

**Public Prosecution Service
for Northern Ireland**

PROSECUTION QUALITY STANDARDS



Independent, Fair and Effective



This document is available in a range of alternative formats

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Prosecution Quality Standards

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Foreword by the Director

In carrying out its functions, the Public Prosecution Service exercises powers on behalf of the community. Therefore the public is entitled to know what to expect in terms of the quality of service which will be delivered by those who prosecute.

The new Prosecution Quality Standards, presented in this document, represent an important step forward in this regard. They set out clear benchmarks against which the public, and particularly those who come into contact with us, can assess how we perform. They apply to all who help to deliver the prosecution service, including public prosecutors and administrative staff, as well as external Counsel who act for the PPS.

The standards are an important means of allowing us to demonstrate the core values of the prosecution service, our independence, fairness and integrity, our honesty and openness, our respect for the people we serve and our desire to achieve excellence in everything we do. We will gauge our success by our ability to deliver these quality standards on a consistent basis. These standards will also be of fundamental importance to the Service in building for the future. They will guide us in how we operate and in devising the policies, processes and systems needed to support our work.

The standards cover the main areas of our work, including the provision of advice to investigators, the taking of prosecution decisions, the preparation of cases, the presentation of cases at court and the services we provide to victims and witnesses. They represent simple and concise statements about the quality of our services. As such they are not intended to provide an exhaustive list of everything that we do in the prosecution of cases. However they are supported by a wide range of more detailed documents, including the Code for Prosecutors and Code of Ethics, and a range of policy statements which provide guidance on how we deal with specific types of offences.

Where appropriate the standards will also be supported by service delivery measures which will be informed by the dip sampling of cases, carried out by senior prosecutors and our Quality Assurance Team.



Barra McGrory QC
*Director of Public
Prosecutions for
Northern Ireland*

Finally it should be noted that the standards have been subject to public consultation. We will regularly review them to ensure that they continue to exemplify a quality service, and will also add to them as we identify other areas where quality standards need to be introduced.

A handwritten signature in black ink, appearing to read 'Barra McGrory', written in a cursive style.

Barra McGrory QC
Director of Public Prosecutions
for Northern Ireland

Introduction

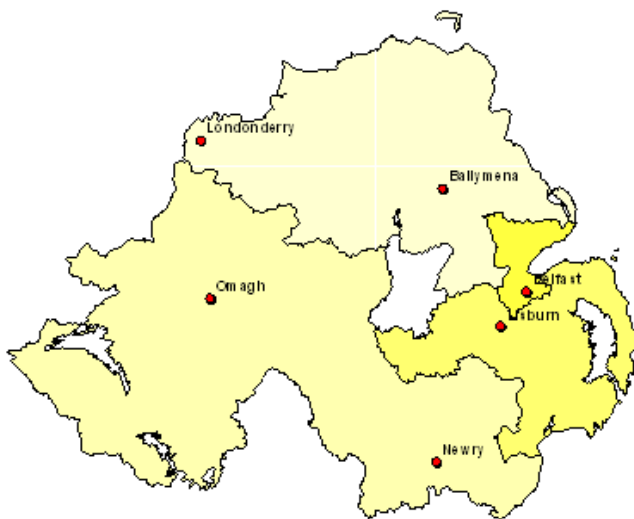
About the Public Prosecution Service

The Public Prosecution Service (PPS), 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 four regions and each is headed by a Regional Prosecutor (Assistant Director). The Regional Prosecutor has overall responsibility for decisions as to prosecution and for the conduct of all prosecutions in that region, with the exception of those cases which are considered by prosecutors at PPS 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 Central Prosecutions, Fraud and Departmental Prosecutions, Policy and Information, and High Court and International Matters. Corporate Services is responsible for the organisation's support services, such as Finance, Human Resources and ICT.

The Prosecution Quality Standards

In total there are five Prosecution Quality Standards, each of which covers a particular area of our work:

- Standard 1: Providing advice and assistance to police and other investigators
- Standard 2: Taking decisions
- Standard 3: Preparation of cases
- Standard 4: Presenting cases at court
- Standard 5: Informing and supporting victims and witnesses

The quality indicators which apply to each standard are set out in the pages that follow.

The Quality Standards represent one element within a series of overarching principles which apply to the PPS, its staff and those who act on its behalf. These include the Service's Statement of Values (see Annex A), the Code for Prosecutors, the Code of Ethics, our Advocacy Standards, the Victim Charter and any guidance issued by the Director or the Attorney General for Northern Ireland. Prosecutors must also 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. A range of key policy and guidance documents are listed at Annex C, all of which are available on request or via our website at www.ppsni.gov.uk.

Annex B provides an overview of the quality monitoring arrangements in place within the PPS, based around the dip sampling of cases.

Details of the current service delivery measures which apply to the PPS are set out in our Annual Business Plan.

Complaints

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.

If you are dissatisfied with the standard of service provided by the PPS, you may wish to 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. Full details of the PPS's complaint procedures are available at www.ppsni.gov.uk/complaints. A copy of our policy can also be provided on request (see contact details, page 1).

Standard 1: Providing Advice and Assistance to Police and Other Investigators

We will provide the police and other investigators with advice and assistance in tackling crime and bringing offenders to justice.

Our quality indicators are:

- (a) We will provide police and other investigators with high quality advice on a wide range of matters, such as whether there is sufficient evidence to charge a suspect and what the charges should be, the likely admissibility of evidence and on obtaining evidence from abroad.
- (b) We will provide timely advice.

Standard 2: Taking Decisions

We will take fair, effective and timely prosecution decisions in accordance with the Code for Prosecutors and Code of Ethics.

Our quality indicators are:

- (a) Prosecution decisions will be taken by correctly applying the test for prosecution and guidance set out in the Code for Prosecutors.
- (b) We will take our decisions in a timely manner.
- (c) We will use diversionary disposals as alternatives to prosecution where they are appropriate.
- (d) Reasons will be recorded in every case where we decide not to prosecute.
- (e) We will identify any additional evidence which should be sought to strengthen the case or to support applications for ancillary orders post-conviction, such as Anti-Social Behaviour Orders, Restitution Orders and Sexual Offence Prevention Orders.
- (f) We will deal promptly and openly with requests for reviews of our decisions, in line with the Code for Prosecutors.

- (g) We will consider whether to exercise our rights of appeal when we believe the court has made the wrong decision.
- (h) We will make appropriate decisions as to the restraint and confiscation of assets.

Standard 3: Preparation of Cases

We will prepare our cases promptly and in accordance with the Code for Prosecutors so that they can be dealt with quickly and fairly.

Our quality indicators are:

- (a) We will take all necessary steps to ensure that the correct information is available to our advocates at the appropriate time.
- (b) We will communicate effectively with victims, witnesses, the police and other investigators, the Courts, defendants and their representatives and others who engage with us.
- (c) We will identify what evidence our advocates should seek to have agreed by the defendant's representatives to avoid the unnecessary attendance of witnesses.
- (d) Where the use of evidence will require the court's permission, such as bad character evidence and hearsay evidence, we will prepare and lodge such applications on time.
- (e) We will comply fully with our disclosure obligations, and keep the question of disclosure under review.¹
- (f) We will identify any orders that the advocate should ask the court to make in addition to sentencing the defendant.
- (g) We will prepare and lodge applications for ancillary orders on time.

¹ *Disclosure refers to providing the defence with copies of, or access to, any material which might reasonably be considered capable of undermining the case for the prosecution against the accused, or of assisting the case for the accused, and which has not previously been disclosed.*

Standard 4: Presenting Cases at Court

We will present our cases fairly and firmly.

Our quality indicators are:

- (a) Our advocates will present the prosecution case clearly, effectively and persuasively in accordance with the PPS Advocacy Standards, acting at all times with integrity in the interests of justice.
- (b) We will assist the court throughout the process, including sentencing, drawing the court's attention to any relevant legal provisions and sentencing guidelines.
- (c) We will identify all cases where the offence is aggravated by hostility and ensure that all such cases are properly presented at court.
- (d) When deciding whether or not to continue with a case, to accept a plea of guilty or to proceed by way of a diversion, we will apply the Code for Prosecutors, taking into account any views expressed by the victim or their family where it is possible to do so.
- (e) We will anticipate and respond effectively to challenges.
- (f) We will oppose bail for defendants where appropriate and seek effective and proportionate conditions on bail where it is granted by the court.
- (g) We will ask the court to consider ancillary orders, such as Restraining Orders and Sexual Offences Prevention Orders, which can be made against the defendant to reduce the likelihood of future offending or to protect the victim from future offending.
- (h) We will seek to confiscate the proceeds of crime in appropriate cases.

Standard 5: Informing and Supporting Victims and Witnesses

We will assess the needs of victims and witnesses, keep them informed about the progress of their case and seek appropriate support to help them give their best evidence.

Our quality indicators are:

- (a) We will treat victims and witnesses with respect and understanding, taking account of their rights, interests and needs.
- (b) We will communicate effectively, using a preferred means of contact where possible, so that victims and witnesses are provided with the right information at the right time, including information in respect of court procedure and the progress of their case. Documents will be made available in alternative formats as required.
- (c) We will explain our decisions to victims when we decide not to prosecute and, where appropriate, when we stop cases or substantially alter the charge.
- (d) We will consult with victims and witnesses where appropriate, in order to take properly informed decisions.
- (e) We will take the steps necessary to secure victim and witness participation, by carrying out an assessment of their needs and applying to the court for special measures where appropriate.
- (f) We will ensure that victims and witnesses are referred to Victim Support or other support groups which can offer the assistance they need.
- (g) We will ask the court to intervene to stop inappropriate or aggressive questioning of prosecution witnesses.
- (h) We will ensure that all victims, in cases in which there has been a conviction, have the opportunity to make a Victim Personal Statement to inform the court of the impact the crime has had on them.
- (i) We will notify all victims, bereaved relatives of a victim or a victim's nominated representative of the outcome of their case and any sentence imposed on a defendant.
- (j) We will ensure that all PPS staff who deal with victims and witnesses have access to appropriate training,

Annex A:

PPS Statement of Values

- **Independence and Integrity**

We will maintain our independence and act at all times with integrity, fairness and impartiality. We will seek to deliver justice in every case in accordance with the law, respecting the human rights of all persons.

- **Openness and Honesty**

We will communicate openly and honestly, in accordance with our professional duties. We will set clear standards about the service the public can expect from us.

- **Respect**

We will respect each other, our colleagues and the public we serve, showing courtesy, sensitivity and understanding.

- **Excellence**

We will make the best use of our people and resources, seeking to achieve excellence in everything we do.

- **Partnership**

We will work in partnership within the criminal justice system to better serve the community.

Annex B: Monitoring of Quality

The Prosecution Quality Standards will be supported by a robust monitoring framework.

Each Regional Prosecutor will carry out dip sampling of files for their region in order to assess compliance with the Standards. Similar arrangements will apply to the Service's Fraud and Departmental Section where dip sampling will be conducted by the Assistant Director.

There will also be a system of peer review whereby Assistant Directors in Headquarters Sections (Central Casework, High Court and International and Policy) will examine regional or Fraud and Departmental files during specified months of the year.

Files for dip sampling will be selected by statisticians from the Northern Ireland Statistics and Research Agency. The files selected will cover an agreed mix of file types and case outcomes (for example, convictions, decisions not to prosecute, diversionary decisions etc.).

In total the monitoring arrangements should result in the evaluation of 460 files annually.

As part of the assessment process, Regional Prosecutors / Assistant Directors will answer a number of set questions on each case, deciding whether the PPS standard has been 'fully met', 'partially met' or 'not met'. In some instances a response of 'not applicable' or 'not known' will apply. For example, a response of not applicable will be recorded where there is a decision for no prosecution and the question refers to case preparation activities or presentation at court.

The results of quality monitoring will be reviewed by the PPS Management Board on a quarterly basis. A summary of the results will also be provided via the PPS Annual Report.

Information gathered from dip sampling during 2015-16 will be used to inform the development of new service delivery measures and targets.

Examples of the monitoring questions are set out below:

Standard 1: **Providing Advice and Assistance to Police and Other Investigators**

Was the prosecutorial / pre-charge advice provided of good quality, addressing all issues?

Standard 2: **Taking Decisions**

Was the decision as to prosecution taken in accordance with the Code for Prosecutors?

Was the decision taken in a timely manner?

Standard 3: **Preparation of Cases**

Was all communication carried out appropriately?

Were disclosure obligations, including the continuing duty of disclosure, met in full?

Standard 4: **Presenting Cases at Court ²**

Where applicable, was the decision to discontinue the case / accept a plea / withdraw to proceed by way of a diversion in compliance with the Code for Prosecutors?

Was a proper record kept as to what happened at court?

Standard 5: **Informing and Supporting Victims and Witnesses**

Were victims and witnesses kept informed as appropriate?

Were victims and witnesses consulted where appropriate?

² It should be noted that separate arrangements apply for the assessment of advocacy standards at court.

Annex C: Policy and Guidance Documents

The following documents provide more detail about the role of the PPS, its practices and procedures, and how specific types of offences are dealt with.

All documents are available on request, or can be accessed via the PPS website at: www.ppsni.gov.uk.

Legal Policy Statements

- Code for Prosecutors
- Guidelines for Diversion
- Hate Crime Policy
- Policy for Prosecuting Cases of Domestic Violence
- Policy for Prosecuting Cases of Human Trafficking
- Policy for Prosecuting Cases of Rape
- Policy on Prosecuting the Offence of Assisted Suicide
- Road Traffic Policy
- Standards of Advocacy
- Victims and Witnesses Policy

Information and Guidance

- Keeping You Informed (The Role of Victim and Witness Care Unit)
- The Role of the Public Prosecution Service
- Special Measures at Court for Vulnerable and Intimidated Witnesses
- Unduly Lenient Sentences at the Crown Court
- Victim Charter: A Charter for Victims of Crime (Department of Justice for Northern Ireland)
- Victims and Witnesses at the Magistrates' Court, County Court and Youth Court

Equality

- PPS Equality Scheme

Complaints

- Making a Complaint about the Public Prosecution Service
- The Independent Assessor of Complaints for the Public Prosecution Service

Planning and Performance

- PPS Annual Business Plan 2015-16

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