

Public Prosecution Service for Northern Ireland
**Making a Complaint about the
Public Prosecution Service**



Independent, Fair and Effective

**PUBLIC
PROSECUTION
SERVICE**

This document is available in a range of alternative formats

FURTHER INFORMATION

If you require any further information about the PPS, or a copy of this document in an alternative format, please contact:

Information Management Team

Belfast Chambers

93 Chichester Street

Belfast

BT1 3JR

Tel: (028) 90 897100

Deaf/Hard of hearing (SMS): 07795 675528

Fax: (028) 90 897030

Email: info@ppsni.gsi.gov.uk

Website: www.ppsni.gov.uk

Making a Complaint about the Public Prosecution Service

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PURPOSE OF THIS BOOKLET

This booklet is about how to make a complaint if you are not satisfied with the service provided by the Public Prosecution Service for Northern Ireland (PPS).

The PPS is committed to providing a high standard of service at all times. Your comments are important as the information you provide helps us to put things right if they have gone wrong and to improve the overall standard of our service over time.

It should be noted that separate arrangements apply if you wish to ask the PPS for reasons for prosecution decisions or if you wish to have a prosecution decision reviewed (see pages 11 and 12 for further details).

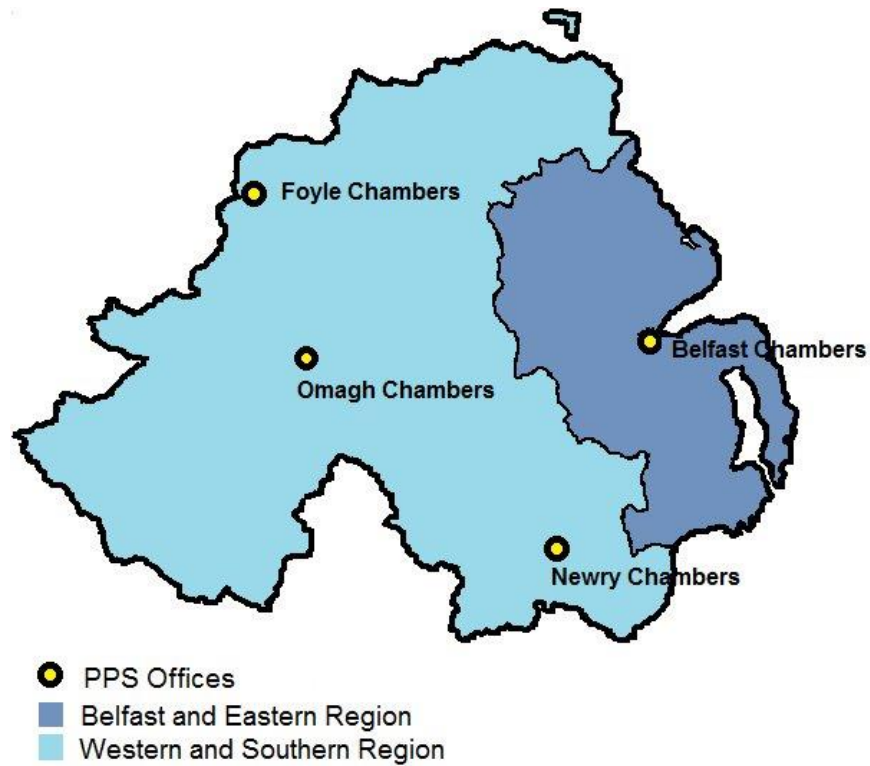
ABOUT THE PUBLIC PROSECUTION SERVICE

The Public Prosecution Service, which is headed by the Director of Public Prosecutions, is the principal prosecuting authority in Northern Ireland. In addition to taking decisions as to prosecution in cases investigated by the police, it also considers cases investigated by other statutory authorities, such as HM Revenue and Customs.

While the PPS works closely with the police and other agencies, it is wholly independent; its decisions are impartial, based on an independent and professional assessment of the available evidence and the public interest. The PPS vision is to be recognised as providing a first class prosecution service for the people of Northern Ireland.

The PPS is a regionally based organisation (see map, below). There are two regions, both headed by an Assistant Director. The Assistant Director has overall responsibility for decisions as to prosecution and for the content of all prosecutions in that region, with the exception of those cases which are considered by prosecutors at Headquarters in Belfast.

PPS Regional Office Locations



There are also a number of other sections within the Service, each headed by an Assistant Director, which deal with specialised areas of work. These include Appeals & International, Fraud & Departmental, Central Casework and Serious Crime Unit.

Corporate Services is responsible for the organisation's support services, such as Finance, Human Resources and ICT.

WHAT IS A COMPLAINT?

A 'complaint' is defined as:

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

Such complaints may relate to:

- The effectiveness and efficiency of the work of the prosecution service; for example, the time taken to process a prosecution 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 (for example, a barrister instructed by the PPS).
- Any failure to adhere to the PPS Code for Prosecutors or Code of Ethics, *that is, which does not relate to a prosecutorial decision*. The PPS Code for Prosecutors, which includes the Code of Ethics, is available via the PPS website at www.ppsni.gov.uk.

It should be noted that the PPS complaints procedure is not the appropriate mechanism for defendants to seek to have the cases against them withdrawn or to overturn their convictions. If you are a defendant in this situation your complaint will not be considered as part of our complaints procedure. You should instead seek independent legal advice.

Where a complaint relates to ongoing criminal cases, we may only be able to provide limited information. We reserve the right not to deal with a complaint in relation to an ongoing case if it might prejudice the proceedings.

WHO CAN MAKE A COMPLAINT?

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, support group or public representative.

HOW CAN A COMPLAINT BE MADE?

There are a number of ways in which to make a complaint:

By letter to:

Information Management Team
Public Prosecution Service
Belfast Chambers
93 Chichester Street
Belfast
BT1 3JR

Using the PPS Website:

Details of your complaint can be submitted using the complaints 'web form' which can be accessed via the PPS website at www.ppsni.gov.uk/complaints. All information submitted using this form will be transferred securely to PPS Information Management Team

By email:

Please send the details of the complaint to: complaints@ppsni.gsi.gov.uk

Deaf/Hard of hearing (SMS)

A SMS service is available on 07795 675528.

By Telephone:

Please contact the PPS Victim and Witness Care Unit (VWCU), which is located in the PPS's Belfast and Foyle offices. The telephone numbers are as follows:

Belfast

(028) 90 544797

For complaints concerning Belfast & Eastern Region or any of the PPS Headquarters functions.

Foyle

(028) 71 340632

For complaints concerning Western and Southern Region.

VWCU staff will normally be available for telephone calls during office hours (Monday to Friday, 9am to 5pm). There will be an answering machine in operation outside of these hours.

If you wish to discuss your complaint in person with a PPS representative, you should make an appointment to visit one of our regional offices. Please call the VWCU for your area who will also record an initial outline of your complaint. We will then contact you to arrange an appointment with an appropriate member of staff. Normally this should happen within 2 to 3 working days.

WHAT INFORMATION WILL I NEED TO PROVIDE?

To help us in dealing with your complaint, the following information would be appreciated:

- Your name, address and contact details; this may include details of any representative whom you may want to have with you or speaking for you.
- Full details of the complaint, providing as much information as possible, including dates, the sequence of events which gave rise to concern

and, if known, the names of persons involved.

- If applicable, the PPS reference number quoted in any previous correspondence you may have received.

It would also be helpful if a preferred means of contact was included, as well as an indication of the most suitable time for our staff to contact you.

In order to help you to provide all necessary information, a complaint form is available to download from the PPS website. The Information Management Team will also forward a copy of the form by post or e-mail on request.

Please note that depending on the nature and/or complexity of the complaint, it may be necessary to ask you for further information at a later stage.

HOW QUICKLY WILL MY COMPLAINT BE DEALT WITH?

The PPS will acknowledge receipt of your complaint, via your preferred method of contact, within 5 working days. We will normally seek to make a full response within 20 working days.

If it is not possible to make a full response within 20 days, you will be informed why the response has been delayed and given a revised target date for a full response.

HOW LONG DO I HAVE TO MAKE MY COMPLAINT?

Unless there are exceptional circumstances a complaint will only be dealt with if it is made within 6 months from the date of the incident in question.

CAN THE MATTER BE RESOLVED INFORMALLY WITHOUT MAKING A COMPLAINT?

Some individuals who are dissatisfied with the service that we have provided will simply want someone to review their concerns as quickly as possible –

without the need to lodge a formal complaint. In such instances it may be possible for the cause of the dissatisfaction to be resolved immediately and we will aim to do so by providing an explanation, apology or other appropriate outcome.

The initial step is to contact us in order that the matter might be resolved informally. If you are interested in an informal resolution, please contact us either by telephone (02890 897100) or by email to info@ppsni.gsi.gov.uk.

If we are unable to resolve your concerns satisfactorily via this process, then you may wish to pursue a formal complaint following the outlined procedure.

WHAT CAN I DO IF I AM DISSATISFIED WITH THE WAY MY COMPLAINT HAS BEEN DEALT WITH?

Most complainants are satisfied at the initial investigation stage. If you are not satisfied with this response, you must tell us within one month of receiving our explanation. Complaints received outside of this timescale will not be considered.

In such circumstances your concerns should be set out in writing to:

Head of Policy and Information
Public Prosecution Service
Belfast Chambers
93 Chichester Street
Belfast
BT1 3JR

Normally your complaint will be referred to an Assistant Director from a different part of the organisation. For example, where your complaint is in relation to a regional office, the review will be conducted by an Assistant Director from PPS Headquarters.

IS THERE ANY APPEAL AGAINST THE WAY THE PPS HAS DECIDED TO DEAL WITH MY COMPLAINT?

There is an external independent assessor who will review a complaint where the complainant is not satisfied with the way in which the PPS has decided to deal with the matter. The Independent Assessor operates with full independence from the PPS.

The Independent Assessor can investigate your complaint only:

- After the matter has been investigated by the PPS, and that having been concluded, you are still not satisfied ; and
- If it is not primarily prosecutorial in nature. While the remit of the Independent Assessor allows for the consideration of failures against the PPS Code for Prosecutors or Code of Ethics, she is unable to comment on matters which relate directly to a prosecutorial decision. A prosecutorial decision includes the decision whether or not to bring a prosecution and any decision made in the course of criminal proceedings which relate to the conduct of the prosecution.

You may contact the Independent Assessor by the following methods:

By Letter:

Sarah Havlin
Independent Assessor of Complaints
for the Public Prosecution Service
P.O. Box 928
Belfast BT1 9AN

By email: independent.assessor@ppsni.gov.uk

The Independent Assessor operates a confidential and secure service. On receipt of your complaint she will deal with you directly and will make available

to you a copy of a leaflet which explains her role and remit in more detail.

The PPS will permit the Independent Assessor access to the files relating to your complaint and will seek to meet her requests in full as she investigates your concerns.

POLICY ON UNACCEPTABLE ACTIONS OR BEHAVIOUR BY COMPLAINANTS

The PPS understands that individuals may act out of character in times of difficulty or distress. Indeed a complainant may have encountered upsetting or distressing circumstances prior to bringing a complaint to the PPS. Therefore the PPS does not view actions or behaviour as unacceptable simply because a complainant is assertive or determined. However, the actions or behaviour of complainants who are angry, demanding or persistent can result in unreasonable demands on the PPS or unacceptable behaviour towards PPS staff. Whilst there are relatively few complainants whose actions or behaviour the PPS will consider to be unacceptable, the Service reserves the right to restrict complainant contact, particularly where the actions or behaviour present a threat to the safety of PPS staff.

A copy of the PPS Policy on Unacceptable Actions or Behaviour by Complainants is available on request. Alternative formats of this policy are also available.

MAKING A COMPLAINT ABOUT THE TOP MANAGEMENT TEAM IN THE DEPARTMENT

If you are a member of the public or an external stakeholder and your complaint is about a staff member in the top management team in the department, there is a different procedure for making a complaint.

Top Management in the NI Civil Service and its agencies means the Head of the Civil Service, Permanent Secretaries and anyone in a Grade 3/Deputy

Secretary Position (or equivalent level). Please note this does not include the Director or Deputy Director of Public Prosecutions, neither of whom are NICS Civil Servants.

Further information as to how to make a complaint about top management can be accessed via the Department of Finance website using the link below.

[*Making a complaint about top management in the Northern Ireland Civil Service \(NICS\) – Department of Finance website*](#)

COMPLAINTS ABOUT PARTNER ORGANISATIONS

The PPS works in partnership with a number of organisations to provide a range of services, for example to victims and witnesses. Complaints about the delivery of services by partner organisations should be directed in the first instance to these bodies. The PPS website includes a range of useful contact points in this regard.

CAN I ASK ABOUT PROSECUTORIAL DECISIONS OR REQUEST REASONS FOR A DECISION NOT TO PROSECUTE?

Requesting a review of a decision

People should be able to rely on decisions taken by the PPS. Normally if the PPS tells a suspect or a defendant that there will not be a prosecution, or that the prosecution has stopped, that is the end of the matter and the case will not start again. However, there may be reasons why the PPS will review this decision, for example where new evidence or information becomes available or a specific request is made by a person, typically a victim, involved in the case. Requests may be made directly by an individual or through a nominated representative (for example, a family member, solicitor, support group or public representative).

When requesting a review, a person may be able to provide further evidence or information which has not previously been taken into account. In such a

case the public prosecutor who made the original decision will carry out the review taking into account the additional evidence or information. However if no new evidence or information is provided the review will be conducted by a different public prosecutor to the person who made the original decision.

The public prosecutor conducting the review will decide whether the original decision should stand or whether a fresh decision is required. In either event the person requesting the review will be informed.

Requesting reasons for a decision not to prosecute

In all cases where it does not prosecute the PPS provides reasons for its decisions, albeit in the most general terms. In a range of more serious cases the PPS goes further and gives more detailed reasons. In any case it is open to a member of the public or interested person to ask for further details of why a decision was made not to prosecute.

If you wish to request a review of a PPS prosecutorial decision or to make an enquiry regarding the reasons for a decision not to prosecute, please write to Information Management Team (address as above) or send an email to reviews@ppsni.gsi.gov.uk

The Independent Assessor of Complaints does not have any role in the review of prosecution decisions or in the giving of reasons for decisions.

COMPLAINT HANDLING: MONITORING ARRANGEMENTS

The PPS is committed to ensuring that these complaint handling arrangements are effective. Therefore on completion of each complaint case, we will send you a short follow-up questionnaire asking you to provide feedback on the way your complaint was handled.

Monitoring will of course be undertaken in a confidential way. All information provided will be held securely and questionnaires can be submitted anonymously (that is, we will not require your name). However we will ask you

to provide some information about yourself (for example, your age and gender). As set out in the PPS Equality Scheme, drawn up in accordance with section 75 of the Northern Ireland Act 1998, the PPS is committed to monitoring any adverse impact as a result of any its policies to which section 75 applies. Monitoring of complaints is essential in this regard and can assist the PPS to deliver a better service.

GENERAL PRINCIPLES TO BE FOLLOWED BY THE PPS

- The complaint handling process will be open and accessible.
- Complaints will be dealt with in a timely, effective and consistent manner.
- Complaints will be investigated and dealt with by individuals other than those about whom the complaint was made.
- Complaints will be considered fairly and impartially in line with the policy and procedures set out in the PPS Complaint Handling Policy.
- Members of the public making a complaint will be dealt with professionally and with sensitivity and courtesy at all times.
- The complaint handling process will deliver continuous improvement.
- The Independent Assessor will consider all complaints properly referred to her and also report annually to the Director of Public Prosecutions. She may make recommendations and the Director is obliged to respond to these recommendations.
- The Independent Assessor will audit a proportion of all complaints received. The purpose of this is to identify any patterns and to obtain a clearer picture of the types of complaints being raised.

Revised: July 2019