

SUMMARY OF CONSULTATION RESPONSES

The PPS's Consultation on the Prosecution Quality Standards issued on 19 January 2015 and closed on 20 March 2015.

The aim of the consultation was to seek a wide range of views to inform the new Standards. Four responses were received as follows:

- Office of the Attorney General for Northern Ireland.
- Disability Action.
- Victim Support NI.
- The Northern Ireland Association for Care and Resettlement of Offenders (NIACRO).

The comments made were taken fully into consideration and we have provided feedback to each consultee. A summary of the main points raised are set out below.

Office of the Attorney General for Northern Ireland		
	Comment	PPS Response
1.	It might be beneficial, to assist with public understanding, to provide links to the relevant sections of the more detailed Code for Prosecutors and PPS policies at appropriate places throughout the Prosecution Quality Standards document.	Partially accepted. We consider that to add direct policy links would be cumbersome, potentially making the document less accessible for readers. However to assist we have provided a list of key policies and guidance at Annex C of the Standards document, all of which are available on request or via our website.
2.	It might be the case that several of the indicators could benefit from greater clarity, for example, Standard 1(b) and Standard 2(b) refer to 'timely decisions'. An indication of what this actually	Noted. Given the large volume of prosecution files dealt with by the PPS, and the relatively wide span in terms of complexity, it is difficult to be prescriptive in making an

	<p>means in terms of timescales may provide a greater level of clarity for the public when they come to assess the performance of the PPS.</p>	<p>assessment of timeliness within individual cases. The dip sampling process, carried out at Assistant Director / Regional Prosecutor level, requires a degree of judgment and this has informed the wording of these standards. By way of a benchmark, reviewers will of course have regard to the timeliness targets published within our Annual Business Plan. This position will be kept under review during the initial operation of the new dip sampling framework.</p>
3.	<p>Standard 3(a) includes a reference to ‘all necessary steps’ and Standard 3 and 5 include the phrase ‘communicate effectively’. The term ‘effectively’ is used again in Standard 4 and 5. It might be helpful to consider whether these indicators could be defined more precisely in order for the public to know the standards that prosecutors are being held to.</p>	<p>Noted. Again there is a risk in being too prescriptive in defining these Standards. To assess compliance it will be necessary for reviewers (who will be senior and experienced lawyers) to use their judgment in determining whether the indicators (for example “all necessary steps” and “communicate effectively”) have been met. This position will be kept under review during the initial operation of the new dip sampling framework.</p>
4.	<p>The public may not be fully aware of what ‘disclosure objections’ actually are. It may be useful to consider alternative wording to clarify what this means or includes.</p>	<p>Accepted. A new footnote has been added to page 8 of the document to provide a definition of “disclosure obligations”.</p>

Disability Action

	Comment	PPS Response
1.	Disability Action believes that contact details should be placed at the beginning of this and any other document for ease of reference rather than at the back of the document.	Accepted. In addition to the contact details on the back cover, relevant details have also been placed at the beginning of the document.
2.	To ensure the rights of persons with disabilities underpin the quality standards Disability Action would emphasise the importance of the UN Convention on the Rights of Persons with Disabilities as a framework to underpin both in content and delivery of the standards.	Noted. As specified in the document (page 6), prosecutors must act in accordance with the law and must, at all times, act in a way which is compatible with the Human Rights Act 1998, the European Convention on Human Rights and all other relevant international conventions and declarations.
3.	Disability Action recommends, in particular, the extent to which implementation of these standards meet government obligations under the UN Convention on the Rights of Persons with Disabilities.	As above.
4.	Regarding communicating effectively with victims, witnesses etc. Disability Action believes that a range of accessible / communication methods must be available, in particular, for people with learning disabilities. (Items a & b)	Accepted. The Service is committed to ensuring that the information it produces and the services it provides are fully accessible to everyone in the community. All service users will be provided with the help and support they need, for example through the provision of documents in alternative formats (e.g. Braille, Easy

		<p>Read and Audio format). Accordingly Standard 5(b) has been expanded to include the following text: “<i>Documents will be made available in alternative formats as required</i>”.</p> <p>Other support such as interpreters and Registered Intermediaries will also be provided, where appropriate, to ensure victims and witnesses can understand and participate fully in the prosecution process, leading to the greater admissibility / quality of evidence.</p>
5.	As well as the preferred means of contact the Public Prosecution Service must provide accessible information and communication methods. Disability Action refers the PPS to paragraph above.	As above.
6.	Disability Action believes that to ensure equality of opportunity for victims and witnesses the standards must fully embrace more than the minimum standards under anti-discrimination legislations including Section 75 of the Northern Ireland Act 1998. (Page 5)	Noted. As specified in the document (page 6), prosecutors must act in accordance with the law and must, at all times, act in a way which is compatible with the Human Rights Act 1998, the European Convention on Human Rights and all other relevant international conventions and declarations.
7.	Disability Action recommends Disability Equality Training for all staff. (Page 9)	Noted. Disability Awareness Training is provided to relevant PPS personnel.

8.	<p>Regarding the monitoring of informing and supporting victims and witnesses to ensure equality of opportunity for all, in particular people with disabilities, Disability Action recommends inclusion of equality monitoring questions to ascertain the quality of service delivered to people with disabilities and other Section 75 groups and a review of any complaints.</p>	<p>Noted. The PPS conducts a postal survey of victims and witnesses who have been in contact with the Victim and Witness Care Unit (VWCU). The purpose of the VWCU model is to improve the experience of victims and witnesses by, for example, providing a single point of contact and identifying particular needs at key stages throughout the prosecution process. Therefore at various stages a short follow-up questionnaire is issued by staff asking victims and witnesses to provide feedback on the service provided. Monitoring is undertaken in a confidential way. All information provided is held securely and questionnaires can be submitted anonymously.</p> <p>In addition individuals are asked to provide some information about themselves (for example, age and gender). Again such monitoring can assist the PPS to deliver a better service.</p> <p>In addition on completion of each complaint case, a short follow-up questionnaire is sent to complainants asking them to provide feedback on the way their complaint was handled.</p> <p>Again monitoring is</p>
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		undertaken in a confidential way. All information provided is held securely and questionnaires can be submitted anonymously. In addition complainants are asked to provide some information about themselves (for example, age and gender).
Victim Support NI		
	Comment	PPS Response
1.	The standards should clearly set out the quality that victims can expect to be delivered in their engagement with the PPS. It is essential that these standards are not only clear and measurable but can be challenged appropriately as necessary. Therefore VSNI would be keen to have sight of the service delivery measures referenced in the foreword and believe these measures should be fully transparent to all victims and witnesses.	<p>We note your comments in relation to the service delivery measures. Information gathered from dip sampling during 2015-16 will be used to inform the development of new service delivery measures and targets for 2016-17, which will be published in our Annual Business Plan.</p> <p>A paragraph on how the new service delivery measures and targets will be developed has been added to page 12 of the Standards document.</p>
2.	The monitoring arrangements indicate that the PPS will evaluate 460 files, annually.... VSNI would therefore wish to ascertain, what percentage of files this figure equates too and if there is scope for extending the evaluation to a greater number or percentage of files.	Noted. Whilst the proposed sample of 460 files equates to approximately 1% of the cases received annually, examination of these files in the detail required presents a significant undertaking for senior prosecutors. Therefore there is limited scope to increase the numbers to be

		reviewed. It should be noted that efforts have been made to cover a wide range of case types (e.g. indictable prosecutions, summary prosecutions, diversions and no prosecutions) while also focusing on particular case categories such as sex offences and hate crime.
3.	VSNI recognise that a separate Complaints Policy exists but would be keen to see any Complaints procedure included in the standards.	Accepted. A new paragraph outlining the PPS complaints procedures has been included at page 6.
4.	Standard 4d – “... <i>taking into account of any views expressed by victims</i> ” VSNI welcomes this specific standard in relation to the engagement with victims particularly with regard to providing information or seeking views but would urge the PPS to include the words “ <i>in advance</i> ” to this standard, so it is clear that victims views are sought prior to any decisions being agreed.	Noted. Where it is possible to do so any views expressed by victims will be considered when deciding for example whether or not to continue with a case.
5.	Standard 4g – “... <i>to consider ancillary orders, such as restraining Orders</i> ”... VSNI believe that victims are often asked to apply for Non Molestation Orders which can be time consuming and expensive for victims, rather than the use of restraining orders which is free and can be granted on the day in court.	Noted.

6.	Standard 5d - “ <i>Consult with victims ... where appropriate, in order to take properly informed decisions...</i> ” Again it is VSNI’s contention that the inclusion of the words “ in advance ” are included in this standard.	Noted. Where it is possible to do so, any views expressed by victims will be considered when taking decisions.
7.	VSNI believes that the PPS Standards should meet the EU guidance with regard to setting clear responsibilities for those in regular contacts with witnesses. Ensuring the standards are robust and measureable would be assisted by the inclusion of the service delivery measures to the standards, as previously referenced.	Point 1 above refers.
8.	VSNI recognises that the PPS has a separate Complaints Procedure and Policy but would be keen to see this included in the standards.	Point 3 above refers.
NIACRO		
Comment		PPS Response
1.	A number of comments were made in relation to the impact of disposals such as cautions, Penalty Notices for Disorder, prosecutorial fines, and youth diversion.	We note your comments, however these are areas which do not impact on the Prosecution Quality Standards. It is our intention to consult on the “Director’s guidance on Prosecutorial Fines”, details of which will be published in due course.

2.	A number of comments were made in relation to reducing unnecessary delay within the Criminal Justice System and the impact of delay on victims, families, witnesses etc.	We note your comments. We are working with our Criminal Justice partners to reduce delay within the criminal justice system, for example, through the various Faster Fairer Justice initiatives.
3.	We recommend that the particular needs of all those individuals coming into contact with the Criminal Justice System should be considered in PPS Standards, regardless of what circumstances preceded that initial contact. A number of other comments were made on the effect and impact of crime on victims and ensuring that victims are kept informed at various stages throughout the criminal justice process.	We have considered your comments on the effect and impact of crime on victims and the needs of victims. We believe that Standard 5 (informing and supporting victims and witnesses) takes into account the needs of victims and witnesses.
4.	Professionals in the justice system should be aware of the language they use when communicating with vulnerable people. We recommend training is given to justice professionals to ensure they recognise vulnerabilities and mental capacity issues.	Accepted. A new quality indicator has been added to Standard 5 - <i>(i) We will ensure that all PPS staff who deal with victims and witnesses have access to appropriate training.</i>
5.	We recommend that communication is central to all proceedings, and that all parties, - victim, witness and defendant – are kept up to date and appropriately informed.	<p>We note your comments on communication and have expanded Standard 5(b) to include the following text: <i>“...and the progress of their case. Documents will be made available in alternative formats as required”.</i></p> <p>We believe that Standard 5 covers an appropriate range of communication issues.</p>

6.	<p>People coming into contact with the Criminal Justice System are more likely to have literacy issues, mental health difficulties or learning difficulties. This can result in problems such as the accused receiving a letter, which they cannot fully understand, advising them of a hearing date and attending court unaware of the subject of the hearing. We recommend that the Department should seek to mitigate these issues by engaging with the voluntary and community sector to scope needs.</p>	As above.
7.	<p>Victims need to be included in discussions about the strength of evidence against the accused.... We recommend therefore, that in parallel to any measures that are introduced to tackle unnecessary delays, steps are taken to enhance the mechanisms for explaining decisions, to the accused and the victim, taken at all stages of an investigation and trial, and support offered to those who may be traumatised by the process itself.</p>	<p>Noted. We believe that Standard 5 (informing and supporting victims and witnesses) recognises the needs of victims and witnesses.</p>

The PPS would like to thank all those who responded for their comments.



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