



The
Independent Assessor
for Complaints

for the

Public
Prosecution Service

of Northern Ireland

The
Independent
Assessor

Third
Formal Report

Alasdair MacLaughlin
31st March 2008



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31st March 2008



I have the privilege to present to you my Third Formal Report as The Independent Assessor for Complaints for the Public Prosecution Service of Northern Ireland (PPS).

The period of my third Formal Report is from 1st April 2007 to 31st March 2008, although statistical information relates to the calendar year 2007. My Formal Report 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 Formal Report is to provide an appropriate basis for reflection on the process and 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 period since the inception of the new Service in June 2005. The organisation is subject not only to very great internal development and change, but also considerable external uncertainty, at least in terms of timetable relating to the environment within which PPS operates. It is pleasing to be able to report continuing achievement and progress in relation to Complaints Handling within PPS. Also, I am pleased 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 continuing and 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 Third Formal Report on my work as The Independent Assessor for Complaints for the Public Prosecution Service of Northern Ireland. The Report covers the period from 1st April 2007 to 31st March 2008. It should be noted however that the statistical data refers to the calendar year 2007.
2. The Report is aimed at providing information on the activity of Complaints Handling in PPS and on that of The Independent Assessor. It gives a basis for examining progress in Complaints Handling as PPS rolls out to full coverage in the Province both functionally and geographically - a process which is now virtually complete. It also aims to provide a means for prompting and reflecting on how the experience of Complaints Handling can help improve the service PPS provides in this context as well as more generally. Finally, it provides a contribution to the public accountability of the PPS.
3. The timing of successive Formal Reports takes account of the need to provide information, and where appropriate, advice on Complaints Handling to the Director. His Annual Reports issue in June for the previous years activity. Availability of my Formal Reports by the end of March, therefore gives time for information to be considered for anything that may be relevant for the Director's Annual Reports in June.
4. To deal with complaints, PPS has adopted a three-tier approach. PPS accepts a complaint from a stakeholder - who may be a legal services professional, a judicial officer, a victim, a witness, a police officer, an offender, a supplier of goods and/or services, or a member of the public. PPS does not attempt to subject a complaint to definitional filters designed to exclude certain types of complaint.
5. Whether prosecutorial in nature or otherwise, the complaint is normally accepted first at the work interface, verbally or in written form, where it is dealt with in the first instance. If the conclusion at this stage is not satisfactory to the complainant, the complaint can be taken to the second tier, which is the responsibility of senior management. If the complainant remains dissatisfied at this stage, then, in the case of a purely prosecutorial matter, the complaint is channelled to the Senior Assistant Director, or where appropriate, the Director. All other cases at the third tier are referred to The Independent Assessor.
6. The distinction between a prosecutorial and a non-prosecutorial complaint, while seeming to be clear in a definitional sense, is in practice not always clear cut, and accordingly, the Director has determined in several instances to refer to me, cases presenting as prosecutorial. This is an indication of the emphasis which the Director places on the thorough handling of Complaints in PPS.
7. A complaint can be accepted directly at the second tier, but it must be received in written form in this case. A non-prosecutorial complaint cannot normally be taken directly to the third independent level, although the Director may decide to take a complaint directly to The Independent Assessor without completing the second tier of Complaints Handling. This would be in an instance where the Director took the view that there were important matters of principle to be considered.

8. Responses are given in writing at the second and third tiers, although this may be, and increasingly is being, supplemented by face-to-face discussion with the complainant. The Director has made it clear that all complaints must be treated seriously, and that each must be concluded thoroughly, fairly and expeditiously. While 'justice delayed' may be seen as 'justice denied', the degree of complexity of the issues in a complaint and practical considerations properly determine the elapsed time required to conclude a complaint. Whatever else, the processes employed must be of the highest standards of excellence.
9. It is also vital that the Complaints Handling Process is one which feeds organisational learning in PPS. The receipt of every complaint is, and should be, seen by senior management as an opportunity to put right specific matters, and to improve the overall service PPS provides.
10. When I was appointed, I was asked to:
 - develop initially the Complaints Handling Processes of PPS against a background of excellence
 - oversee from an independent and impartial standpoint, the Complaints Handling Processes of PPS
 - deal with complaints taken against the PPS at the third, independent tier of the Process
 - make recommendations to PPS about Complaints Handling in the context of an individual complaint, in regular informal and formal reports and as a consequence of an audit of complaints handling.

The right to audit all complaints whether or not they have been referred to the third tier of the process is unusual for independent complaints assessors/examiners, and it is a further indication of the emphasis which the Director places on having a thorough approach in PPS to Complaints Handling.

Activity during 2007 – The Independent Assessor

11. During the twelve-month period 1st April 2007 to 31st March 2008, I have concluded **four** complaints that have been referred to me. The **first** case was referred in October 2006 and was concluded in June 2007. A **second** began in May 2007, and was concluded in July 2007. The **third** commenced in June 2007, and was concluded in late September 2007. The **fourth** was referred early in July 2007, and was concluded in February 2008.
12. The **first** of these cases was referred to me initially in 2006. This case, received from Mr & Mrs A was noted in paragraphs 12 & 13 of my previous Formal Report for 2006, where further details may be obtained. It gave rise to eight recommendations to the Acting Director. This was a particularly complex complaint, and involved much discussion with the parties involved. Accordingly, the case took me eight months from reference to conclusion to process. The recommendations I made to the Acting Director are listed at Appendix 3.1 of this my Formal Report for 2007.

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- 13.** The **second** complaint took three months for me to process. It was agreed initially that this complaint was primarily outside my remit as it was focussed on a prosecutorial issue. PPS nevertheless permitted me to have access to the complaints file, as essentially the complainant having received the concluding letter from PPS at the second tier level was left unclear of what the PPS response actually meant.
 - 14.** In this case, Miss B, a young woman, and her close family, were left wondering why an injury to her arm, which was apparently inflicted by a bite from her alleged assailant was treated only as relevant evidence in the context of a rape charge, and not additionally in the context of an assault charge. Despite an apparently comprehensive and complete response in a letter from PPS to the complainant, she still did not comprehend the reasons she sought. I was able to recommend that a further attempt be made to ensure she had crystal clarity. I am pleased to report that this was successfully achieved.
 - 15.** As an observation specifically relevant to this case, as well as in every complaint to PPS, I make the important point that when relating to key stakeholders, PPS should endeavour to use appropriate language. In these cases, appropriate language is that which will be readily understood by lay people. It is not appropriate to simply relate to lay stakeholders – or indeed any stakeholders – in language which is fundamentally designed for use between legal professionals. I take the view that **all** communications with **all** complainants should be in simple English.
 - 16.** The **third** complaint concluded in the year being reported took four months to conclude the process at the third tier. This particular case was brought to me by a Member of Parliament, and throughout there was no direct contact with the complainant.
 - 17.** In this particular matter, Miss C complained that a third charge – alongside two other charges – was never brought against the accused, even though it had been noted onto the Causeway case management system. This was the first error in a number of administrative oversights to which this error gave rise. By the time the original omission became evident in the system, the possibility of bringing the charge had become statute barred, and hence the potential for any case that might have been brought had lapsed.
 - 18.** In my investigation, it was clear that PPS had accepted responsibility for the omission, had apologised fully and completely and had explained very fully how the sequence of events had occurred. It was also clear that the PPS had investigated the complaint correctly, under the protocols, and so I upheld the complaint without hesitation.
 - 19.** The PPS had openly admitted to Miss C their omissions. It must be clearly stated that the original fault, which gave rise to the following succession of errors and omissions was not in fact the responsibility of PPS. It is to the credit of PPS that they took full responsibility nevertheless in this particular complaint. Senior management in PPS took the view that had the robust checking procedures in existence in the organisation been applied appropriately, and subsequently by PPS - even though PPS did not create the initial error - then the original error would have been found and the succession of subsequent errors would not have followed. Had the PPS discovered the original error at the checking stage, then the third charge would have been brought, and the subsequent errors would most likely not have occurred.

- 20.** As PPS had accepted responsibility for the problems giving rise to the complaint, had explained all this to Miss C, had apologised to Miss C, and had reviewed and re-emphasised with staff the need for following carefully the checking procedures laid down, I had no recommendations to make in this complaint. There is, for legal reasons, nothing that PPS can do under the law to resurrect the third charge.
- 21.** In short, I was simply able only to re-affirm the fact that PPS had upheld Miss C's complaint. I did, however, suggest to the Director that he consider reinforcing the apologies already offered by senior management by conveying his own regrets for what had happened. This the Director did.
- 22.** The **fourth** complaint gave rise to a very salutary and seminal investigation in what everyone agrees were very sad circumstances. Mrs D brought a complaint relating fundamentally to a prosecutorial matter in which, ordinarily, I might not have had a remit. However, this was a case where whatever errors might have arisen seem to have done so, and in a sequential way, thus built up a perception of suspicions against the justice system, and PPS in particular.
- 23.** The background to the complaint was that Mrs D's father was killed in a road traffic accident. Expectations were allowed to develop (but not by PPS) that the appropriate charge to be brought against the accused was one of dangerous driving. A large cadre of witnesses was available, and it was fully expected that the accused would plead 'not guilty' at first hearing, thus triggering a full hearing in court. In fact, a first hearing was arranged, which the family were not made aware of, and the accused pleaded 'guilty' to a charge of careless (and not as the family had been led to expect, the more severe charge of dangerous) driving. He was fined £75 and his license conditionally endorsed.
- 24.** The family were not informed of this outcome either, and they had to read about the result in a tabloid newspaper. The effects on the family not only of having to read of the outcome in the press, but on a charge of lesser severity than they had been led to expect and a penalty which could not equate to their loss, was very considerable, and in particular the health of Mrs D's mother was accordingly affected. A litany of other errors arose which compounded these main points.
- 25.** Mrs D prepared a very well argued letter of complaint in which she raised eight or nine key issues. While Mrs D did indeed receive a general, genuine and heartfelt apology at the second tier, it was her opinion that most of the issues she had raised had not been addressed in the PPS response. For this reason, she asked that The Independent Assessor investigate the complaint.
- 26.** My investigation indicated a number of key issues for the PPS, including the importance of preventing third parties from creating misperceptions about PPS, the use of appropriate language to lay stakeholders (and preferably ALL complainants), the appropriate use of the Code for Prosecutors, and The Victims & Witnesses Policy by PPS, and the need to respond fully and thoroughly to all the issues raised by complainants.

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- 27.** My investigations also pointed to a number of procedural matters which PPS had already identified in their own investigation of Mrs D's complaint, and had begun to process and put right where possible. Principal amongst these was the extension to the Magistrates Court of the policy for dealing with cases where death has occurred; such cases included murder, death by violence, a road traffic accident, or accident involving criminal pursuits.
 - 28.** My conclusion to this case took six months to process because of the many issues involved and also because it became necessary to interview several people including the complainant (twice). It became evident that another complaint in the case brought by Mrs D's sister had been dealt with by PPS at an earlier date some twelve months before Mrs D had sent in her complaint. Even though the response by PPS to Mrs D's sister was regarded as unsatisfactory to her, she did not in fact bring the complaint to the third tier. However, with the agreement of all the parties, this complaint was rolled into that brought by Mrs D.
 - 29.** In normal circumstances, I would expect most complaints investigations to take a shorter period to conclude. In Mrs D's case, and the earlier case of Mr & Mrs A, referred to in earlier paragraphs, there were complex issues, and the extended period of each investigation had the approval of the complainants, and PPS were kept informed of the developing timetables.
 - 30.** Arising from Mrs D's complaint, I brought seventeen issues to the attention of the Director for consideration. This has subsequently led to an invitation to discuss the issues with senior prosecutors and managers in PPS. A record of my comments in this complaint is attached as Appendix 3.2 to this Formal Report
 - 31.** A further two cases were referred to me in February 2008. These will be investigated and concluded in the year 2008-2009. Accordingly, they will be dealt with in my Formal Report for 2008

Complaints Handling in PPS

- 32.** In my Formal Report for 2006, there was discussion on the matter of building up a statistical basis for comparisons year on year. Also, one of my recommendations concerned information gathering and the type of data that might be kept. This has been dealt with in further discussions with PPS, and I believe we now have an appropriate and straightforward methodology for making simple comparisons, aimed at monitoring progress and activity in relation to Complaints Handling. However, it will take another two years statistics to achieve a reliable data base.
- 33.** In 2007, PPS logged centrally 28 complaints compared with 39 complaints in the calendar year 2006. In addition, there were 115 requests for review, information and/or reasons during the calendar year 2007, compared with 126 requests for review, information and/or reasons in 2006. This is despite the fact that during 2007, the full rollout of the services of PPS was completed by the end of the year for the entire Province. This now represents a case-load of over 70,000, considerably increased from the 60,000 or so case load rate at the end of 2006.

- 34.** The reduction in the number of complaints logged centrally may be interpreted as very encouraging. However, given the massive increase in the total case load on a year-by-year basis since the inception of PPS in 2005, which took over from the DPP with many additional new tasks, and having taken on very many new prosecutors with limited experience, there has to be a question mark in relation to this apparent reduction. Once again elapsed time will be required to determine whether or not complaints, which are being received in writing and dealt with at the first tier are being logged centrally in a correct manner.
- 35.** Quite clearly, where such complaints are dealt with informally, and on a verbal basis only, these will not be logged centrally – and nor should they be, I believe. But where complainants have written in with a complaint at the first tier, and have received a written response, their complaints should be centrally logged to ensure integrity in the system. Complainants in such cases should always be informed of the action they can take if they remain dissatisfied, at least, by the inclusion of the relevant leaflets; this appears from auditing central files not to be happening as a matter of course in most instances at present. Such information gathering and retention may seem to be irksome and unnecessary to many of those working at the stakeholder interface, but the results are necessary for a credible complaints handling system.
- 36.** It is now possible to make comparisons about the nature and outcomes of complaints. At this stage – it will be recollected that in my first Formal Report, I stated that I felt it would be four years before there would be a meaningful set of statistical information from which clear conclusions could be drawn – there is still not in any sense a clear or complete picture. Nevertheless, the following may be thought to be of relevance:

Outcome of Complaint	2006	2007
■ Upheld	9	4
■ Partially upheld	5	0
■ Dismissed	10	5
■ Resolved informally	1	0
■ No action required	12	15
■ Apparently incomplete (until 2008)	2	4
■ Total	39	28

It is a measure of the relevance of the Complaints Handling System, and its justification, that some 36% of complaints centrally logged in 2006 and a further 14% in 2007 were upheld/partially upheld.

- 37.** As part of my duties, I have audited all the complaints centrally logged in PPS, namely 28, in 2007. This process involves perusal of each file to ensure that the appropriate processes, language, approach and tone have been employed, as well as to gain a ‘feel’ for the types of complaints being advanced and the ways in which they are being concluded.
- 38.** The audit role, it is worth noting, is one which is the envy of many independent complaints assessors and examiners in the United Kingdom, as it is a power which is rarely conceded to them. It is a most valuable device enabling the independent person in the process to see how cases that are not referred to the independent levels are handled. It is also a means for demonstrating the transparency of process and accountability, so much in general demand in present circumstances from public bodies.

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39. My audits and other discussions suggest that there are a number of points of learning for the PPS as mentioned in my previous Report, and also some additional matters worthy of comment. A most important function of these Formal Reports is clearly for the recommendations I make to receive proper and thorough consideration by PPS and for the implementation of appropriate changes to be made.
40. It is clear that centrally registered complaints, which remain low in number, must be processed within a defined timetable. There is evidence to indicate that there is room for improvement. For example, in the calendar year 2007, only 15 of the 28 complaints received appear to have been acknowledged within the 5 days that PPS have set down as the standard to be achieved. This is an unacceptable achievement in my opinion, as it is a simple matter to let a complainant know that a complaint has been received. This is unfortunate, as it is a matter to which I drew attention in my last Formal Report in 2007.
41. It is a much more involved matter to conclude a complaint within the standard of 15 days. I have already stated in my previous Formal Report that this is not a practicable standard to aim for – indeed in most complaints, it would be totally unrealistic. Last year’s Report called for a sensible timetabling, **with a realistic estimate given to the complainant of when conclusion might be achieved**; further, it would be appropriate for the complainant to be kept informed of progress, where the realistic estimate may not be met. There is evidence to suggest that such estimates are not being provided and in addition that complainants are not being appraised of progress.
42. The audit, and examination of complaints taken to the independent tier, still show evidence too often of language being used which is more appropriate for use between legal professionals, than with stakeholders. Prosecutors have access to two excellent documents, the Code for Prosecutors and the Victims & Witnesses Policy. These are written in clear and simple English, and are accessible and approachable for lay people as well as legal professionals. I believe that these documents should be made much more widely available than at present appears to be the case. They would not only help to explain those prosecutorial decisions which are often mystifying to the lay person, but would provide a sensible shield to back up the actions of PPS both in relation to key PPS stakeholders, and to complainants. I am however aware that there appear to be at least two views amongst prosecutors. One view is that the documents should be readily available to stakeholders, a view I share. The other opposing view is that lay stakeholders should not be encouraged to access them.
43. It is also clear that those who deal with centrally registered complaints at the first tier do not often appear to mention the existence, and provide copies of the Complaints Procedures leaflet published by PPS. There is also seldom mention of the existence of The Independent Assessor. I am aware however that both are from time to time normally drawn to the attention of complainants at the second tier, where the leaflets for both the PPS processes and The Independent Assessor are made available to complainants. I would stress again, as I have done frequently that this is simply making people aware that such facilities exist; there must be no question of promoting the use of the Complaints Procedure.

- 44.** There is a misguided notion generally that making people aware of the existence of an independently scrutinised Complaints Handling Process encourages more complaints into existence. In fact, there is evidence to suggest that making complainants aware that such facilities exist actually gives the organisation more credibility, such that complainants are more likely to accept the explanation with which were provided in the first instance, when they were made aware that the organisation is the subject of independent oversight. Quite apart from this however, in relation to PPS, is the contribution to public accountability that is provided by the clear existence and awareness of the independently scrutinised Complaints Handling Processes.
- 45.** It is satisfactory to note that PPS now provides a pack about the organisation and its work, and includes within it the leaflet on making Complaints about PPS, as well as my leaflet relating to the independent third tier. This pack is being made increasingly widely available, and it is the explicit policy of the senior management that this is the case. In addition, in this context, a senior assistant director has been given the responsibility of relating with key stakeholders in the Justice System; although not specifically aimed at complaints, one of the stated aims is of preventing complaints arising because of lack of awareness of roles within the System.
- 46.** During 2007, I have continued to consult with other Ombudsmen and Independent Complaints Assessors/Examiners throughout UK and Ireland independently and also through the British and Irish Ombudsman Association (BIOA). This helps me to keep up to date with the latest thinking and practice in relevant matters. I am grateful to PPS for their support of my attendance at a BIOA Conference on best practice during the year.
- 47.** In May 2007, the BIOA published a valuable booklet entitled 'Guide to principles of Good Complaints Handling'. While this publication is aimed at those who operate third level independent complaints handling processes, it sets standards which are of no less relevance to those who are charged with overseeing internal complaints handling. I have therefore made copies available to the relevant persons within PPS.
- 48.** During 2007, the Criminal Justice Inspectorate (CJI) published its report on a generic investigation of complaints handling across the Justice System in Northern Ireland. Their recommendations were positive towards PPS and are reproduced at Appendix 4 to this Report.
- 49.** During the year, I have had discussions with the Director and, in his absence with the Acting Director. I have also met with a number of other members of senior management during the course of my investigations. In addition, I have met with the supervisor of the Community Liaison Unit. I thank all these persons for their assistance.
- 50.** I can confirm that regular meetings, as laid down in the protocols, have taken place with Mr Raymond Kitson, Senior Assistant Director, where the issues on some of which I now report have been discussed formally and informally on an on-going basis. Other discussions have taken place with Mr Peter Grant, Departmental Records and Information Manager.



51. I can report that both these persons have been sensitive and responsive to the points I have raised with them, and I would wish to record my full appreciation and thanks to them for their support and assistance.

52. The issues which are discussed in this way fall into the following categories:

- clarity of roles at all levels in PPS in relation to handling complaints
- systems which are being appropriately adapted to changing needs
- recording, measuring and appraising the performance of complaints handling
- identifying issues and ensuring learning action in PPS

Each of these requires individual attention, but taken in total, can make a significant contribution to the delivery path to excellence.

53. I believe that it is correct to say that during 2007 there has been progress within the operation of Complaints Handling in PPS. However, there is still much to do as the organisation moves rapidly towards its full potential within the Justice Family in Northern Ireland. There is still uncertainty within the system, particularly as it relates to the devolution of justice matters in the Province, and that uncertainty can be expected to continue to have an impact until a timetable is fully committed. Given the nature of these pressures in a rapidly changing environment, I believe that the general achievements by PPS in the context of Complaints Handling may be judged to be creditable.

Recommendations

54. In my previous Formal Report for 2006, I advanced **five** recommendations. There has been total achievement of one of these, which related to the publication of my previous Formal Reports. Another, which relates to the establishment of a statistical database has been partially achieved, but cannot reach full fruition for another two years as a minimum four years data is needed historically before sense can be made of the picture to which the information gives rise. The remaining three recommendations still require work to achieve, and as they are aimed at developmental objectives, they may perhaps never be regarded as having been fully achieved. These relate to **A wider understanding of Complaints Handling in PPS, Awareness of the three tiers of Complaints Handling in PPS and amongst Stakeholders, and Better communications with Complainants and Stakeholders.**

55. Accordingly, further emphasis on these three Recommendations is needed, and I suggest that how this is to be achieved should be considered by PPS senior management.

56. In this my third Formal Report, for 2007, I now advance a further four Recommendations:

1. I **recommend** that consideration be given to developing further and accelerating the programme of making the Code for Prosecutors, and The Victims & Witnesses Policy much more widely accessible and understood, both inside and outside PPS. These excellent documents are being increasingly made visible. Extra attention should be given to raising the profile and understanding of the documents still further.

- 2. I recommend** that consideration be given to accelerating the creation of a better awareness of the role of PPS in relation to other Justice Stakeholders. I make this recommendation in the clear awareness that there is already a project in train in this general area. While it may seem to be not my business to stray into matters which are not directly to do with Complaints Handling, I do believe that prevention of some of the reasons for complaints could have a beneficial effect all round.
- 3. I recommend** that consideration be given to raising the internal profile and clarifying the role of the Community Liaison Unit. I believe that this part of PPS is well placed to provide a greater degree of explanation, advice and information, but stopping short of legal advice to stakeholders - in particular to victims and witnesses. Consideration should be given to thorough training to enable the staff of the Community Liaison Unit to use the excellent documents referred to in paragraph 1 above. The enhancement to approachability and accessibility for PPS thereby gained would lead to even fewer reasons for frustration, review and complaint against PPS.
- 4. I recommend** that the generation of management information in relation to Complaints Handling and its use in the structure of PPS needs to be improved. In particular, emphasis should be given to ensuring that complaints are understood as opportunities for improvement and quality control. This means that it must be clearly understood throughout PPS that the recording of complaints is not about pinning blame, but an opportunity for improving service and assuring quality. Accordingly, any propensity for hiding or losing complaints in the melee of day-to-day work will be made less likely, and if it indeed exists, it needs to be suppressed.

Concluding Note

- 57.** I would wish to emphasise that the Director originally charged me with the requirement to provide the highest possible standards in my work of independent oversight of the Complaints Handling Processes of PPS. I now confirm that I strive to attain the standards that have been laid down for complaints handling by the British and Irish Ombudsman Association. I also operate to achieve the highest standards that are expected in PPS.
- 58.** Once again, the question of comparisons with other similar types of organisation in relation to Complaints Handling remains unexplored. It is my opinion that this work will be appropriate when a sustainable 'statistical run' of information on Complaints Handling has been developed for PPS. Meantime there remains an imbalance between subjective and objective information and ideas, which will gradually correct as data is accumulated. My estimate for when this will begin to be in better balance remains at four years.
- 59.** I would wish to reiterate that my role is essentially advisory and totally independent; in matters other than investigating complaints at the third tier, it is largely catalytic. Accordingly the achievement attained in Complaints Handling in the organisation is the result of the work of PPS and members of its staff. They therefore warrant credit for what has been accomplished. I



offer my personal thanks to them for their responsiveness, in particular to my role. In conclusion, I would wish to highlight that continuing and effective measures have been adopted, and are strenuously applied, by PPS to ensure my continuing total independence.

- 60.** Above all, I think it appropriate to emphasise that **PPS is a low complaint organisation**. Given the extensive case load now being processed – upwards of 70,000 cases per annum – it is remarkable that such a very tiny proportion only of complaints are received and then reach the second, or third tiers of the Complaints Handling Process.

Alasdair MacLaughlin
31st March 2008

Appendix 1

Alasdair MacLaughlin – The Independent Assessor for Complaints for the Public Prosecution Service of Northern Ireland

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, where he chairs one of the two main Committees of the Board. For the past five years, he has been The Lay Observer for Northern Ireland. He is also 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 national 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, a Lay Regulator 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

In my second Formal Report for 2006, I advanced **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.

Alasdair MacLaughlin
31st March 2007

Appendix 3.1

The following Recommendations were advanced in the complaints brought by Mr & Mrs A, during 2007:

I recommended that:

- PPS not only take seriously every complaint, but be seen to take seriously every complaint, and reinforce this within the organisation
- individual senior staff members of PPS learn about and clearly understand the complaints handling processes of the organisation
- all staff are made aware that senior management of PPS value and consider as important good complaints handling
- staff who interface with stakeholders of PPS are made aware that the perceptions the stakeholders have may not be neutral or positive in relation to PPS, often for reasons which may not be obvious, and to approach stakeholders with this clearly in mind
- constant awareness particularly amongst prosecutors is developed that while lay people may be ignorant of prosecutorial matters, they are well aware of what constitutes a good professional interface

- correspondence with complainants will be treated expeditiously and to a standard pattern, and where possible be devoid of jargon, and expressed in clear English
- effective tracking and default procedures for directing cases are kept under regular review

Alasdair MacLaughlin
June 2007

Appendix 3.2

The following issues arose from a complaint brought by Mrs D against the PPS

Process Issues – Complaints Process

- There is a need for PPS to develop a coherent and where appropriate, a standard approach when a complaint is made by a stakeholder; in this context consideration should be given to a central point where communication can be co-ordinated during the process of a complaint
- Care needs to be taken when responding to complaints that all the issues raised by complainants, and any issues that might become evident during the process of handling the complaint, but which were not necessarily highlighted by the complainant, are dealt with in every response

Process Issues – Prosecutorial Process

- There is a need for PPS to be aware of the need to provide a seamless approach between prosecutorial processes and those to do with community liaison in the conduct of a case
- Attention needs to be given to operation in all regional directorates of a co-ordinated approach to processing sensitive cases involving death in road traffic accidents, violent deaths, murder and other sensitive cases
- Consideration needs to be given to when an appropriate set of documents which includes general information and explanation, should be sent to stakeholders in the process of a prosecution and in the course of a complaint
- There is a need for PPS to determine how best to ensure that victims and witnesses are kept informed as required during the course of the prosecution of a case
- PPS may need to review how best to co-ordinate information and messages between and with other partners in the criminal justice family and with victims and witnesses



Perceptions Management

- Consideration needs to be given by PPS to means of avoiding any confusion about charges that are being brought against accused persons
- Expectations and perception management is needed in all cases but particularly those sensitive cases involving death, and similar types of cases
- PPS needs to consider how best to influence the thinking of victims and witnesses at an early stage in and throughout the processes
- PPS must consider an organisation wide policy for the best and most effective use of the documents **Code for Prosecutors** and **Victims & Witnesses Policy** in influencing perceptions amongst stakeholders, victims and witnesses, and others where appropriate
- Managers, prosecutors, and other staff in PPS need to be made more aware of the types of unintended effects they can have on victims and witnesses in every, but particularly, sensitive cases
- Consideration should be given to ensuring that everyone in PPS should have a personal copy of the **Code for Prosecutors**, and the **Victims & Witnesses Policy**, and each staff member should be required to be thoroughly familiar with these important documents
- Consideration needs to be given to the careful use of language with particular reference to phrases and/or words which may have to be used but which have a specific meaning to legal services professionals, and which may be used more loosely in common parlance. Where appropriate, there should be cross-referencing with the documents referred to above

Other Issues

- The role of the Community Liaison Units should be carefully reviewed and co-ordinated in and across each regional directorate
- Community Liaison staff have a vital role in PPS in playing a part in perceptions management in relation to the world external to PPS; consideration needs to be given by senior management as to how these facilities are deployed at present and what changes may be appropriate and necessary
- Consideration needs to be given to whether there is effective interaction with other stakeholders, and particularly with police, but also with voluntary organisations, probation services, the courts and others as appropriate at operational levels with particular reference to sensitive cases

Alasdair MacLaughlin
February 2008

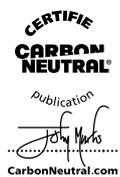
Appendix 4

The Criminal Justice Inspectorate made the following Recommendations to PPS in their **Review of Complaints Handling** in the Criminal Justice Sector in Northern Ireland concluded in June 2007.

PPS Recommendations

- It is recommended that the PPS should review its communication processes with complainants to ensure that correspondence is provided in an appropriate format and is easily understood.
- It is recommended that the PPS monitors its performance in responding to complainants and completing investigations within the time limits to improve its service to customers.
- It is recommended that the PPS should introduce a system of keeping all staff informed and updated of complaints made against the organisation by publishing or displaying anonymised complaints and any learning outcomes.
- It is recommended that the PPS introduce a system of collecting demographic data from complainants to enable it to undertake Section 75 monitoring of the application of its complaints system

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