recommended that no complaint should be allowed to be re-visited when the three tier Complaints Handling Process has been concluded. The only circumstance in which this might not apply is where new factors have emerged. In this instance, the PPS should make its own decision as to whether this is to be permitted and, if so, consider if a new complaint can be brought.

Recommendation 3

- it is recommended that PPS be clear and unequivocal in applying the rules and protocols of the PPS Complaints Handling Process. It should also seek to use language to the complainant that reflects such clarity, albeit in an empathetic context.

Recommendation 4

- it is recommended that where a complaint implies criticism of, or lack of clarity about, the Code for Prosecutors, the complainant should be referred where they may consult or study the Code. This document deserves to be more widely known by stakeholders of PPS.

Recommendation 5

- it is recommended that a copy of the Code for Prosecutors is sent to the complainant. A compliment slip might be appended with only the simple comment that 'This is sent to you at the suggestion of the Independent Assessor for PPS'.

Recommendation 6

- it is recommended that complainants, unless they are legally qualified, or are communicating through a legal representative, should be discouraged from using technical legal terms.

Recommendation 7

- it is recommended that PPS should communicate with all complainants in the Complaints Handling Process using simple English wherever possible.

In addition, I would also like to make a few additional comments.

- The use of a cut-off point beyond which a complaint cannot be accepted by PPS, would have rendered a number of the issues in the complainants case irrelevant. The length of the period for cut off is obviously a matter for discussion, although I believe two years, or even one, may be about right.
- I recognise that the PPS has been most empathetic towards the complainant and there is a genuine concern for avoiding where possible putting pressure on him. However, the PPS must not use methods that are too subtle towards a complainant. Rather a 'light velvet glove containing an iron fist' will help to ensure a firm, fair approach in which the bounds of possibility will be clearer to the complainant.
- The support staff within the senior echelons might need to be made clear about the correct routes for a complaint, and in particular when to send a complaint to the Independent Assessor for the PPS. This will of course be clearer to all when the new booklets have been published.

Alasdair MacLaughlin
August 2006



Published September 2007

lica ion

Front Cover image courtesy of Belfast Visitors Convention Bureau

Productio . . . lou . . . ® company