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Key Recommendations
1 Fermanagh and Tyrone Project

1.1 The Public Prosecution Service for Northern Ireland (PPS)

1.1.1 The Review of the Criminal Justice System in Northern Ireland (2000) was set up as a result of the Belfast Agreement in 1998. This political agreement provided for a "... wide-ranging review of criminal justice (other than policing and those aspects of the system relating to the emergency legislation) to be carried out by the British Government through a mechanism with an independent element, in consultation with the political parties and others".

1.1.2 The Criminal Justice Review (CJR) states that the aims of the criminal justice system set out by parties to this political agreement:

   "...formed the starting point for our work, and the touchstone against which we have measured all the proposals we considered and the recommendations we make. These aims are to:

   - Deliver a fair and impartial system of justice to the community;
   - Be responsive to the community’s concerns, and encouraging community involvement where appropriate;
   - Have the confidence of all parts of the community; and
   - Deliver justice efficiently and effectively.”

1.1.3 These aims have since been endorsed by the Criminal Justice Board which includes the heads or senior representatives of the main statutory criminal justice organisations. The Board is chaired by the Director of Criminal Justice in the Northern Ireland Office.

1.1.4 The CJR made a total of forty-nine recommendations in relation to the Prosecution Service, with the cornerstone of these being:

   "...the creation of a single fully independent prosecution service responsible for undertaking all criminal prosecutions headed by the Director of Public Prosecutions to build upon the work of the existing department."

1.1.5 An implementation team, within the Department of the Director of Public Prosecutions, was established and a project to design and implement the new Public Prosecution Service (PPS) commenced in December 2001. The Public Prosecution Service was established as a statutory body on 13 June 2005.

1.1.6 The Service Delivery Model articulates the vision of the new Public Prosecution Service for Northern Ireland in terms of:

   - The services the PPS will provide;
   - To whom these services will be provided;
• When these services will be provided; and
• How these services will be provided.

1.1.7 The Service Delivery Model was developed in order to provide a common goal for all parties involved in the project which truly and accurately reflected both the guiding principles and the specific recommendations of the Criminal Justice Review in addition to addressing a range of corporate issues.

1.1.8 The PPS will be:
• Responsible for reaching decisions to prosecute or not to prosecute and for the conduct of criminal proceedings in all cases investigated by a police force in Northern Ireland or other appropriately constituted investigating authority (e.g. Government Department).
• Headed by the Director of Public Prosecutions for Northern Ireland. The role of the Director (and the Deputy Director) and their relationship with the Attorney General for Northern Ireland is defined in the Justice (NI) Act 2002.
• Subject to continuous and independent review by Criminal Justice Inspection Northern Ireland.

1.1.9 The aim the PPS will be:

To provide the people of Northern Ireland with an independent, fair and effective prosecution service.

1.1.10 The PPS will process approximately 65,000 cases per annum. There will be 580 staff (which equates to a four-fold increase on previous staffing levels within the Department of the Director of Public Prosecutions).

1.1.11 The PPS will be a regionally based organisation (see regional map). There will be four regions each coterminous with one or more court divisions.

1.1.12 Each of the four regions will be managed by a Regional Prosecutor. The Regional Prosecutor will have overall responsibility for the decision making in investigation files and for the conduct of all prosecutions in that region (with the exception of those files that are considered by prosecutors in Headquarters).

1.1.13 There will be six regional offices in total across Northern Ireland. Each of these local offices will offer a full range of services.
1.2 Implementation Project

1.2.1 As part of the Implementation Project it was decided to run a series of Pilot Projects. It was envisaged that each Pilot Project would perform three key functions:

i. Validate and refine the Service Delivery Model and the associated detailed processes and procedures in a ‘laboratory’ environment;

ii. Provide a ‘model office’ for the new Public Prosecution Service to be used for internal and external references; and

iii. Support the rolling implementation of the new Public Prosecution Service – with an on-going programme of induction and training to be delivered in parallel with the phased introduction of each element of the new service.

1.2.2 The first pilot was the Belfast Pilot (based on South Belfast Police District), which was evaluated in summer / autumn 2004. The key purpose of this pilot was to ensure that the model developed ‘on paper’ to handle the envisaged increase in ‘prosecution file’ workload (comprised of amended business processes, revised policies, enhanced technology and modified staffing arrangements) could actually work effectively and efficiently in practice.

1.3 What is the purpose of the Fermanagh and Tyrone Pilot Project?

1.3.1 The Fermanagh and Tyrone Pilot went ‘live’ on 4 April 2004. The purpose of the pilot was to test the PPS processes in a rural environment and to review the operation of the model across a greater geographical area. The lessons learned were to inform the future roll out of the PPS and to provide additional validation for the Service Delivery Model.

1.3.2 Due to problems encountered in securing suitable regional accommodation, there was a need to revise the structure of the office locations. A decision was made to split the processes and have two sites:

- Front Office: Omagh Courthouse, Omagh - to undertake court facing activities; and
- Back Office: Clarendon House, Belfast - to undertake case direction, preparation and support work.

1.3.3 The pilot project covered the following District Council areas (which are coterminous with Police Service of Northern Ireland District Command Units):

- Cookstown;
- Dungannon;
- Fermanagh;
- Omagh; and
- Strabane.
1.3.4 The scope of this pilot project covered:

i. All prosecution files from the 5 District Command Units (DCUs);

ii. All youth files from these 5 DCUs; and

iii. All investigation files where police recommend prosecution, no prosecution, informed warning, caution, and youth conferencing.

1.3.5 Within this scope, the PPS were to provide the following services:

• Prosecutorial advice and pre-charge advice to police;

• Review of all charges prior to their submission to court;

• PPS Prosecutors to make all prosecution decisions on files within the scope of the pilot (Prosecution decisions available to include prosecution, either summarily or on indictment, no prosecution or a number of diversionary options - informed warning, caution or youth conferencing);

• Production of summonses by PPS for those cases within the scope of the pilot - to be issued by post where legislation allowed with all other summonses served by police (PPS to ensure that all summons were signed by Justice of the Peace (JPs) / Lay Magistrates prior to their issuing to police officer);

• Conduct of prosecutions by public prosecutors in the Magistrates’ and Youth Courts; and

• Provision of an enhanced range of services to victims and witnesses.

1.4 Operational Comparisons between the Belfast Pilot and the Fermanagh and Tyrone Pilot

1.4.1 There were several significant differences in the scope of the Fermanagh and Tyrone (F & T) Pilot and the Belfast Pilot.

1.4.2 The Belfast PPS Pilot went live in December 2003 and had a gradual uptake in the receipt of files and charges from the police. This staged approach did not happen for Fermanagh and Tyrone; when the pilot went live on 4 April 2004 full responsibility was assumed for all existing cases within the region.

1.4.3 In summary, the key differences between the two pilots were:

• The F & T Pilot did not start with a ‘zero caseload’ – all live files within the Southern Circuit of the DPP relating to the F & T court division were taken on by the Pilot Project, including any cases for which the police had already initiated proceedings;

• The F & T Pilot provided Crown Room1 services, whereas for the Belfast Pilot these services were provided by the Department’s Laganside-based Crown Room which was later subsumed within the Belfast Region; and
The F & T Pilot initially took over responsibility for Departmental files submitted to the Omagh Circuit Office but would later be expanded to capture all Departmental files within the region.

1.5 How many staff were in the Fermanagh and Tyrone Pilot Project?

1.5.1 A revised organisational structure was devised for this Pilot due to the split locations. This structure was developed in order to support the delivery of the range of new services and the projected increase in workload associated with the introduction of the new prosecution service.

1.5.2 An overview of this structure is provided below:
1.5.3 The Full Time Equivalent (FTE) establishment of the Fermanagh and Tyrone Pilot Project at 31 March 2004 was:

<table>
<thead>
<tr>
<th>Grade</th>
<th>Establishment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regional Prosecutor (Assistant Director)</td>
<td>1</td>
</tr>
<tr>
<td>Personal Assistant</td>
<td>1</td>
</tr>
<tr>
<td>Senior Public Prosecutor</td>
<td>5</td>
</tr>
<tr>
<td>Public Prosecutor</td>
<td>11</td>
</tr>
<tr>
<td>Business Manager (Grade B2)</td>
<td>2</td>
</tr>
<tr>
<td>Administrative Support (Grade C)</td>
<td>10</td>
</tr>
<tr>
<td>Administrative Support (Grade D1)</td>
<td>13</td>
</tr>
<tr>
<td>Administrative Support (Grade D2)</td>
<td>8</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>51</strong></td>
</tr>
</tbody>
</table>

Note: These figures exclude the Police Liaison function (staffed by one PSNI Inspector and one administrative support member of staff).

1.6 What was the workload of the Fermanagh and Tyrone Pilot Project

1.6.1 Over the eighteen month period 1 April 2004 to 30 September 2005, 9,442 files were received by Fermanagh & Tyrone. The chart below provides a monthly comparison of the F & T Pilot and Belfast (Note: The PPS Belfast Region was fully implemented in June 2005).

*Files Received between 1/4/2004 and 30/9/05*
1.6.2 Over the same period 8,661 prosecution decisions were taken by Public Prosecutors. In reaching their decisions the prosecutors considered the full range of options available to them including diversion. The breakdown by decision type is as follows:

- More than three-fifths (62.4%) of the prosecution decisions were for summary prosecution. The option of diversion (informed warning, caution or youth conference) was used in over a tenth (11%) of cases;
- More than half (50.5%) of decisions relating to youth suspects were for some form of diversion.

1.6.3 There were 183 requests from Police for Prosecutorial Advice and a further 33 requests for Pre-Charge Advice.

1.6.4 There were 631 requests for ‘Form 1s’ of which 48 were rejected\(^3\).

1.6.5 There were 980 Requests for Further Information\(^4\) within F & T which was in stark contrast to the 3,362 made in the Belfast Region over the same period.

1.6.6 A total of 4,005 defendants were dealt with in the Magistrates’ Courts, the large majority of whom (86%) were convicted of at least one offence (see table below).

### Fermanagh and Tyrone Pilot: Outcomes of Pilot Cases in the Magistrates’ Courts

<table>
<thead>
<tr>
<th>Overall Outcome</th>
<th>Number of Defendants</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Convicted On Plea Of Guilty (all Charges)</td>
<td>2,420</td>
<td>60.4%</td>
</tr>
<tr>
<td>Mixed Outcome (convicted Of At Least One Offence)</td>
<td>888</td>
<td>22.2%</td>
</tr>
<tr>
<td>Withdrawn – (all Charges)</td>
<td>427</td>
<td>10.7%</td>
</tr>
<tr>
<td>Convicted - (all Charges)</td>
<td>90</td>
<td>2.2%</td>
</tr>
<tr>
<td>Other</td>
<td>90</td>
<td>2.2%</td>
</tr>
<tr>
<td>Convicted - case Proved In Absence Of Defendant</td>
<td>39</td>
<td>1.0%</td>
</tr>
<tr>
<td>Acquitted By Direction (all Charges)</td>
<td>30</td>
<td>0.7%</td>
</tr>
<tr>
<td>Acquitted - (all Charges)</td>
<td>20</td>
<td>0.5%</td>
</tr>
<tr>
<td>Acquitted – proceedings Out Of Time (all Charges)</td>
<td>1</td>
<td>0.0%</td>
</tr>
</tbody>
</table>
2 Assessment of the Fermanagh & Tyrone Pilot Project

2.1 Who conducted this evaluation?

2.1.1 This initial evaluation of the Fermanagh and Tyrone Pilot Project was conducted by an Evaluation Team which included representatives from the PPS, Northern Ireland Office (NIO), PSNI, Northern Ireland Court Service (NICtS) and the Youth Justice Agency. Other members of this Evaluation Team included:

- Barry Hancock who is senior counsel for the International Association of Prosecutors (see www.iap.nl.com);
- Stephen Wooler CB who is the Chief Inspector within HM Crown Prosecution Service Inspectorate (HMCPSI); and
- John Jackson who is a senior legal academic at Queen’s University, Belfast and was a member of the Criminal Justice Review Group.

2.1.2 The Evaluation Team was supported by an Evaluation Secretariat which was comprised of staff from:

- The PPS’s Quality Assurance team – Senior Public Prosecutors independent from the Pilot project staff; and
- Members of HMCPSI with specialist skills in the area of assessing / evaluating the prosecution service in England and Wales.

2.2 Factors Impacting Fermanagh and Tyrone Pilot

2.2.1 The Evaluation Team identified a combination of factors that impacted on, and had major repercussions for the achievement of the project objectives. These findings are detailed below:

- The impact and risks of going ‘live’ with a full caseload had not been identified and addressed when designing the pilot. Although unfortunate, it has afforded the project team the opportunity to reconsider and make better informed decisions through the lessons learned in developing future rollout plans.

- Delays in introducing ‘Causeway-enabled’ technology undoubtedly had major ramifications, particularly as the pilot had been staffed on the premise that the processes would require less manual input. Corrective action to resolve understaffing was not taken by management at an early stage before it impacted performance and staff morale.

- The need to cover a dispersed area with courts in Omagh, Strabane, Enniskillen and Dungannon placed extra demands on staff, which had not been catered for in the Capacity Model i.e. lost time travelling to and from court. The lack of staffing had a detrimental effect on the performance of the pilot.
• A lack of leadership and direction, resulting from the rotation of Regional Prosecutors, caused uncertainty and a loss of continuity both for staff working within the Pilot and for those agencies interacting with the Service. During the short period of the Pilot, three Regional Prosecutors were in charge, two of whom were recently promoted Senior Public Prosecutors. Whilst to a large extent this was driven by the early retirement of experienced staff at the senior management level, it not only highlighted the need for carefully managed succession planning but also the requirement for Regional Prosecutors to be developed into their new role, through the provision of leadership and management training.

• Police failure in adhering to protocols, as evidenced by the late receipt of files and summonses, caused confusion, reworking and double handling which had a detrimental impact on service delivery and the efficiency of processes within the PPS.

• Failure to provide staff with detailed instructions and adequate training resulted in a lack of adherence to processes and procedures and consequently led to pilot staff developing their own systems.

• Split office locations caused and/or exacerbated problems with staff adherence to procedures and protocols. It also resulted in double handling, particularly for the opening and associating of post.

2.3 What worked well within the Fermanagh and Tyrone Pilot Project?

2.3.1 The Evaluation Team believe that the following areas of the Pilot worked well, both in terms of timeliness and quality of service delivery:

i. Prosecutorial and Pre-Charge Advice

The Evaluation Team received positive feedback on the usefulness of this service from both Police and Prosecutors. Whilst the volume of such requests has not been at the level originally anticipated, this may be a reflection of the failure to record such requests on the Case Management System.

ii. Review of Charges

There are indications that the review of all charges by Public Prosecutors prior to their submission to court has had a significant positive impact e.g. both in terms of earlier amendment or withdrawal of charges and a low acquittal rate for cases which proceed to a trial.

Key findings from the analysis of the outcome of the review of the Initial Remand Files (for both custody and bail cases) showed that:

• All charges were accepted by PPS for over four-fifths (85%) of persons charged. For 12.9% miscellaneous changes were made to charges (i.e. some charges withdrawn and new charges substituted).
Although the number of cases where charges were withdrawn (either at the review or later stage in proceedings including Magistrates’ Court) represented only a small overall percentage of those charged (2.1%), the intervention of the prosecution in such cases should be noted.

iii. Prosecution Decisions

The central finding of this analysis was that the quality of prosecution decisions was high.

In total 72 cases were reviewed covering a mix of:
- No prosecution decisions;
- Files awaiting first hearing;
- Magistrates’ Court files; and
- Crown Court files.

Each file category included a selection of serious and sensitive cases with the file sample being broadly representative of the four Magistrates’ Courts, East Tyrone, Enniskillen, Omagh and Strabane.

In the large majority of cases the appropriate offences to prosecute were directed correctly by the prosecutor.

iv. Diversions from Formal Court Process

In total, over eight thousand (8,661) prosecution decisions were taken by Public Prosecutors. In reaching decisions the Pilot prosecutors considered the full range of options available and made extensive use of diversionary options, particularly in respect of youth suspects:

- The option of diversion (informed warning, caution or youth conference) was used in over a tenth (11%) of cases; and
- More than half (50.5%) of decisions relating to youth suspects were for some form of diversion.

It should be noted that in just under a fifth (17.4%) of cases, PPS decisions were not in line with the PSNI recommendations. In a small number of cases (65 suspects), Prosecutors made prosecution decisions where the Police recommendation was no prosecution. At time of writing the outcomes of all relevant cases were not available; however the disposal of such cases should be monitored in the future in order to gauge the efficacy/impact of the PPS intervention at this point.

v. Advocacy Standards

Overall advocacy standards were effective and prosecutors were able to inform the court of the progress made in each case and the timetable for the completion of outstanding tasks. Although some prosecutors read verbatim from the police report, on the whole cases appeared to be well prepared.
2.4 What did not work well within the Fermanagh and Tyrone Pilot Project?

i. File Registration and Allocation

Over the period of the pilot, there was a build up of files waiting to be registered on the Case Management System (CMS). This was attributable to a variety of reasons e.g. immediate requirement to take on full caseload from Police on top of existing DPP caseload, case prioritisation, unfilled vacancies, inexperienced and/or inadequately trained staff etc. During the evaluation the ‘backlog’ amounted to more than 450 files and on occasions had been as high as 700 files. Ultimately, this resulted in double-handling through the routine and repeated examination of files to identify cases that were urgent / high priority and which needed to be referred to a public prosecutor in order to prevent the case becoming statute barred.

Delays were also occurring as a result of files awaiting allocation by the Assistant Director or selection by the prosecutor. The length of time files wait to be allocated to the prosecutor is lost time in the prosecution process. This may result in a file awaiting consideration for several months before it is seen by a prosecutor when the need for further information may be identified. A Form 1 may then need to be issued to extend the allowable period within the prosecution process and to prevent the case becoming statute barred.

ii. Summonses

The Fermanagh and Tyrone Pilot encountered problems in the use of postal summonses which was unexpected due to the success of this new initiative within the Belfast Pilot. There were a number of contributing factors one of which was the level of understanding/application of the new procedures both within and without the PPS. Based on a sample selection of cases examined by the Evaluation Team, it was identified that:

- One fifth (20%) of postal summonses were unsuccessfully served and subsequently required personal service of the summons.
- In over one fifth (21%) of personal summonses, cases will require further reworking because the summons has not been successfully served.

Reworking as a result of the failure in adhering to processes and protocols is having an impact on the efficient running of the region. There is reworking required due to the inability to serve both postal and personal summonses. The Evaluation Team highlighted that the Capacity Model should be re-examined to ensure that additional allowance is factored in for an element of necessary reworking. It is important that sufficient staff are in place to allow the processes to be managed efficiently and effectively.
iii. Services to Victims and Witnesses

The Belfast Pilot Project introduced new services to victims and witnesses through the provision of a Community Liaison team. This team provides a central contact point (through phone, email or post) for victims and witnesses to address any queries, concerns or requests for support. Staff are required to have specialist training to deal with victims and witnesses. The service should be available during normal working hours and out-of-hours is captured through an automated answering service. In Belfast this service has been developed further by consultation with a number of other organisations, such as Victim Support Northern Ireland (VSNI), which has resulted in agreed procedures contained within referral protocols.

Through joint working between the different organisations, victims and witnesses in the Belfast Region receive a comprehensive service. Unfortunately, the same service is not offered to victims and witnesses in Fermanagh and Tyrone. The Community Liaison team which has been constrained by the lack of resourcing, provides the only support service. The service is not provided throughout normal working hours which is less than satisfactory and does not meet Criminal Justice Review recommendations 231 [para 13.41] and 232 [para 13.42].

There has also been deterioration in the timeliness of notifications issued to victims when a case has been resulted. It can take up to three months for the result to be recorded on the CMS and the electronic notification to be issued.

The Evaluation Team noted that the PPS is making progress by initiating a Pilot satisfaction survey in December 2005 to obtain the views of victims and witnesses regarding the services offered to them.

2.5 What areas need further development?

2.5.1 The following key areas need to be developed further to allow for the further rollout of the new PPS across Northern Ireland.

i. Quality and Timeliness of Police Submissions

The assessment of the submission of investigation files from Police to the prosecution service concluded that:

- A significant proportion of police officers are not adhering to the agreed protocols on the timescales for submission of files to PPS in both reported and charged cases; and
- A strategy to improve the quality and timeliness of police submissions needs to be developed and implemented as a priority matter – this should be a joint action taken forward by both the police and prosecution service.
ii. **Staffing**

A review of the Capacity Model is required to capture any necessary reworking, thereby ensuring each location has the right level of staffing to deliver the new service.

iii. **Support**

There is a need to provide additional support to staff before and after the ‘go-live’ date to ensure that staff have sufficient time and capacity to develop into their new role.

iv. **Training**

A comprehensive training package should be developed for administrative staff (with relevant evaluation) to ensure they have the necessary skills and knowledge to allow them to perform their roles effectively and efficiently.

v. **Information Technology**

The enhancements to CMS and the introduction of Causeway have brought about many improvements, for example, the transfer of documents electronically. The Evaluation Team advised that the failure to use this technology effectively was having a detrimental impact. This was particularly evident in the use of the task management system. The Evaluation Team further advised that CMS should be enhanced to provide the functionality to prevent user oversights in the event of inputting incorrect information or alerting the user when data is missing i.e. the system is there to support and enforce the processes and protocols.

vi. **Resident Magistrates (RMs)**

The overall feedback from the RMs was favourable regarding the PPS pilot operations but concerns were expressed about the effectiveness of the postal service of summonses. The Evaluation Team identified a need for formal meetings between the PPS and RMs to ensure that any issues are identified and resolved at the earliest opportunity. Without this consultative process the PPS will fail to capture the important views and concerns of these key stakeholders.

vii. **Community Outreach**

The Community Outreach Strategy\(^\text{11}\) has not progressed as was intended with the majority of interaction restricted to Cross–Agency work and the Community Liaison function. The CJR identified the importance of having community outreach undertaken at a local and regional level to “Increase public confidence in the independence, fairness and effectiveness of the new Public Prosecution Service for Northern Ireland.” Given the significance of this initiative, the Evaluation Team highlighted the need to implement the outreach programme as a matter of priority.
3 Moving Forward

3.1 What recommendations arose from this evaluation?

3.1.1 The overall conclusions from the evaluation are summarised below. Evidence showed that:

- The split office solution, particularly if used in the future, needs to be planned and managed in greater detail to ensure success;
- The business processes and protocols which have been designed for the new PPS are capable of being effective, however more details were required to ensure consistent adherence throughout the pilot;
- There was a high standard regarding prosecution decisions and prosecution files;
- There was a lack of clarity of ownership and responsibility for the operation and leadership of the pilot between the Implementation Team and the Regional Prosecutor. Other management and people issues existed, such as, the lack of sufficiently well trained staff; lack of effective communication and engagement with staff; and ineffective problem identification and resolution. Ultimately, all of these factors impacted on the business performance of the pilot; and
- Evidence shows that whilst some stakeholder interfaces are working effectively, other major interfaces are not. There was a failure within the communication processes when the new pilot processes were introduced, which caused ongoing misunderstanding of key business processes.

3.1.2 The pilot has been successful in launching the new PPS services in the region. However, the pilot has never reached “steady state”, and has suffered from communication problems, lack of training processes and staff shortages within key roles (such as the community liaison function).

3.1.3 The Evaluation Team made a total of 100 recommendations to the Implementation Team for improvements.

3.1.4 The key recommendations are provided at Annex A and incorporate, where appropriate, key recommendations from the Belfast Pilot Evaluation.

3.2 Next Steps

3.2.1 In responding to this Report, the senior management team of the PPS should develop a detailed action plan outlining how these recommendations are to be taken forward.
Notes

1. Crown Room services refers to the work undertaken by PPS staff in dealing with Crown Court cases. Crown Courts are where defendants are tried for serious criminal offences or in such circumstances where the defendant has elected for this mode of trial.

2. ‘Departmental files’ refers to any files that are referred by any of the Northern Ireland Departments / Agencies.

3. Form 1s are issued / signed by a JP/Lay Magistrate in order to prevent a case against a suspect (which contains a summary-only offence) becoming statute barred when there is a valid and legitimate reason that Police have been unable to complete their investigations (for example, a key witness cannot be contacted).

4. A Request for Further Information is a procedure which enables the prosecutor to define to Police any additional evidence/supporting information that the prosecutor requires or may require, for example, an additional statement from a witness or a forensic report.

5. The Causeway programme is a joint undertaking by the criminal justice organisations in Northern Ireland. It aims to improve the administration of criminal justice through the development of new ways of working and better information systems.

6. The quality of prosecution decisions was considered in the context of the ‘Wednesbury test’ which states that for the original decision to be viewed as valid, it must, on the information currently available to the prosecutor assessing it fall within the range of decisions which could be reasonably reached.

7. In reported cases, Police detailed their recommendations for the disposal of the case (e.g. no prosecution, caution, etc.) for each person reported. If the Police recommended prosecution then they would also include a recommendation of the offences to be prosecuted.

8. The Evaluation Team conducted a series of structured court observations to assess advocacy standards based on a formal methodology developed by HMCPSI. These advocacy standards covered the following areas:

   Planning & Preparation; Court Etiquette; Victims & Witnesses; Advocacy; and Presentation Skills.

9. The Case Management System is the computer application upon which the PPS records and maintains information in pursuance of its statutory obligation.

10. Capacity Model reflects the projections and assumptions for the future implementation of the PPS as they are known and defined at a particular point in time. It captures roles and responsibilities, capacity calculations and staffing levels.

11. Community Outreach is the way in which the PPS will engage at a local level with the community and relevant statutory and non-statutory agencies.
Annex A
Key Recommendations (1-29)

Prosecutorial / Pre-Charge Advice

1. There are particular offences which are ‘habitually’ being withdrawn at the charging review stage. The Implementation Team should investigate whether this issue could be addressed through the increased use of pre-charge advice by the police. As part of this, the prosecution service should work closely in the design and delivery of a training programme to police officers on the evidential standards that must be met in charge cases. Those offences which account for a substantial proportion of the charges withdrawn should be highlighted in the training programme.

Receipt of Files from Police

2. An investigation should be conducted within the PSNI to determine the key factors which are contributing to the relatively poor submission times in relation to Summary Reported files.

Requests for Further Information (RFI)

3. The Implementation Team should review the reasons for RFIs (Requests for further information) in an attempt to identify any patterns or trends which may indicate offences which have an associated thematic issue. As part of this, the prosecution service should work closely with the PSNI to design a programme of training, focusing on ensuring ‘good practice’ re the gathering and submission of evidence (highlighting those offences which are identified as thematic issues). Prosecutors should be fully involved with design and implementation of the training.

Prosecution Decisions

4. Management should continue to monitor the volume of “unallocated” work and the timeliness of decision making.

5. The evaluation team has been unable to define the ‘average time’ that it should take for each stage of the process. The Implementation Team should conduct a focused study to determine these average times for the various file types as soon as possible after the introduction of the Causeway Programme.

Issuing Decision Documentation

6. Further investigations should be carried out with the police to establish the extent of any problems in:
   - Serving summonses and in making prompt returns to the PPS.
   - Administering cautions and informed warnings and in informing the PPS with regard to the progress of such administration and whether enhancements to CMS should be made to facilitate the automatic generation of a Form 1 when a decision to divert has been made for a time-bounded offence.
Preparation for Court

7. Police to be made aware of the need to advise the PPS in the serving of a bench warrant.

Outcomes

8. The Implementation Team should continue to monitor court outcomes as a key indicator of performance.

Victims & Witnesses

9. The Implementation Team should ensure a ‘joined-up’ approach with partner organisations (e.g. VSNI) to ensure that there is continuity in catering for the needs of victims. This should include the provision of a fully staffed PPS Community Liaison Team.

Prosecutors (General)

10. A flexible ‘rotation policy’ to be established for prosecutors between the casework and the court prosecution functions.

Quality Assurance Function

11. The Implementation Team should define and implement the most appropriate mechanisms for giving operational staff sight of the work and resulting findings of the QA Team.

Accommodation

12. The findings of this evaluation in respect of the accommodation relationships between the various business functions should be fully considered in the design specification of the future regional offices for the PPS.

Management Information

13. Key staff should be given access to Business Objects. There should be a review of all line management positions to determine the information needs of the role. In this context consideration should be given to the distribution of performance information to all staff (particularly the prosecutors and business managers).
Induction and Training

14. The Implementation Team should conduct a full training needs analysis, particularly for administrative staff, to identify the training requirements for both new entrants to the Service and staff moving internally to ensure they receive timely and proper training.

Change Mechanism

15. The change management processes must be strengthened to ensure that no changes are allowed to local procedures and/or processes without having gone through formal change review.

Partnership Working

16. Consideration to be given to the establishment of a joint forum between the criminal justice agencies.

Police Service

17. The protocol with the police needs to be reviewed and action taken to ensure that agreements are followed e.g. in respect of cases that have become statute barred as a result of late notification from police. The protocol needs to be extended to clarify the police district obligations to staff CJUs and the need for police witnesses.

18. Regular feedback should be provided to the PSNI re any changes to charge recommendations made, particularly for those cases where the change was from ‘no prosecution’ to ‘prosecution’. Changes in police recommendations need to be tracked, analysed for trends and discussed with CJU partners.

Northern Ireland Court Service

19. Formal protocols (incorporating service level agreements as appropriate) should be developed between the PPS and the Northern Ireland Court Service.

20. Performance targets, in those areas that are relevant (although particularly focused on those issues involving victims and witnesses), should be developed jointly by the PPS and Court Service to ensure that no conflict arises due to differing priorities.

Youth Justice Agency and Probation Board for Northern Ireland

21. Formal protocols (incorporating service level agreements as appropriate) should be developed between the PPS and the Youth Justice Agency; and the PPS and Probation Board for Northern Ireland.
Resident Magistrates

22. The prosecution service should work to develop a regular formal meeting with representatives of the Magistrates’ Association – this forum should be utilised to exchange views, voice concerns and to ensure that all parties are fully briefed on operational policy developments within the Pilot Project.

General Public

23. The Community Outreach Strategy (draft) currently under development should be adopted and implemented by the prosecution service as soon as possible. Key PPS policy documents should be publicised more widely.

Business Processes

24. Additional allowance should be considered within the Capacity Model for acceptable reworking of summonses and clear guidelines to be issued internally on the action to take for reissuing summonses.

25. Implement a system where as a minimum the police summary and court hearing records are faxed to the prosecutor dealing with a breach of bail should the file not be available.

Organisational Design

26. Fermanagh and Tyrone Pilot to migrate from a pilot business to a fully operational service complete with ongoing business planning and monitoring functions. The operational management of the Pilot needs to develop an inclusive management team whose members have clearly defined ownership of, and responsibility for effective working relationships with CJS partners, processes, quality assurance (both legal and administrative) and outcomes / performance.

Performance Management

27. Performance information needs to include measures related to caseload variations including receipts to finalisations, qualitative case outcomes and levels of ‘attrition’. The latter relates to unsuccessful outcomes and includes discontinued cases where a decision to prosecute has been made and later dropped, facilitating analysis and for possible improvement.

28. Management should ensure that staff are recording all relevant information on CMS. This should be supported by having full CMS validation.

Project Management

29. There is a need for the Project Board to review the project plan, issues log, risk registers and end of stage report, or equivalent documentation, to establish the overall project position against progress to date. Consideration should be given to the standing of the two regions, and that weaknesses within the regions are corrected to ensure that they are sufficiently robust to allow for further rollout to take place.
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