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Disability Action Plan

1 April 2011 – 31 March 2014

Independent, Fair and Effective

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DISABILITY ACTION PLAN
for the
PUBLIC PROSECUTION SERVICE

1. Introduction

1.1 Under Section 49A of the Disability Discrimination Act 1995 (DDA 1995) (as amended by Article 5 of the Disability Discrimination (Northern Ireland) Order 2006), the Public Prosecution Service (PPS) is required when carrying out its functions to have due regard to the need to:

- promote positive attitudes towards disabled people;
and
- encourage participation by disabled people in public life ('the disability duties').

Under Section 49B of the DDA 1995, the PPS is also required to submit a Disability Action Plan to the Equality Commission for Northern Ireland showing how it proposes to fulfil these duties.

Statement of Commitment from the Director of Public Prosecutions for Northern Ireland

- 1.2 The PPS became a non-Ministerial government department under the arrangements for the devolution of policing and justice from 12 April 2010.

As the Director of Public Prosecutions for Northern Ireland, I am committed to effectively implementing the disability duties and this Disability Action Plan. The actions set out for the next three years within this second Disability Action Plan aim to build on the achievements made through our first Disability Action Plan which covered the two year period to 31 March 2011.

We will allocate appropriate resources including people, time and money, in order to effectively implement this plan and, where appropriate, will build objectives and targets relating to the disability duties into corporate and annual plans. The importance of an ongoing training commitment is recognised and a proportion of the Corporate Training Budget will be allocated over the life of the plan to ensure this remains a priority across the Service.

We will continue to have the appropriate internal arrangements in place to ensure that the disability duties are complied with and that this Disability Action Plan is effectively implemented. We will ensure the new plan is communicated to all staff and that the necessary training and

guidance is provided to enable them to provide a first class service to all those that they come into contact with us through the course of their work.

During the development of the draft plan, we consulted with people with disabilities from amongst our own staff and in the wider community we serve. We sought their views as to actions that the PPS could take that may improve outcomes for people who come into contact with the service. The Equality Commission and Disability Action both provided very useful comments on the first PPS action plan and we adopted their recommendations where possible in the new draft plan prior to the full consultation. We would like to thank those organisations or individuals that took time to contribute at that stage.

All those individuals and organisations that are listed in the PPS Section 75 consultation list or who have expressed an interest in the work of the PPS were subsequently notified of the publication of the draft Disability Action Plan and asked for their views and comments. All comments that were received from the wider consultation were fully considered and where possible, changes and suggestions have been incorporated within this final version of the plan. We are committed to continuing engagement with disabled people and their representative groups throughout the implementation, review and evaluation of this plan, and will welcome their continued support.

Responsibility sits at Management Board level for the implementation, review and evaluation of this Disability Action Plan and the point of contact is:-

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- 1.3 We also confirm the PPS's commitment to submitting an annual progress report to the Equality Commission as well as carrying out a five-year review of this disability plan, or such other plans as we may submit to the Equality Commission within that period. The Annual Progress Report on the Implementation of Section 75 will include the Disability Action Plan and report on the progress within.

A copy of this plan is available on our website at www.ppsni.gov.uk within the equality section, where all Annual Progress Reports on Section 75 implementation and

Disability Action Plan implementation can also be found. The PPS also undertakes to publish the 5 year review of its action plan when this is carried out. Press releases will be issued as appropriate to help publicise the issue of these documents.

Main Functions of the PPS

1.4 The primary role of the PPS is to reach decisions to prosecute or not to prosecute in any case and to have responsibility for the conduct of criminal proceedings. A range of additional services are available with a view to making the delivery of prosecution services more effective. These include:

- Provision of prosecutorial and pre-charge advice to police;
- Review of all charges prior to submission to court;
- Services to victims and witnesses;
- Production and issue of summonses; and
- PPS lawyers will conduct most if not all prosecutions in the Magistrates', Youth and County Courts.

A range of options is also available for dealing with offenders other than through prosecution. These include cautioning, informed warnings and youth conferencing. In taking a decision as to the appropriate disposal in an individual case the prosecutor will take into account a range of public interest considerations including, for example, where the victim or defendant had, at the time of the offence or trial, significant mental or physical ill-health.

The PPS works with partner agencies, including Northern Ireland Courts and Tribunals Service (NICTS), Victim Support (VSNI) and National Society for the Prevention of Cruelty to Children (NSPCC) to help witnesses, including those who are vulnerable, to give evidence at court.

The PPS is committed to ensuring the effective operation of legislation which provides for:

- offences against the use of threatening, abusive or insulting words or behaviour concerning disability; and
- increased penalties for offences motivated by hostility towards a person's disability.

Policy Development

PPS also has a significant role in the development of policy within the criminal justice system and in the consultative process which is undertaken on proposed legislative reform.

PPS has given a commitment to keep under review the development of a policy in relation to the prosecution of cases involving victims, witnesses and defendants who experience significant mental or physical ill-health.

The Intermediary Scheme, when implemented, will assist persons with learning or communications difficulties to give evidence at Court.

PPS has representation on a number of inter-agency groups to inform its policy development in this area.

Supporting Functions

Supporting the main functions of the PPS are the following business areas:

- Central Management Unit
- Property Management
- Business Assurance
- Finance
- Information and Communications Technology
- Human Resources

It should be noted that responsibility for the development of policies relating to the recruitment and management of our workforce, as with all Northern Ireland civil servants, rests with the Department of Finance and Personnel (DFP). Actions therefore relating to the two disability duties as regards these policy areas will appear in the DFP Disability Action Plan.

Public Life Positions

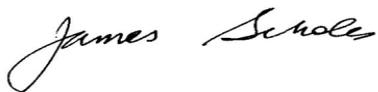
- 1.5 There are currently two independent non-executive members of the PPS Management Board who also have a role as chair and member of the department's Audit and Risk Committee. In addition, there is an Independent Assessor of Complaints appointed by the Attorney General whose role is to oversee the complaints handling process of the PPS in relation to non-prosecutorial matters. The Director of Public Prosecutions, supported by the Management Board, recently reviewed the Management Board's structure and membership, including the process by which non-executive Directors are appointed. As a result, future appointments to non-executive Director will be made, in line with other government departments, via a selection process from the pool of suitably qualified candidates named on the Independent Board Members List held by OFMDFM. Whilst these positions are not defined as 'public appointments' as such, people from all sections of the community were invited to apply through an open recruitment competition to be considered for addition to this list. This competition was widely advertised in the press and in a range of other publications in both Northern Ireland and across the UK in order to reach as many people as possible.

Action Measures

2. Outlined in Annex A attached are the measures which we propose to take over a three year period ending on 31 March

2014, together with the appropriate performance indicators or targets.

Progress in meeting the action plan will be monitored by the Equality and Diversity Steering Group and an update on this progress will be included in the quarterly reports made to the Management Board on equality and diversity issues.

A handwritten signature in black ink that reads "James Scholes". The signature is written in a cursive style with a large initial 'J'.

James Scholes
Acting Director of Public Prosecutions
Northern Ireland

Measures to promote positive attitudes towards disabled people and encourage the participation of disabled people in public life

Organisational Commitment:			
Action	Timescale	Responsibility	Performance Indicator Outcome
1. Set out our commitments to disability equality in the Corporate and Business Plans, of which this action plan forms a part.	Years 1 - 3	Central Management Unit	PPS key documents take account of, and reinforce commitment to, implementation of the disability duties and other requirements under DDA legislation.
2. Develop a designated policy in relation to the prosecution of cases involving victims, witnesses and defendants who have a mental, physical, learning or sensory disability.	Years 1 - 3	Policy and Information Section	When developed this policy will: <ul style="list-style-type: none"> • enhance public understanding • enhance public confidence • ensure consistency of approach

Organisational Commitment:			
Action	Timescale	Responsibility	Performance Indicator Outcome
3. Review the Terms of Reference and the membership of the PPS Equality & Diversity Steering Group. PPS staff who have an awareness of issues affecting disabled people through their own experiences or through caring for dependants with disabilities will be encouraged to join the group.	By end Year 1	Equality Unit	Increased knowledge and understanding of the attitudinal barriers facing staff and/or service users will help to promote positive attitudes across the wider PPS; Policy development in this area will be better informed and support the participation of disabled people who need to engage with PPS.
4. Seek opportunities for key disability equality speakers to address the Equality and Diversity Steering Group.	Years 1-3	Equality Unit/EDSG	As above.
5. The Equality and Diversity Steering Group will monitor the delivery of the actions within the Disability Action Plan and report to the Management Board/Senior Management Group.	Quarterly	Equality Champion/Equality and Diversity Steering Group	Commitment of senior management/ policy makers will ensure a top down approach to mainstreaming the disability duties and encouraging positive attitudes across the organisation.
6. Use will be made of staff roadshows, core briefs and other regular staff fora to maintain the awareness of disability equality legislation and the PPS Disability Action Plan.	Years 1-3	Equality Unit/Assistant Directors/Regional Prosecutors/Corporate Services Heads of Branch/Business Managers	Staff are aware of the continuing need to create and maintain a harmonious working environment and to ensure equality of service provision.

Effective Change for Victims and Witnesses:			
Action	Timescale	Responsibility	Performance Indicator Outcome
7. Conclude the review of correspondence to victims and witnesses, including accompanying leaflets, taking into account the specific needs of people with a range of disabilities including learning disabilities.	Years 1-2	Policy and Information Section	Recommendations of the review implemented. Victims and witnesses with disabilities receive information from the PPS in a suitable format which will encourage their engagement the criminal justice process.
8. Introduce an Intermediary Scheme by April 2012 to assist people with communication difficulties or learning disabilities to give evidence at court.	Years 2 -3	Policy and Information Section	A panel of accredited intermediaries will be established. An evaluation of the scheme will consider the outcomes achieved, including whether there is increased participation by these groups of people.
9. Review the effectiveness of the 'special measures' arrangements to be introduced by the provisions of the Justice (NI) Bill 2010.	Year 2	Policy and Information Section/Quality Assurance Team	Applications for 'special measures' arrangements for an increased range of vulnerable victims results in more people in these categories participating in the criminal justice process.

Effective Change for Victims and Witnesses:			
Action	Timescale	Responsibility	Performance Indicator Outcome
10. Conduct a Quality Assurance Review of the operation of the Hate Crime Policy.	Year 3	Policy and Information Section/Quality Assurance Team	The evaluation will be enhanced through seeking views from people with disabilities, as one of the groups affected by Hate Crime, and will help to identify additional training needs.
11. Consider additional ways to establish links with disabled people to provide advice or assistance to PPS in relation to improving services or evaluating policy and practice.	Years 2 & 3	Policy and Information Section/Equality Unit	Links to existing Criminal Justice Focus Groups or Forums which include disabled people and their representatives established. Increased participation of disabled people in the policy development process resulting in more effective service provision.
12. PPS will seek the views of disabled people and their representative organisations within its review of the Court Witness Expenses policy.	Year 1	Head of Finance	A revised policy that can take account of the specific needs of disabled or vulnerable individuals and will support their increased participation in the criminal justice process.

Partnership Working:			
Action	Timescale	Responsibility	Performance Indicator Outcome
13. PPS will encourage inclusion of disabled people or their representatives within interagency groups of which PPS is a member, such as the Interagency Hate Crime Sub Group of the Community Safety Forum and the Criminal Justice Social Diversity Project Advisory Group.	Years 1-3	Policy and Information Section	Increased participation of disabled people in these groups will provide insight on the impact of hate crime leading to better understanding of their needs. Improved service delivery that better meets these needs.
14. PPS will participate in the recently established Consultative Methods Working Group to explore how the criminal justice sector can improve its methods of consultation. We will seek to ensure that this group, and any proposals for an Equality Consultative Forum, will include membership that can represent disabled people's interests.	Years 1-3	Equality Unit/Policy and Information Section	Development and adoption of new good practice guidelines will improve the participation of, and feedback from, people with disabilities and their representative groups.

Communication:			
Action	Timescale	Responsibility	Performance Indicator Outcome
15. We will seek the views of staff in the Staff Survey on identifying 'positive action' measures that PPS could put in place.	Year 2	Central Management Unit	All staff invited to propose useful and workable suggestions on promoting positive attitudes in the workplace.
16. A yearly request will be issued to staff to invite them to provide HR with confidential disability declarations.	Years 1-3	Disability Liaison Officer	Improved data held on the level and diversity of disability amongst its staff. Increased awareness of their needs. Increased levels of staff confidence.
17. The Diversity section on the intranet will be reviewed. Staff will be encouraged to provide articles or other items of interest and publicise events of particular interest to disabled staff or staff caring for disabled dependants.	Years 1 & 2	Equality Unit/Disability Liaison Officer	Promotion of good staff attitudes, increased support for, and inclusion of, disabled staff.

Training Provision:			
Action	Timescale	Responsibility	Performance Indicator Outcome
18. PPS will allocate a proportion of the overall Corporate Training Budget for provision of disability equality related training and will consider the use of external disability organisations to deliver training where this may be appropriate.	3.5% for Year 1 – to be reviewed annually	Training Unit/Equality Unit	All staff and office holders receive disability equality training appropriate to their specific job requirements, and are aware of their responsibilities to both service users and work colleagues.
19. We will review and update the information included in the PPS Induction Training Pack which sets out the requirements of the DDA and the PPS Disability Action Plan will be reviewed and updated.	Year 2	Equality Unit/Training Unit	New entrants will receive relevant disability legislation awareness and be aware of their individual responsibilities as soon as they take up employment with PPS.
20. Review current disability legislation/awareness training provision and materials, including provision from the disability sector to ensure PPS staff continue to receive appropriate training.	Year 2	Equality Unit/Training Unit	Staff will continue to receive training that reflects current legislation and will include disability sector participation in delivery of training where appropriate.
21. Arrange equality and disability legislation awareness sessions for all staff including senior management through existing communication mechanisms and training sources.	Years 1-3	Equality Unit/Training Unit	Staff survey reflects an increasingly inclusive working environment. Raised staff awareness improves service delivery. All staff receive training within 3 months of starting employment.

