



**Referring a Complaint to the
Independent Assessor of Complaints
for the Public Prosecution Service**

**Delivering an Independent
and Confidential Service**

About the Independent Assessor

Sarah Havlin was appointed as Independent Assessor of Complaints for the Public Prosecution Service on 1 July 2019.

Sarah is a solicitor by profession and following a career in private legal practice, she moved into the areas of regulation, public policy, formal investigative work and quasi-judicial adjudication processes.

Sarah was the first woman to be appointed to the role of Certification Officer of Northern Ireland, a judicial and regulatory office which oversees and regulates Trade Unions and Employer Associations. She has previously overseen the Review of Local Government of Northern Ireland and recently completed the review of Westminster Parliamentary Boundaries in Northern Ireland as Parliamentary Boundary Commissioner for Northern Ireland.

She has also served as a Parades Commissioner for Northern Ireland (under appointment by the Secretary of State for Northern Ireland), as an Independent Board Member of the Youth Justice Agency (under appointment by the Minister for Justice) and as a legal member of RQIA, the Regulator of Health and Social Care in Northern Ireland.

Sarah also carries out commissioned work as part of independent public inquiries, as an independent complaints assessor and as a consultant in public policy and regulatory affairs. She is a Complaint Handler member of the British and Irish Ombudsman Association.

WHAT IS THE ROLE OF THE INDEPENDENT ASSESSOR?

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

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

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

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

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

WHICH COMPLAINTS ARE ELIGIBLE FOR INVESTIGATION?

The Independent Assessor may investigate all complaints, with the exception of those which are mainly prosecutorial in nature; that is, where they are primarily in relation to a decision by the PPS to prosecute or not to prosecute in a particular case. Such matters and all requests for a review of a prosecutorial decision should be directed to the PPS (see Annex A).

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

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

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

HOW LONG WILL THE PROCESS TAKE?

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

HOW DO I SUBMIT A COMPLAINT?

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

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

HOW MUCH WILL IT COST?

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

WHAT HAPPENS WHEN THE INVESTIGATION IS COMPLETED?

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

WHAT REMEDIES ARE AVAILABLE TO THE INDEPENDENT ASSESSOR?

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

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

Advantages

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

Disadvantages

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

HOW DO I CONTACT THE INDEPENDENT ASSESSOR?

You may contact the Independent Assessor as follows:

By letter:

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

By email:

independent.assessor@ppsni.gov.uk

ANNEX A: PPS COMPLAINT HANDLING ARRANGEMENTS

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

Step 1

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

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

Step 2

Most complainants are satisfied at the initial investigation stage. However where this is not possible, you may refer your complaint in writing to the PPS's Head of Policy and Information (see contact details below).

Step 3

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

It should be noted that separate arrangements apply for anyone wishing to ask PPS for reasons for a prosecution decision or wishing to have a prosecution decision reviewed. If you wish to request reasons for a decision or a review of a decision, please contact the Head of Policy and Information.

Full details of the complaint handling procedures are set out in the PPS's complaints guidance, 'How to Make a Complaint about the Public Prosecution Service'. For a copy of this guidance, please refer to the PPS website at www.ppsni.gov.uk or get in touch with the PPS's Information Management Team:

**Information Management Team
Policy and Information Unit
Public Prosecution Service
Belfast Chambers
93 Chichester Street
Belfast BT1 3JR**

Tel: (028) 90 897100

Text Phone: (028) 90 897011

Email: info@ppsni.gsi.gov.uk

Updated: July 2019