



**The  
Independent  
Assessor**

# **The Independent Assessor of Complaints for the Public Prosecution Service**

**Annual Report 2023/24**

*Delivering an Independent and Confidential Service*

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## About the Independent Assessor

Sarah Havlin was appointed to the role of Independent Assessor of Complaints for the Public Prosecution Service in June 2019.

Wholly independent from the PPS, Sarah is a solicitor by profession, but she has never been employed by the PPS. As the Independent Assessor she is not under the employment of the PPS and provides an independent service through a procured services contract.

Sarah's role is to investigate and report on complaints once they have been responded to fully under the internal stages of the PPS Complaints Process.

In this report, the Independent Assessor has summarised her activities during the reporting period and set out summaries of all complaints investigated by her and their outcomes. She has also conducted an evaluation of the complaint process and a performance audit of PPS complaint handling.

The formal terms of the role and the remit of the Independent Assessor can be accessed [here](#).



***Sarah Havlin***  
***Independent Assessor***

## Chapter 1: Organisational Complaints and Feedback as Tools for Learning

### Auditing and Benchmarking Method

In my fifth year of reporting as Independent Assessor, I am using the matrix and measures based on the principles outlined in the '[Complaint Standards for Northern Ireland Public Bodies](#)' as recently published by the Northern Ireland Public Services Ombudsman (NIPSO). I used this matrix for the first time in 2022/23.

In previous years, I have reported using the 'Good Complaint Handling Guide' from the Ombudsman Association, both in 2019/20 and again two years later in 2021/22. In 2020/21, I audited the PPS complaint handling system through the lens of 'Leadership' using Dr Brene Brown's assessment matrix from her 'Dare to Lead' programme of testing courageous leadership in organisations. The results of these audits are set out in my [previous reports](#).

Last year, it was a useful opportunity to benchmark the complaint handling system of PPS against the new standards developed by NIPSO. PPS is a public body which is intentionally excluded from the remit of NIPSO oversight in terms of its complaint handling. This is for important legal reasons. PPS is a prosecuting authority, and its service complaints can be a complex blend of issues which often include matters of legal challenge, rather than being straightforward service delivery complaints. For this reason, PPS has embraced a method of independent accountability for dealing with feedback and complaints about service delivery by the creation of the IAC role, as a third and independent level of scrutiny in unresolved complaints.

The remit of the IAC is the independent assessment of service delivery issues within PPS complaints, but it entirely excludes complaints about PPS operational matters which are only legal/prosecutorial in nature (for which citizens must pursue a formal legal method of challenge).

I think it is important for PPS to endeavour to mirror the standards which are set out by NIPSO, despite not having a formal accountability to NIPSO. Comparing the PPS complaint system and complaint handling to the NIPSO model of practice provided PPS with useful benchmarking of its own practice against the best practice applied by NIPSO to other public bodies in Northern Ireland.

This model was very useful to PPS in demonstrating how well its own system compares to the NIPSO model of best practice and identified that the recommended

standards set out by NIPSO are embedded in PPS practice of complaint handling and assessment.

In using the NIPSO standards and practice benchmarks, I have found that the PPS continues to demonstrate a very positive institutional attitude to complaint handling. The organisation demonstrates a commitment to open and honest complaint handling, which is not always common to organisations outside the oversight remit of NIPSO. This includes a designated staff team (the Information Management Team) assigned to managing customer complaints and the feeding back of learning into overall organisational practices.

In addition, I have used my own scorecard as part of an overall audit of the complaint scheme and the complaint handling in this reporting year. The scorecard is attached to this report at **Annex 1**. An overall score of **87%** was achieved in this audit.

Two significant achievements in the improvement of complaint handling flowed from last year's recommendations and which I believe have further strengthened the standards of PPS complaint handling practice. The first is the development and publication of a new [PPS Complaints Charter](#).

The second is the featuring of the work of the IAC and the sharing of experiences at the PPS's Stakeholder Engagement Forum in March 2024. This event is a regular peer learning and engagement event with external stakeholders at which the existence of the complaint scheme at PPS was promoted with service users.

PPS data analysis of complaints at **Annex 2** of this report, and the feeding back of this data into practice, shows that the PPS actively demonstrates a willingness to learn from the intelligence contained in each complaint as an indicator of scope for improvements, not just in the context of its complaint scheme, but across its entire operational policy, processes and approach and interaction with its stakeholders. This demonstrates that the organisation uses its complaint scheme as a driver of organisational learning and as part of a quality assurance process of evaluating performance across all of its areas of business delivery. Complaints are therefore not managed in a 'vacuum' but are an integrated part of reflective practice at senior level, and which are used as a positive driver for change in behaviours, processes and organisational culture.

### Experience of Service Users

Many people who come into contact with the PPS will be going through the worst experience of their lives and may, very understandably, have little awareness of anything other than their own experience. Complaints about PPS are often rooted in

the distress caused by the intimidating and highly emotional experience of going through the criminal justice system.

Some complaints made have a wider focus on the structure and culture of the entire justice system – from police to courts to sentencing outcomes. Much of this is not within the gift of the PPS to change alone, nor is it within my remit to assess. That said, I have noted this year that new developments have shown that the PPS is up for the difficult conversations about its role in improving the overall systemic experience, particularly for victims of crime with its delivery partners, including its engagement with the newly created office of the [Commissioner for Victims of Crime](#) and through its own Stakeholder Engagement Forum.

The role of Commissioner Designate was established in 2022. This has been an extremely positive development for victims of crime. Many complaints I receive from the public cannot be treated as ‘complaints’ because they are legal matters. This can sometimes be related to a disagreement with an outcome of a prosecution decision, and these are managed via a review process set out in the PPS Code for Prosecutors (more about this below).

I have also found that complaints about decisions taken in the course of a prosecution are also often raised with me, such as a victim’s perceived quality of case preparation by PPS lawyers and raising questions about decisions taken which they feel were wrong or which retraumatised them.

Victims and families of victims often feel aggrieved that they cannot use the PPS complaint process to challenge the decision and authority of PPS in how it has approached and managed the course and strategy of a prosecution. This year, I have welcomed the ability to sign post people who raise these issues to the Commissioner’s office, where they may find that their concerns can feed into the Commissioner’s overall systemic reviews on victim experience.

PPS has welcomed my interaction with the Commissioner in respect of my dealings with PPS complaints and the use of sign posting to her office has been a useful route for those complainants who have more complex and serious grievances about their experience in the criminal justice system.

Due to the legal complexity of the PPS’s work, I often find myself spending more time informing people what I can’t deal with, rather than what I actually can help them with. This has been made easier over the years through close collaboration with policy leads in the PPS which has produced very effective guidance and process maps to assist people to better understand the limits of my role. The IAC is not an Ombudsman or a Regulator of the PPS and it is often difficult to convey this message to service users.

My scrutiny of the PPS's practice is not limited to the small number of unresolved complaints which I personally assess, but I also annually audit the way in which Stage 1 and Stage 2 complaints have been handled internally through random sampling and case studies across all complaints lodged with PPS.

Many service delivery complaints are focused on how PPS has interacted and communicated with people, and how its systems and staff have made people feel. These complaints have often provided very constructive and insightful feedback, the raising of which has been motivated by people with inquiring minds and those who wish to use their own negative experience in order to improve user experience for others.

The complaint responses from the PPS in all cases assessed and audited this year show that PPS actively tries to listen to all complaints equally, and that it provides a complaint system that is well structured and enables the voice of the complainant to be heard. I have also found an open and confident organisation in which its people are open and courageous in accepting error and conceding where things could have been done differently.

In this reporting period I have noted many instances where complaints have directly resulted in a change to PPS policy and behaviours, and it is my assessment that complaints are taken very seriously at the top of the organisation. This is not done in a 'blame or shame' manner which seeks to place accountability for error on individual staff, but in a constructive way that is reflective and collective in its acknowledgement of organisational accountability, which is an integral part of a quest for corporate improvement, and always respecting the perspectives of both service users and PPS staff.

The Director of Public Prosecutions has always demonstrated an openness to direct engagement with me in cases where complaints have been upheld and where opportunities for learning can be found. The Senior Assistant Director with responsibility for Corporate Services has implemented several changes to policy and process as a direct result of learning from complaints and improvement recommendations which I have put forward over the last five years.

The PPS approach to complaints is embedded within corporate structures and reporting mechanisms, which demonstrates an even stronger commitment to learning from complaints and treating the intelligence gained from complaints as a call to action for process improvements. I have observed a consistent open and curious attitude to learning from complaints across the organisation. This is compatible with the organisation's stated values:

- Independence and Integrity.
- Openness and Honesty.
- Respect.
- Excellence.
- Partnership.

I have encountered managers, individual prosecutors and the most senior leaders in the PPS who have conceded points quickly, where it was appropriate. I admire the professionalism of staff who are brave and open to recognising that something could have been done better, where an opportunity was missed, where conduct should have been better or when a communication was flippant or poorly executed. It is often the sign of a dysfunctional organisational culture when staff are afraid to admit mistakes. In the course of my investigations, I have never found any staff in the PPS who have been reluctant to admit mistakes or to offer an apology when one is due.

I have found that staff, right up to the most senior level, are curious about how their work is perceived by others, especially those who are not used to the legal system and who may find it to be complex and intimidating. PPS staff are always open to reflecting on how their written and verbal communication style is perceived and how it can be improved. I have also found that officials are keen to learn from different perspectives and they look for areas of common ground in a complaint, that they concede points where they can, and show willingness to do this at the earliest stages of dealing with a grievance.

Considering the combative and adversarial nature of the criminal justice system in which they are working, this candour is even more admirable.

### Measuring and Evaluating

My evaluation of the PPS complaint process contained in the following chapters of this report is not simply limited to measuring the performance of a process-based system according to the efficient processing of the number of complaints received, in a purely quantitative transactional manner. It is more important, in my view, to conduct a quality assessment the following:

- *How people feel and experience the complaint process.*

This can be difficult to measure as feedback questionnaires have historically shown a very low response rate but I have picked up on some anecdotal feedback from service users contained in communications with complainants and I have evaluated the language and tone used in communications and front facing messaging.

- *Whether the process is principled, consistent and fair.*

This has been measured by assessing the complaint handling system against its own stated performance objectives and testing PPS complaint handling at each stage against the stated procedures of the complaint policy.

- *How PPS responds to upheld complaints in terms of being a reflective organisation, one which can honestly evaluate the feedback from a complaint as a tool for continuous improvement.*

This can be measured against organisational responses to upheld complaints. Complaints are an extremely valuable tool in the overall analysis of quality assurance and the information contained within complaints can help PPS gain insight into how successful it has been in terms of 'living its values' and to inform its continuous improvement agenda as a learning organisation.

Instead of limiting the value of complaints as an inconvenient diversion that needs to be closed down quickly or only useful as a warning to management about how things can go wrong, a strong organisation understands that complaints contain rich intelligence which enable the organisation to 'stress test' the strength of its culture and values, to feed into the analysis of overall organisational performance and to gain insight into how willing its people are to embrace a culture of candour, accountability and continuous improvement.

The PPS team responsible for complaints not only handle and manage complaints, but they also record and analyse the data in terms of themes, business locations where complaints arise and the overall numbers of complaints over a five year period for comparative analysis. This is an excellent management method to use complaints effectively as part of an overall quality assurance audit, because it enables leaders to identify any concerning trends in numbers of complaints and repeat problems in certain contexts, for example delay, communication and case handling.

The complaints are tracked across business areas which may be experiencing unusual numbers of complaints. This use of data analytics allows the senior leadership of the organisation to immediately see any areas of concern and to respond accordingly.

It is also very encouraging for the public to see that the PPS has developed comprehensive Prosecution Quality Standards in which it is stated that complaints enable the PPS to continually strive in providing high standards of service. The Director states within the Quality Standards: *'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.'*

In my experience of auditing PPS complaint handling, and particularly the management response to upheld complaints, this statement from the Director is genuine in practice, as well as being a stated position. It is not merely a statement which has been declared without intention. I have compared the user experience within the complaints I have investigated this year and my wider audit of complaints received, in order to test whether the PPS does indeed hold true to these stated standards in the context of listening to complaints and using the learning that comes from them as lever of change and improvement to service delivery. This will be demonstrated in the following chapters which will provide a detailed exposition of the PPS complaint system.

### **Victims of Crime: The Legal Role of PPS versus Expectations**

It is also important to assess the work done by the PPS to improve victim experience, particularly against its commitment to the [Victim Charter](#) – a wider policy of the Department of Justice - and the PPS internal policies on victim and witness care.

Many victims of crime look to the PPS as being their personal advocate or having the role of the victim's own legal team. This is not the case, because PPS is a strictly impartial organisation acting on behalf of society, not just the individual victim. In bare legal terms, the victim is a witness for the prosecution. Thus a prosecutor is always balancing a range of factors and different interests, which does of course include victim care, but also includes the need to provide a value for money service to the tax-payer, a service which is absolutely impartial, one which upholds the operation of the rule of law and which respects the rights of accused persons to rigorously defend the charges against them as a person presumed innocent until proven otherwise.

These are often very difficult interests to balance at the same time and these complexities in the role of the prosecutor will not be obvious to those coming into the justice system for the first time. The PPS is not a victim's champion, but this can be a common misperception across society, which often leads to a situation where victims feel 'let down' by the prosecution, and this is not always a view that is justified.

I have found that this commonly held misperception is a frequent underlying theme of complaints against the PPS. Very often the expectation that some people hold as to what the role of a PPS should be, does not always correspond with its actual legal role within the system. Many of the victims I have engaged with, both this year and in previous years, have struggled to understand the difference and the legal boundaries, between public prosecution and victim representation.

It is also in this area of victim grievance where I find that people struggle the most with understanding the separate and distinct pathways of raising a complaint and/or challenge to PPS. Thus, I want to set out as clearly as possible the two different and separate routes of internal challenge to the PPS which are available.

### Complaint or Prosecutorial Matter?

There are two distinct routes for bringing a grievance within the PPS internal system and these are:

- By submitting a complaint; and / or
- By raising a prosecutorial matter (for example where a victim requests the review of a prosecutorial decision, as set out in the Code for Prosecutors).

There are important legal reasons for the distinctions between them and they are two very different mechanisms:

**A ‘complaint’** is limited to issues of quality of service and the operation of PPS systems but it does not relate to matters of prosecutorial decision making. A complaint is ultimately escalated to me as the Independent Assessor of Complaints if it cannot be resolved at the earlier stages of the internal procedures of the PPS Complaint Policy. It should be noted that a prosecutorial decision is a legal issue that has been decided by the prosecutor according to his or her professional judgement during the course of the prosecution. Prosecutorial matters may be raised by either victims or persons accused or prosecuted for an offence. These are not treated in the same way as a complaint:

**A ‘request for review’** is the PPS internal mechanism which enables a victim (or their representative) to challenge a decision by the PPS not to prosecute. Where a review is to be conducted, the approach will depend on whether or not new information has been made available in connection with the request to review the decision.

If no new evidence or information is provided, the case will be considered by a prosecutor other than the individual who took the original decision. Having considered the available evidence and information the reviewing prosecutor will apply the Test for Prosecution and take a new decision, the reasons for which must be recorded in writing. That decision may be to allow the original no prosecution decision to stand or to direct that a prosecution should now be taken. Alternatively, the prosecutor may decide that the matter is to be dealt with by way of a diversionary disposal.

Where new evidence or information is provided, the review will be carried out by the prosecutor who took the original decision. The prosecutor will consider all the evidence

and information now available and will apply the Test for Prosecution and take a new decision. There are two possible outcomes of such a review:

- It is concluded that the Test for Prosecution is now met and criminal proceedings are commenced (or the matter is dealt with by way of a diversionary disposal); or
- It is concluded that the Test for Prosecution remains not met. In this situation the case will be referred to another prosecutor who will apply the Test for Prosecution and take a new decision. Full details of the review process are available on the [PPS website](#).

It should be noted that this review process does not apply to decisions to prosecute. A defendant who is being prosecuted can ask that the PPS give consideration to stopping a case or dealing with the offence by way of a diversionary disposal. However, any such request will be considered as part of the duty of the PPS to keep all decisions to prosecute under continuing review.

Prosecutorial matters of this kind, whether being raised by a victim or defendant, are distinct from a complaint investigation. **The Independent Assessor is never able to investigate complaints about the professional decisions and judgements of prosecutors on legal issues as these are purely prosecutorial issues.**

### Blended Complaints

Whilst I do not deal with or report on the prosecutorial process, it is important to highlight that many complaints present a 'blended' complaint. This is when a complaint has been made in which the context of the complaint involves both these methods of challenge. So, for example, someone might complain, after an incident in which they were an injured party, because the PPS decided not to prosecute the accused person. In the letter of complaint, the person might complain that:

- The decision was wrong because there was evidence that was overlooked; and
- In the same correspondence to PPS they might also say that the prosecutor was rude, abrupt and patronising to them.

In a blended grievance like this, the PPS will often refer the entire complaint to a separate senior prosecutor, usually an Assistant Director, who was not involved in the case and who will respond to both the prosecutorial challenge (the decision not to prosecute) by way of a review (under the Code for Prosecutors), AND also evaluate the quality of service complaint (the manner and style of prosecutor's communication) as a complaint (under the Complaint Policy of PPS).

The matter will be responded to in its entirety by the PPS via its internal stages, **but only the quality of service complaint can be escalated to the Independent Assessor for Complaints** if it remains unresolved. The prosecutorial challenge has no further stages of escalation within PPS structures and victims or defendants must take their own legal advice if they wish to bring an external challenge to prosecutorial decision making, for example by way of an application for Judicial Review.

If a blended grievance like this comes to myself as the Independent Assessor of Complaints, I must separate out the prosecutorial matters from the service-related complaints and I will only investigate the service related matters which are within my remit.

### Helping People Understand the Difference Between Prosecutorial Matters and Service Complaints

There are legal and policy reasons why the IAC does not have a role in assessing complaints about prosecutorial matters. This is because the decision making of a prosecution authority is highly specialised and legally complex. Only another experienced prosecutor has the required skills and experience to make assessments about prosecution decision making, so it is extremely difficult for others without that experience to make a fully informed and credible assessment.

For this reason, the Code for Prosecutors creates a professional internal peer review mechanism to give additional assurance to the prosecutorial decision making process. Other than an application for Judicial Review of PPS decision making, there is no other available method of external and independent assessment of PPS prosecutorial decision making. It is specifically excluded from my remit and, as outlined above, The Northern Ireland Public Services Ombudsman does not have any remit over PPS to evaluate how it has handled complaints or to investigate complaints of maladministration.

I have found that complainants and their legal representatives do not always understand this distinction fully and so I always ensure that this is fully outlined and explained to complainants prior to the commencement of my investigation.

As a result of my previous recommendations, PPS has done quite extensive work on simplifying this issue for complainants. The Information Management Team has provided excellent communications and resources on the PPS website, which can be provided to each complainant at the outset to help them understand and navigate this complex situation. In particular, a separate one page diagram/process map as well as a new and improved guidance to PPS complaints procedures has been produced, which makes the separation of service complaints and reviews of prosecutorial decisions much easier for people to read and to understand.

Whilst there are some limitations on my remit, what I can look at on behalf of complainants are important matters of service experience including matters impacting on personal feelings and issues of human dignity which can include:

- How complainants have been communicated with.
- How they have been treated by the PPS.
- How they have been kept informed of the progress of a case.
- How promptly requests have been dealt with.
- How well decisions have been explained, especially to lay people not familiar with the justice system and those who are vulnerable.
- Whether staff have acted in accordance with PPS stated policy and corporate values including the Code for Prosecutors and the Victim and Witness Policy.

### **Common Themes in Service Delivery Dissatisfaction**

In many of the cases which have been referred to me this year, I have found some excellent practice on the part of PPS staff. I have also audited random samples of complaints resolved at Stage 1 and Stage 2, as well as looking into the internal Complaints Action and Recommendations Log.

The most common themes for unresolved distress felt by people such as victims, witnesses and defendants are mainly rooted in difficulties with:

- Communication/Information/Misunderstanding.
- Court Performance.
- Delays/Case Handling.

I have found that it is never the case that complaints are caused by intentional disrespect, under performance or lack of professionalism on the part of PPS staff. It is also noted that complaints about staff conduct have reduced substantially this year.

### **Mutual Benefit of Good Complaint Handling**

Complaints may begin with a negative experience but in most cases within PPS, they have been positive drivers for awareness raising of the part of PPS staff, particularly in terms of recognising the importance of kindness, empathy and fully embracing the dignity of all people with whom they are engaging and corresponding.

Every year when auditing the complaint system of PPS, I always highlight The Carnegie Trust 2018 publication '*Kindness, Emotions and Human Relationships: The Blind Spot in Public Policy*' by Julia Unwin, which identifies these issues very sharply:

*“As our society becomes more transactional and we communicate with our smart phones at least as much as we do with real people, it is tempting to use a technical or technological response. But we are all frail and complex people, and our actions and responses are shaped by our emotions – our history, our expectations, our sense of power – as much as they are by a rational assessment of the issue. And at times of vulnerability and weakness, just the time at which most of us experience public services, our need for a kind, human and emotionally astute response is the greatest.”*

I am very pleased to see a growing trend within PPS towards resolving complaints as early as possible and a genuine care and human touch in the communication and approach of complaint assessors. This benefits the organisation and its staff as well as those who feel aggrieved, through building trust and enabling difficult conversations through mutual respect.

This year, because of the first principle of the NIPSO Complaint standards being ‘*Fix It Early*’, I have paid particular attention to the complaints that do not reach myself as IAC. I also noted that more complaints were resolved informally this year than ever before and I noted that there was a more proactive approach to early engagement and attempts at informal resolution.

It must also be remembered that this audit concerns a period when the organisation has been stretched beyond capacity to deliver its critically important services. The Director is on record stating the critical resourcing issues which are impacting severely on delivery. The post-pandemic years have been exceptionally difficult for all involved in public service delivery and this has been acutely the case for those working in Justice and in Health/Social Care. It is well reported that these two public service areas in Northern Ireland are facing serious resourcing problems.

I personally commend the staff of PPS for their dedication and commitment to the administration of justice, as well as dealing efficiently with service complaints during a time of extreme pressure and increasingly limited resources. These are working conditions that even the most long serving staff will never have experienced before.

My sense is that the greatest learning for the staff of PPS through the intelligence I have gathered from auditing both the complaint system and complaint management practice, has been the need for kindness and understanding in the handling of people who are emotional and stressed. Whilst PPS interaction with its users must be professionally capable, it must also be shaped and managed by an understanding of the human condition, by emotional intelligence, by the values of empathy and solidarity and an understanding of full humanity.

This kind of rich organisational learning demonstrates that the value of complaints cannot be underestimated as part of an overall quality assurance audit of an

organisation in terms of improving culture and making change happen. I therefore wish to thank all the complainants who came forward this year to enable honest reflection on the part of the PPS. Whether a complaint is upheld or not, all feedback contained within user communications is useful to an organisation. I also wish to commend the attitude of the staff of PPS to the complaints made which has been consistently positive and always with a desire to find lessons to be learned in every complaint.

I wish to particularly thank Dr Richard Scullion (Head of Policy and Information) and the Information Management Team within the PPS Policy and Information Unit. Whilst I am independent of the PPS, their support is invaluable to the support of my investigations and written reports.

**Sarah Havlin**  
**Independent Assessor of Complaints**  
**February 2025**

## Chapter 2: Evaluation of How Well the Complaint Process Works

### Background

The PPS has a 3 tier complaints process which is detailed within the complaints policy. PPS staff endeavour to resolve complaints at the earliest possible stage which is processed in stages:

- Informal/Local Resolution.
- Stage 1 Formal Assessment .
- Stage 2 Formal Assessment.
- Complaints unresolved at Stage 2 are escalated to the Independent Assessor of Complaints , who can review a complaint at the request of a complainant and report their findings to Senior Management.

Guidance on the PPS Complaint Policy can be found on the [PPS website](#).

### Independent Oversight and Assurance

The Northern Ireland Public Services Ombudsman (NIPSO) does not have any oversight role in the assessment of complaint handling by PPS, nor is there a basis to bring a complaint about PPS in the context of maladministration via NIPSO.

PPS is therefore the exception to the norm in public sector organisations. However, this does not mean that PPS is subject to less accountability oversight than other public bodies. In addition to external auditing of PPS by the Department of Justice, further independent oversight of PPS operations is carried out by The Chief Inspector, Criminal Justice Inspection (CJI) who provides regulatory oversight by way of themed reviews on how PPS is performing.

Both of these bodies can make recommendations for change and improvement at Departmental policy level.

Furthermore, the recently created office of the Commissioner for Victims of Crime listens and actively responds to victim experience in the criminal justice system and reports directly to the Minister and the Department of Justice.

The IAC provides a different kind of independent input to PPS. The IAC has no statutory role or powers but can carry out a third-tier independent review and audit of service user complaints with a focus on:

- Resolution of unresolved complaints by the invitation of independent scrutiny.
- Promoting the learning and development opportunities which can be derived from upheld complaints as part of the PPS continuous improvement cycle.

The IAC **must** exclude herself from assessing prosecutorial/legal decisions of PPS and instead focus on finding out how PPS can restore confidence in its service delivery by responding appropriately and proactively to valuable feedback which may be derived from the service delivery aspect of complaints.

By the time it comes to my attention, a complaint about PPS will have been investigated and assessed by two different PPS senior managers at Stage 1 and at Stage 2. If, after the PPS has given a properly considered view, differences remain between PPS and the complainant, I will often try and resolve issues.

Sometimes there are new heads of complaints at this point which are rooted in perceived shortcomings in how the complaint itself was handled. Sometimes a complainant may have an unrealistic expectation or an incomplete understanding of his or her rights and responsibilities and may wish to persist against all the evidence. Whatever the individual circumstances in each complaint, it is vital that complainants have confidence that issues will be considered impartially, on their merits and that independent judgement will be brought to bear.

In this regard the creation of the role of the IAC by PPS as a final stage in their complaint process is to be commended. It is a model of good practice of openness and a recognition of the mutual power of accountability for both service users and service providers.

According to the 'Guide to Principles of Good Complaint Handling' by the Ombudsman Association, the best complaint schemes are 'firm on principles, flexible on process'. This guide was a key measuring matrix in my previous assessments of the effective operation of the scheme of complaint handling in PPS. The lessons learned included discovering that the needs of people and resolving differences should be the core focus of building a good scheme, rather than building a scheme which is overly formulaic and a slave to processes. The success of a scheme is not measured merely on how well it is structured, but primarily on the quality of the underpinning values and principles which enable those managing the scheme to evaluate and solve problems.

Complaint handling takes a common shape in most organisations. Most schemes follow familiar basic stages:

- Receipt of complaint.
- Providing an initial response.

- Trying to resolve a complaint as quickly as possible.
- Carry out an investigation which makes conclusions.
- Feeding the outcome of systemic findings into improving practice.

The process, of itself, cannot deal with complaints efficiently without underpinning key principles to support the pathway to resolution. The matrix I have developed for this year's assessment is a similar principle-based approach but is based on that which is set out in the best practice model developed by NIPSO under its recently published 'Complaint Standards for Northern Ireland'.

Like the Ombudsman Association, NIPSO has set out a statement of principles for good complaint handling. It is stated that these principles are '...not a checklist to be applied mechanically'. The Statement of Principles are overarching basic principles that the complaints handling procedures of public bodies should reflect and comply with.

Therefore, my audit of PPS this year is to compare the evidence of PPS complaint handling and its underpinning framework against these six core principles, which are:

- Start off right.
- Fix it early.
- Focus on what matters.
- Be fair.
- Be honest.
- Learn and Improve.

### **PPS Complaints: Audit Results Under The NIPSO Six Standards**

#### *NIPSO Standard 1: Start off right*

Evidence assessed:

- Structure of Complaints Team.
- Resourcing and support.
- Documentation in sample of complaints resolved at Stage 1 and Stage 2 (or earlier).
- Complaints Log for Senior Leadership Team.
- IAC Audit Scorecard.

Conclusions:

- There is effective leadership and governance of complaints.

- PPS creates a culture which prioritises complaints.
- Staff are equipped and appropriately trained to handle complaints. All PPS staff participate in regular mandatory training in areas such as section 75, disability awareness, unconscious bias etc. Staff have also participated in additional training, focusing specifically on complaint handling and dealing with difficult situations. IAC workshops have promoted best practice / positive behaviours and the sharing of ideas within the Service.
- Complaint handling is managed under a well-structured and time bound complaints process.
- There is clarity of process, roles and responsibilities.
- PPS provides a clear point of contact in its designated complaint management team.
- Complainants' expectations are managed and complaint responses are very comprehensive in all cases.
- The Complaints Team sets and measures targets for ensuring effective and timely communication.
- Complaint assessors and staff sometimes signpost complainants to advocacy and support services, where appropriate (for example Victim Support), and there is also good engagement with advocacy and support groups via the SPPS Stakeholder Engagement Forum.

### *NIPSO Standard 2: Fix it early*

#### Evidence assessed:

- Records in 100% of all complaints resolved at Stage 1 or earlier by PPS internal complaint assessors.
- Upheld complaints – responses and actions.
- Early Resolution attempts.
- IAC Audit Scorecard.

#### Conclusions:

- PPS endeavours to address complaints early and acknowledges mistakes where possible.
- Complaint handlers provide an apology, where appropriate.
- Complaint handlers provide prompt, appropriate and proportionate remedies (within the limitations of the scheme).
- Consideration is given to alternative methods of resolution, although this is not always achievable particularly in complex and sensitive prosecutions.

*NIPSO Standard 3: Focus on what matters*

## Evidence assessed:

- Internal complaint response letters.
- Resourcing.
- PPS equality policy and promotion of access to complaint process.
- Training and development of staff.
- Meetings of the PPS Stakeholder Engagement Forum.
- IAC Audit Scorecard.

## Conclusions:

- PPS puts the complainant at the heart of its process and considerable effort and resourcing is invested in complaint handling.
- PPS accommodates different complainants' needs, where possible, for example alternative formats and translation services can be provided on request.
- PPS Complaints Team members help the complainant access and use the procedure.
- Staff in both functions of administration and complaint assessment listen to people with respect and treat complainants with dignity.
- The scheme provides a safe, secure and confidential service.
- Examples show that staff inform complainants if timescales cannot be met and why.

*NIPSO Standard 4: Be fair*

## Evidence assessed:

- Complaint responses.
- Data on response targets.
- Public facing documents and guidance.
- Staff training and development.
- IAC Audit Scorecard.

## Conclusions:

- All investigations are fair and in accordance with applicable law policy and guidance.
- IAC referral is clearly stated in all Stage 2 responses, thus PPS provides impartial and objective complaint handling where possible and within the limitations of its role as a prosecution authority.

- PPS endeavours to deal with complaints within the agreed timescales and target achievement is measured.
- 100% of all complaint responses showed a thorough and proportionate investigation of complaints.
- PPS always delivers complete, comprehensive and appropriate complaint responses.
- PPS complaint responses show clear and evidence-based outcomes.
- Complainants and staff complained about are always treated fairly.
- The scheme is well managed by the Complaints Team which ensures consistent practices across the handling of all complaints.
- PPS provides alternative formats on request. This is stated in all publications and applies across all document types, policies (e.g. the Code for Prosecutors, guidance for service users, statistical bulletins etc.) A request for the Complaint Scheme in a different format has never been made.

#### *NIPSO Standard 5: Be honest*

Evidence assessed:

- Complaint responses.
- Complaint log.
- Consistency of practice – comparative analysis of complaint responses.
- Published PPS standards, commitments, and obligations.
- IAC Audit Scorecard.

Conclusions:

- PPS is committed to being open and accountable and an entire section of its website is dedicated to raising complaints and giving feedback.
- PPS maintains full and accurate records of all complaints logged.
- PPS always provides full, honest and clear reasons for decisions.
- PPS has published procedures on its complaint system. Practice improvement is evident from the development of new [PPS Complaints Charter](#). This was work done by the Information Management Team this year as a direct result of a recommendation in last year's IAC Report. This is to be highly commended.

#### *NIPSO Standard 6: Learn and Improve*

Evidence assessed:

- Complaint responses.

- Complaint Action Log to Senior Leadership Team (including learning points and completed improvement actions).
- Reviews of practice.
- Training and development.
- Stakeholder Forums. **A significant development this year is the featuring of the IAC at the PPS Stakeholder Engagement Forum**, which was the direct result of a recommendation made by the IAC in last year's report.
- IAC Audit Scorecard.

#### Conclusions:

- PPS regularly reviews its complaints handling procedures and it is led by a clearly identified team.
- PPS provides complaints handling training for relevant staff and conducts an annual review of learning from complaints facilitated by the IAC.
- PPS cannot publish complaint outcomes for important confidentiality reasons but there is demonstrable use of feedback to help improve service delivery.
- PPS records, analyses and learns from complaints which is clear from the Complaints Log to Senior Leadership Team.
- It has proved difficult to review the complainant's journey and satisfaction rates as PPS complaints are often very contentious and can be extremely sensitive. Surveys have been attempted in the past with extremely low engagement by complainants.
- However, good use has been made of the PPS Stakeholder Engagement Forum, and the office of the Commissioner for Victims of Crime, which provide opportunities for the better understanding of user experience and the promotion of complaints handling networking opportunities with major stakeholders.
- The Director suggested that the IAC could be included in the SEF meetings as a method of promoting awareness of how PPS handles and responds to complaints. In my last report I recommended that this idea should be implemented to give the IAC direct access to a wide range of stakeholder groups, reflecting different perspectives and interests. PPS is to be commended for implementing this in this reporting year. I attended the SEF and engaged widely with PPS external stakeholders including victim representative groups.

### Anonymous Complaints

PPS has a stated policy on its approach to managing anonymous complaints and whistleblowing complaints. The PPS has a robust [whistleblowing procedure](#) which covers both PPS staff and members of the public. Relevant guidance is available on the PPS website. Anonymous reports will of course be investigated, but the preference

is always for individuals to come forward so that full details of the incidents reported are available and the Service is in a position to provide feedback.

### **Accessibility for Making a Complaint**

The figures in **Annex 2** show that complaints are received through multiple channels including email (most popular) and the dedicated web portal (second most popular), as well as hand-written or typed letters and phone calls.

### **Alternative formats are available on request.**

The PPS website is easy to navigate and contains full details on how to make a complaint - together with helpful guidance, easy read process maps (which are 'jargon' free) and sign posting to other agencies which may assist or help.

## Chapter 3: Complaints Referred to the Independent Assessor

### The Position in 2023/24

In this reporting year I handled a total of 6 complaints reported to me by individuals, 4 of which were **not** accepted for full assessment by me because they were either out of scope and could not be assessed (either in whole or in part by the IAC) or they were withdrawn/not pursued by the complainant following direct engagement with me. *(Note: some complaints handled by the IAC in this reporting year were from the later part of the preceding reporting year in PPS records).* The 2 remaining complaints were upheld, either fully or in part.

Issues raised in matters which were determined by me as being out of scope included matters such as:

- Dissatisfaction with a prosecution outcome at court.
- Continuing dissatisfaction with the correctness/fairness of decisions not to prosecute.
- An allegation of corruption of officials and deliberate mishandling of a prosecution in court.
- The disputed requirement of PPS in respect of reporting restrictions in the Crown Court and the existence of any duty to notify the Press about an application for reporting restrictions in cases of significant public interest.

In the previous reporting year, as a result of the high number of matters coming to the IAC which were legal and/or policy matters, including reviews under the Code for Prosecutors, I undertook extensive engagement with the Head of Policy and Information at PPS to examine the possible causes of this trend. I also included this area for further reflection and staff training at my annual complaints training workshop with all Assistant Directors and Branch Heads.

This has led to improvements which are visible in this year's evaluation in terms of:

- Increased use of face-to-face engagement.
- Improvements to drafting and style of written responses.
- Developing easy read resources to explain complex issues and use of sign posting to other routes to remedy outside the complaint process (such as the Commissioner for Victims of Crime).

This year several complaints were nominally submitted to the IAC in respect of service delivery case handling issues, but in effect the complaints were used as a mechanism to extend the aggrieved person's line of questioning about a no prosecution decision or a grievance about a case outcome in court.

I have noted that both Stage 1 and Stage 2 responses by very senior PPS officials, whilst comprehensive and well explained, had not resolved the conflict. Continuing correspondence adds a significant additional resourcing requirement to an already heavy workload of these officials.

This year PPS has focused on how such cases may be better managed, with input from the Complaints Team, Assistant Directors/Heads of Branch and the IAC. New strategies have been devised, particularly on parallel complaints and the challenge of managing vexatious complaints and unacceptable actions and behaviours.

It is also recognised by PPS leadership that many individuals found the system to be confusing and complex and many complaints were based on a lack of understanding and a perceived imbalance of power, particularly for victims of crime who did not feel adequately represented in a prosecution.

Key learning from the IAC workshop in 2022/23 fed into my key recommendations in my previous report. Most of these recommendations have been implemented this year. Instead of providing an IAC workshop with staff this year, I provided a presentation and engagement with the PPS Stakeholder Engagement Forum as a means of promoting both the benefits of the complaint scheme, and also in educating stakeholders on the limitations of the complaint process - and to help sign post service users to the most effective route to remedy for their grievance, which is not always the PPS complaint process.

## **IAC Complaint Assessment Outcomes**

### *Out of Scope/Not Accepted*

Two cases were assessed as being wholly out of scope because they were entirely prosecutorial matters and also had to be rejected in any event for not having gone through the PPS complaint system at Stage 1 and 2.

### *Not Pursued/Withdrawn/Resolved*

Two cases were accepted by me but not pursued by the complainants after direct engagement with the IAC:

- A complaint about delay in making a prosecution decision. In my assessment of the papers, this had been fully answered by PPS officials and it was clear that any delay was outside the control of the PPS. After engagement with me and discussion about the possible reasons for the delay, the complainant agreed that his complaint should be redirected to another criminal justice agency.
- A complaint about conduct and the perceived quality of PPS advocacy by a victim of crime. After engagement with me, the complainant understood that the limitations of the complaint policy and the role of the IAC could not deliver the remedy he was seeking and that his complaint was partially out of scope.

### *Cases Assessed by the IAC*

Two complaints were assessed, and these resulted in a finding of ‘upheld’ or ‘partially upheld’:

- The first assessed case involved a victim of crime who had not been informed adequately or at all in respect of why one of two charges had not been pursued when the case was moved from the lower court into the Crown Court. There was a satisfactory legal explanation as to why this had happened, but it was clear that it was not explained adequately or at all to the victim.

A further complaint in this case related to the quality of contact with the Victim and Witness Care Unit, the lack of a consistent ‘contact person’ who had the legal knowledge to explain the situation in full and who could give regular updates particularly in cases where a victim of domestic violence is living in fear of the consequences of reporting multiple and ongoing offences.

This was viewed by the complainant as not living up to the stated standards set out in front-facing PPS communications. I accepted that some communications from PPS gave misleading messages to victims, including the use of the phrase “we will update you about *all* developments in *your case*”.

I made a recommendation in this complaint assessment that PPS should evaluate the language and tone of its public messaging, particularly as some of their public facing guidance and information tends to support the misperception that the prosecution is an advocate for the victim. The misalignment of role and expectations leads to the perception that a public body is ‘over promising and under delivering’ and so it is important for PPS to be supportive of victims but to also set clear boundaries around what is a reasonable expectation from the PPS service. All recommendations were accepted in full.

- The second assessed complaint was also a complaint by a witness for the prosecution/victim of crime. This was a blended complaint by a victim who was extremely disappointed that the PPS decided not to prosecute any charges in a case which involved a very distressing situation at her home.

The matter of the decision on prosecution was complete and closed and the complainant understood and accepted that this was not a matter for the IAC. A further complaint about communication in the way the decision was communicated was accepted by me under the PPS complaint policy. PPS had already conceded that the communication by the prosecutor in the case could have been better but it had not upheld the complaint. Officials had issued an apology and also an explanation about the issue of absence of the prosecutor which contributed to the overlooking of making contact.

I was pleased to see the PPS had taken the early opportunity to concede that its communication could have been better and that senior officials had apologised for the absence of the prosecutor, and further that a colleague did not pick up the request to contact the complainant. The complainant accepted this but still felt that there were further aspects of her complaint which had not been acknowledged and so she wanted the IAC to assess the matter.

The case did not proceed due to technical difficulties in extracting CCTV footage by police officers which led to evidential problems. Police confirmed with the complainant that the footage extracted and submitted to PPS was not complete.

The complainant claimed to have made as many as 20 calls to PPS to ask for more information and was left feeling very uninformed and isolated. A letter of decision was issued stated in its closing:

*'if you wish to discuss this decision in more detail I would be happy to speak with you by telephone or arrange a meeting'*

The unresolved issues for the complainant were:

1. The letter was not authored by any visible person to contact nor did it have any specific point of contact for the direction of any queries she may have had.
2. There was no contact number or a specific email to use which would enable a victim to take up this offer of further discussion with a person in authority who could offer the discussion to her.

Whilst PPS had already offered an apology for the prosecutor's absence, the complaint had not been 'upheld'. The complainant found the complaint response to be overly defensive and could not understand why the PPS official did not simply uphold the complaint given that there was an acknowledgement of service which could have been better.

The complainant felt that the offer of discussion which was made in the PPS letter of decision was framed in a very difficult way to understand. It should have been clearer to a victim as to how to contact a designated person/point of contact who would make good on the offer of communication in the decision letter so that she could gain a better understanding. Instead, the complainant only found out about the nature of the evidential problems much later through her own investigations and the raising of questions with police.

I agreed with PPS that an apology was justified in this case and was pleased to see that this was given at the time. I would have gone further and upheld the complaint.

I therefore made the following observations about opportunities for improvement in PPS service delivery:

- The decision letter should have been of better quality in terms of communication and should have contained a specified point of contact.
- Communication with the victim did not meet expected standards. This is acknowledged by PPS with an apology previously offered. This is commended, but PPS should have upheld her service complaint.
- The full range of both opportunities for learning and for restoration of trust in this complaint have been missed. The complainant should have been given assurances about all learning gained, in addition to the apology offered together with a concession that her complaint about communication had been upheld.

Recommendations made:

1. The format of the decision letter should be reviewed and assessed for quality, clarity and to ensure that the template contains the ability to insert a specified point of contact for a victim to make contact by direct email or phone call. This point of contact does not have to be the prosecutor in the case, or even a designated individual, but simply a clear and specific point of contact where the victim can direct any questions.

2. Communication with the victim did not meet expected standards and this is acknowledged by PPS with the apology previously offered. This is commended, but PPS should make it clear that they are upholding service complaints where a concession has been made and apology issued. Further, complaint assessors who are giving an apology should also confirm that learning has resulted from the complaint and will lead to improvement for future case handling. This avoids escalation, gives early assurance to those with service based complaints and provides an important opportunity to restore trust and confidence in the PPS.

All recommendations were accepted.

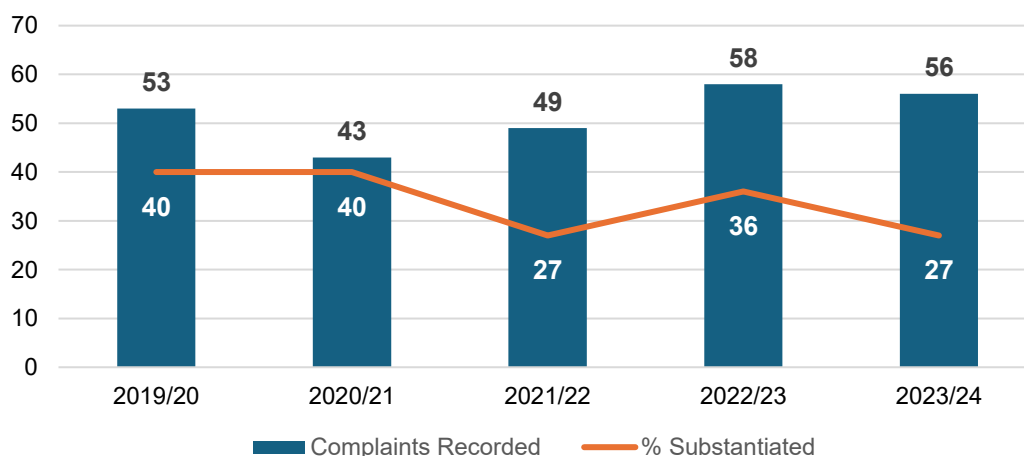
## Chapter 4: Performance Audit of Complaint Process

### Complaint Numbers and Outcomes

A statistical analysis of the complaints received during 2023/24 is presented in detail at **Annex 2**.

The very clear positive statistic for PPS complaints is that during the reporting period 43,977 files were processed by the PPS and a total of 56 complaints were received which is 0.1% of cases resulting in a complaint.

**Chart 1: Complaints Logged and Percentage Substantiated 2019/20 - 2023/24**



The total complaints received has also reduced from a slight spike in the preceding year (58), which is to be welcomed.

Of the 56 complaints received:

- 9% were resolved by means of early/informal resolution.
- The vast majority of the remaining complaints were resolved at Stage 1.
- The IAC did not uphold or partially uphold only 2 complaints at Stage 3.

Some positive findings can be drawn from these statistics:

- The vast majority of complaints received were satisfactorily dealt with at Stage 1 or before.
- Only a small number of complaints were not satisfactorily resolved by the PPS.

In respect of this evidence, it is reasonable to conclude that:

- PPS continues to have a low proportion of cases which lead to complaints.
- PPS actively seeks to resolve and concede where possible in its approach to complaints.
- The internal process is effective at resolving the majority of complaints, particularly at the early stage.
- Only 4 complaints were referred to the IAC. 2 complainants who referred their unresolved issues to the IAC were not pursued, as detailed in Chapter 3.
- Only 2 complaints resulted in a different finding by the IAC.

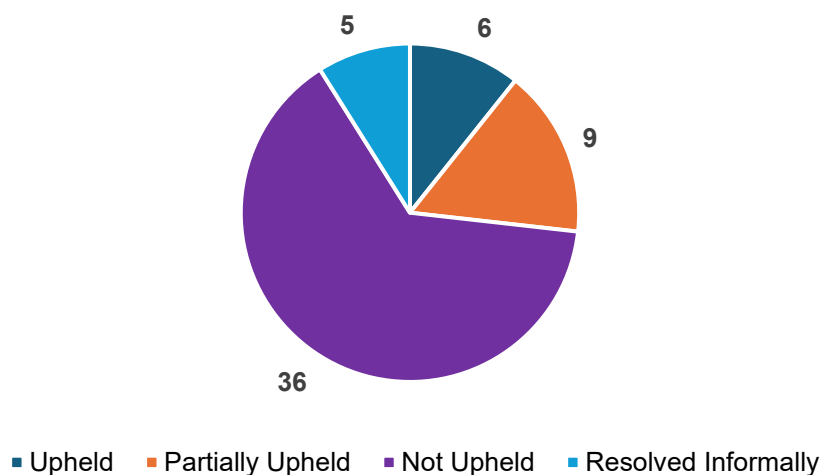
My observation of this evidence is that **PPS carries out its extensive work with an extremely low level of complaints received, and when it does receive complaints, they are dealt with openly and honestly with concessions made as early as possible.**

### Benefits of Early Concessions and/or Dialogue

This year saw a slight drop in complaint numbers. The amount of people who felt the need to complain about PPS has ranged from 43 to 58 over the last five year period, and so the number of complaints received this year is not unusual or noticeably out of the expected range.

The attitude of candour on the part of PPS in early recognition of where things could have been done better or done differently is evident in the number of complaints resolved informally and those conceded at Stage 1 which amounts to 20 complaints (36%). This is comparable to last year, which was a significant improvement from previous years when resolved and/or conceded complaints was as low as 25%.

**Chart 2: Complaint Outcomes by Type 2023/24**



This suggests a reassuring level of organisational maturity and an ability to concede and compromise with complainants on the part of PPS. It also demonstrates a transition from a more combative and defensive approach to a more conciliatory style.

A noticeable improvement for PPS is maintaining the trend towards improving upon the number of complaints resolved informally before Stage 1. It has been a recurring recommendation to PPS to try and improve this figure and it has increased gradually year on year to the highest level in the last reporting year and this has been maintained and slightly improved this year (8.6% last year and 8.9% this year).

I think this is still an area for improvement because early conciliation is always preferable for resolution of complaints. That said, as in previous years, I observed throughout my sampling audit that attempts at dialogue had been offered in several complaints and I note that there is a real collective effort within PPS to improve on face to face engagement to try and resolve complaints.

The use of informal resolution methods may be something that is outside the control of the PPS, because not all complainants may wish to participate in informal dialogue, and many prefer to go straight to a formal mechanism. I also acknowledge that in a criminal justice context, complaints can touch on extremely complex legal issues, emotions are often very high, and an informal discussion may not always be appropriate.

I made a recommendation to the Director of Public Prosecutions back in 2019/20 that a more proactive strategy should be adopted in order to find ways of informal resolution at the earliest stages of a complaint, which can often reduce the number of complaints escalating and provide better overall rates of satisfaction in complaint handling. This was fully accepted in principle and the increase in complaints dealt with by way of early resolution is encouraging.

Last year I stated that it would be good to see further delivery in terms of outcomes and I made a recommendation that effort should be made to record all attempts at informal resolution, such as any invitations issued which may have been rejected, as this could be an uncaptured measure of the organisational openness to early resolution strategies.

In response, the Information Management Team is trialling a new recording mechanism to improve data capture in this area. At present this is limited to the Victim and Witness Care Unit, however the process can be rolled out to other operational areas if it is shown to be effective.

I have also engaged with senior staff to discuss this issue which provided some very helpful and insightful feedback. For example the following feedback was provided by an Assistant Director:

*'I am happy to share my thoughts on the pros and cons of face-to-face meetings.'*

*On the positive side, sometimes victims prefer putting a face to a name, and one-on-one discussions can help them better understand the processes involved. A letter can feel impersonal, while a conversation can provide clarity and reassurance. The challenge, of course, is identifying which cases would benefit most from this approach. In some instances where I offered the option of coming in, it became clear they just wanted to air grievances or didn't fully understand the process. I have dealt with a complaint from a police officer over the phone and she was content that the matter was resolved. However, in other cases, particularly where the tone isn't aggressive but rather stems from confusion, these meetings can have a positive impact on the complainant's understanding and well-being.*

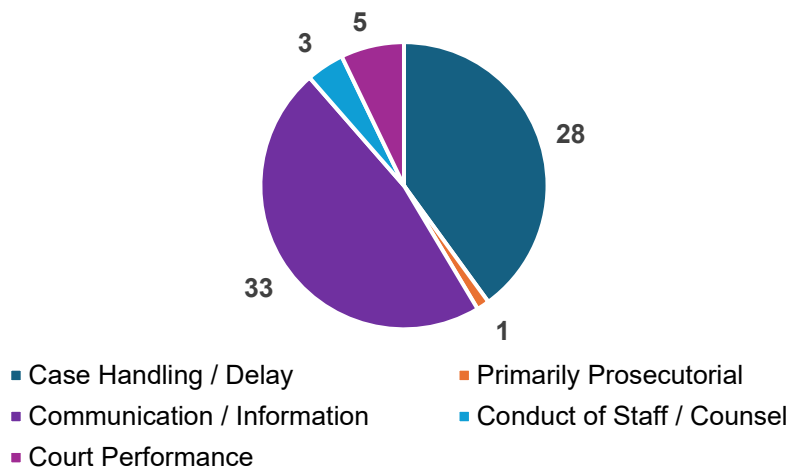
*Preparing for and conducting these meetings can be very time-consuming and often burdensome. More importantly, we simply don't have enough resources, especially at the AD level, to consistently offer this level of personal service. It's challenging, though I would support doing it more often if we had the resources available'*

## Complaint Themes

In descending order, the top three common themes of the complaints received were:

- Communication/Information.
- Case Handling/Delay.
- Court Performance

**Chart 3: Complaint Themes 2023/24**



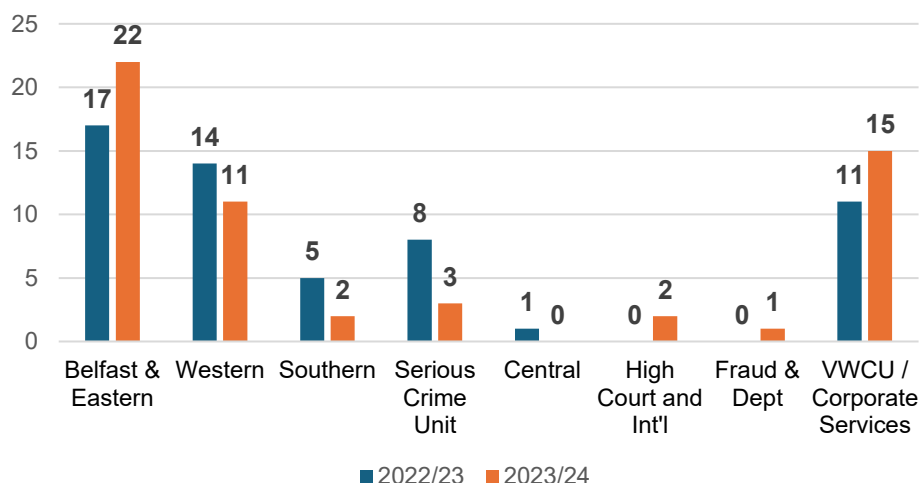
This is interesting in terms of a change from last year. The **complaints about staff conduct have significantly reduced** and this area has fallen out of the top three complaint themes. Whereas, complaints about **court performance** have more than doubled on last year's figures.

Another key statistic is that **the top theme for complaints is communication and this has consistently been the case over the last five years.**

### Complaints by Business Area

Belfast and Eastern Region is where the highest number of complaints originate and, given the amount of business conducted, there this is not surprising or unusual.

**Chart 4: Complaints Logged by Business Area  
2022/23 and 2023/24**



Complaints are spread across the various PPS business areas, although I note that there have been increases this year for both Belfast and Eastern Region and for Corporate Services.

I have noted the Quarterly Report by the Information Management Team to the PPS Management Board which confirms that the senior team is made aware of changes in the profile of complaints and is managing any potential issues:

*'The Information Management Team (IMT) continues to monitor trends in complaints, both in regional figures and the type/nature of complaints received.'*

*The 2023-2024 Actions and Recommendations log detailing lessons learned, and actions completed is detailed at Annex A.'*

This report goes on to demonstrate active data analysis and monitoring of complaints and their outcomes.

### Timeliness

The target for acknowledgement of complaints is 5 working days. This target has been fully achieved across all but one business area. It is noted that in the High Court and International Section, the target was only achieved in 50% of cases. However, it should be noted that the Section handled only 2 complaints.

The target for complaint response is 30 working days and shows some areas of concern. The analysis of this target highlights 3 areas, the Serious Crime Unit (66%) Corporate Services (73%) and High Court and International (50%). Last year, the Serious Crime Unit, Western and particularly Southern struggled to meet this target. Management should note that both Western and Southern have improved on this target, particularly Southern which achieved 100%, but other areas have fallen short.

It is positive to see that most business areas are achieving the target this year at over 80%. The concern is that over the last two years, five of the PPS's business areas have not met this target. Historically, this target was set at 20 days and not 30 days but it was extended at my recommendation to assist staff in managing a more feasible target and to enable staff to take the time to provide a full and satisfactory complaint response.

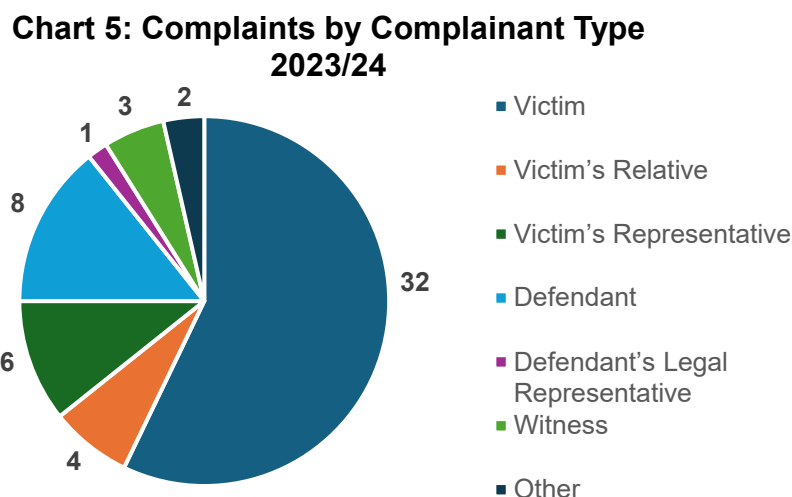
Historic achievement of this target was significantly better than the figures for the last two years. I would suggest that the reason for this is that complaint investigation can be extremely time consuming and challenging for staff already working at or beyond capacity.

It is also notable that these issues affected the IAC Audit Scorecard significantly and, had these targets been achieved at a higher level, the IAC audit score would have been closer to 95% rather than the stated outcome of 87% (see **Annex 1**).

PPS is already looking at ways to reduce the burden of complaint handling on Assistant Directors who are almost always the complaint handlers at Stage 1 and Stage 2. The question for PPS is whether it is sustainable for senior staff to continue in this role, as the number and complexity of complaints increase. It may be better to remodel the method of internal complaint assessment to raise the likelihood of these targets being fully achieved. A change in policy may improve both timeliness of disposal of complaints and enable the most efficient use of resources. Therefore I have made a key recommendation on this issue in the final chapter.

## Who Is Complaining?

The most common category of complainant were victims of crime, relatives of victims and legal representatives of victims, which accounts for three-quarters of complaints. This is followed by defendants and their representatives.



There has been an increase in the level of complaints by or on behalf of defendants since last year, from 5 to 9.

It is also noted that there has been a substantial year on year increase in the number of requests for review of prosecution decisions, both last year (267 requests) and this year (250 requests) when compared to 2019/20 (195 requests), representing a significant amount of additional work for Assistant Directors. PPS leadership is currently considering a number of restructuring options which may alleviate some of these pressures. In addition, the ongoing [No File Decision \(NFD\) Pilot](#) may also lead to a decline in the volume of reviews.

Although reviews are outside the remit of the complaint process, the two are closely linked, particularly in capturing the level of dissatisfaction on the part of victims. When looking at these two statistics together, the picture of information may suggest a decline in victim's confidence in PPS decisions and service.

The combined total of victim complaints and requests for review stood at over 300 both last year and this year (325 and 306 respectively). In addition to the conclusions that may be drawn about the root causes of this increase, this evidence also supports the argument that resourcing for complaints and reviews is causing problems in capacity and this may be linked to the difficulty some regions and sections have encountered in meeting the 30 day target for complaint response time. This evidence

may further support the need to consider change to the internal model of complaint handling to improve targets by addressing any capacity challenges.

### Perspectives of Complainants

Feedback from complainants about their experience of the complaint process is difficult to gather and has had low to zero response rates in past attempts to conduct surveys.

I had previously made a recommendation that PPS should consider stakeholder engagement forums to discuss complaints with frequent service users and victim/witness support groups as this may be an effective way of capturing feedback.

This has been actively achieved by PPS and I personally attended its Stakeholder Engagement Forum in March 2024. This is an extremely useful way to hear directly from service users and also to demonstrate to service users how PPS uses feedback from complaints and other interactions with service users and key stakeholders.

The SEF was also attended by the Director of Public Prosecutions himself and it was very positive to see his direct engagement with stakeholders and the active listening to concerns and issues.

### What Is their Remedy?

As stated in my opening observations, there is reassurance for service users of PPS in terms of its standards, evidenced by the PPS policy around Victim and Witness Care, its adherence to the Victim Charter as well as its comprehensive policy documents – the Prosecution Quality Standards and the Code for Prosecutors and now its new Complaints Charter.

It is also reassuring to find that in the complaints brought by victims which have been upheld or partially upheld, firm action has been taken to offer an apology, confirm that staff training will be improved, or policy and procedures will be changed and developed.

Complainants therefore can achieve:

- Closure from having a complaint recognised and upheld.
- Restoration through an unequivocal apology being offered.
- Satisfaction that the complaint has changed attitudes, raised awareness, improved practice and/or changed PPS policy.

## Evidence of Putting Things Right

When looking at the Complaint Action and Recommendations Log, I have been impressed by actions taken at the most senior level of the PPS in response to remedying and learning as much as possible from the complaints upheld at Stage 1 and Stage 2 in this reporting year. The following completed actions in response to complaint learning were noted:

- *Delay in the handling of a decision to prosecute. Apology provided, and steps being taken to address processes of work being completed when colleagues are off on sick or on annual leave.*
- *Failure to make a court application for a SightLink for witness to be used in case. Apology provided. Issue of availability regarding direct SPP phonelines for Court Prosecutors and Counsel being addressed.*
- *Delay in review. Apology provided. Review was given priority for completion.*
- *Communication and Handling (VWCU advised restraining order would be granted at court). Apology provided. VWCU staff supported and advised.*
- *Case Handling by PPS prosecutor at court. Apology provided. Internal processes being reviewed to avoid repeat issue.*
- *Communication with witness in court. Apology provided. Internal review of process.*
- *Communication. Communication regarding the delay, acknowledged as a PPS fault.*
- *Communication/handling of case. Acknowledged that SPP didn't call the IP back as requested.*
- *Communication with VWCU Belfast regarding sentencing court date. Apology provided.*
- *Delay in review. Apology provided. Internal processes reviewed - review notifications to requester.*
- *Standard of letter issued by prosecutor - wrong information given and standard of typed letter. Apology provided. Necessary steps taken to ensure this is avoided in the future.*
- *Communication with VWCU. Apology provided. Case Officer spoken with to provide immediate direct updates and victim added to correct database.*
- *Delay in communication from PPS prosecutor to solicitor. Apology provided.*
- *Case handling in court by PPS prosecutor (Special Measures not applied for). Apology provided.*
- *PPS counsel at court – adjournment objection not made. Apology provided. Matter to be raised at upcoming senior management training.*

### Should Complainants have other Internal Remedies?

In some complaint policies there is provision for a remedy of financial redress. The complaint policy of the Crown Prosecution Service (CPS) in England and Wales provides for the consideration of such a remedy in certain cases. In the CPS, the Independent Assessor, and indeed CPS lawyers, may decide to make consolatory payments to individuals ‘...where there is clear evidence of uninsured material loss or severe distress caused by maladministration or poor service by the CPS’.

In Northern Ireland, the only further route of remedy for a complainant is often by way of an external challenge by taking legal advice and pursuing a case in the civil court system. This route is not always known or accessible to many people, and it can be costly. An internal compensation mechanism may not be suitable for the PPS, which is operating in a small jurisdiction like Northern Ireland, whereas in the CPS, the volume of complaints is significantly larger.

The small number of complaints received by the PPS may not justify the resource required to establish and operate this type of financial payment system and such matters are for policy consideration.

Some people I have engaged with think that the limits on challenge to PPS is very unfair and that PPS has too much ‘unchecked power’ and ‘too little operational oversight’. It is often said by victims that Judicial Review is no remedy at all because it is unaffordable for ordinary people. In this regard, it is very welcome for victims that they have a new option of contacting the Commissioner for Victims of Crime.

## Chapter 5: Concluding Observations and Recommendations

I note that a minor observation was made in my report last year:

*PPS should reflect on the 3 regions of concern highlighted in the timeliness of providing complaint responses and consider supports which may need to be put in place to assist in achievement of the 30 day target. Management may find that this data is an indicator of increasing pressure of workloads on staff as this is the first time in my 4 years of reviewing PPS complaint targets that these targets have fallen to such low levels. It is a striking difference to the standards which are usually achieved across departments.*

Given that this is now a continuing issue into this year, which is also emerging in several other business areas, my view is that this matter now requires firm action to improve the complaint handling experience for service users and also to provide support for complaint handler staff who are clearly under pressure.

I therefore have only one key recommendation, but it is significant:

- **PPS should consider the emerging trend of increased complaints and Review requests and the possible impact this has had on achieving its complaint response targets and on staff capacity, and take appropriate action.**

My analysis of complaint responses at Stage 1 and Stage 2 once again demonstrates the significant time and resourcing that is required to manage complaints which can often be complex and difficult to assess.

In all cases, complaints are thoroughly assessed and very lengthy letters of explanation and reasons for decisions have been given. One might even argue that the combined number of reviews and complaints is now of such a volume that it requires its own dedicated unit within the PPS.

It is possibly a critical point in time to address the method of complaint handling within PPS to alleviate internal capacity pressures. A new IAC will be appointed in 2025 as I am now approaching the end of my maximum tenure (6 years) - I would suggest that a new model of complaint handling could include:

- Better use of staff other than ADs to assess complaints at Stage 1.

- Better use of the IAC resource. For example, a new 2 tier complaint assessment model could involve a Stage 1 assessment by PPS staff, with all Stage 2 assessments going directly to the IAC.

This type of model would still offer a strong complaint handling process with both an internal opportunity to put things right and an independent level of scrutiny. The costs and time commitment of the next IAC appointed by PPS would likely increase and perhaps require a different arrangement, but this would be a minimal spend when compared to the efficiencies it could deliver in terms of PPS staff time and the potential improvement in terms of complaint response times.

This is merely an example and PPS leadership will be best placed to decide on the most appropriate action to take to address the issue.

### Final remarks

My overall opinion of the PPS complaint process, having thoroughly reviewed its performance this year, is that the complaint system has consistently performed to a high standard and is a model of good practice in both complaint management and as a tool of continuous improvement. My Audit Scorecard reflects an overall mark of **87%** which is very good but it could be even better if the complaint handling targets had been better met this year. It is the score of 73% under 'Process and Procedure' which has undermined other excellent scores in areas such as Organisational Culture at 95% and Learning at 97%.

My view is that in terms of organisational performance management, PPS leadership approaches complaints as containing vital intelligence and levers for change as part of its overall quality assurance strategy. That said, there are some areas where practice and standards need to be raised.

The appetite for making further improvements in the scheme and the practice of complaint management will of course have to be balanced with other considerations, such as budget, staffing, and working priorities. The method of intervention is a matter for PPS leadership, but it may be an effective plan to streamline the current 3 tier complaint system into a 2 tier system. PPS may find that this is a more realistic model for handling the increasing demand for scrutiny of PPS decisions and conduct (via both complex complaints and requests for review), with the limited resourcing available. This may help alleviate pressure on staff time and enable complaint handling targets to be better met overall.

PPS, like many frontline essential service organisations, has been extremely challenged by impacts of the post-Covid 19 Pandemic period, and this reporting period

covers events from a critical period of Covid recovery, the instability of public sector pay disputes and industrial action and extreme pressure on public finances in Northern Ireland.

Extreme challenges have been placed on the criminal justice system and it is testament to the professionalism of PPS staff that the number of complaints throughout this highly challenging period remains very low when compared to the total number of prosecutions.

I commend the Director and all his staff teams for their ongoing commitment to working on the front line of our justice system and ensuring that such an important service continues to deliver as it faces these challenges. I am impressed by the evidence which confirms the level and scale of change and improvement to the complaint scheme, the management of complaints, and openness to feedback which I believe has been a contributing factor to the commitment to continuous improvement of organisational culture and performance throughout the organisation.

Using the NIPSO standards and framework to assess the PPS complaint system has been very illuminating gain this year.

The NIPSO model of practice anticipates that:

*'all organisations will have arrangements (including information and training) in place that make clear to staff the importance of candour, honesty and openness when dealing with and investigating complaints'.*

I can fully commend the PPS scheme as complying with NIPSO standards in this context.

NIPSO further states that:

*"Guidance for staff should also make clear that the organisation's approach to complaints is non-defensive and complaints should be received with a willingness to listen to challenge about services and/or service delivery. Staff should be trained and encouraged to build trust with customers who have raised a complaint as an effective way of promoting the organisation's values".*

Again, I can fully commend the PPS scheme as complying with NIPSO standards in this context.

NIPSO also recommends that:

*“Organisations may wish to set out the behaviours they expect from staff when dealing with complaints. This may include a commitment that staff will behave in a professional manner and treat customers with courtesy, respect and dignity.”*

As a result of my recommendations last year, PPS developed and published its own Complaints Charter, which include stated principles and expected PPS behaviours in the handling of complaints. This work is to be commended. The development of this public declaration of PPS standards in this reporting year has further embedded and strengthened the PPS commitment as a learning and reflective organisation.

The PPS complaint management system is not an isolated area of business but an integrated and responsive system which is used by leadership as a strategic enabler of conscious risk management, continuous improvement and quality assurance practice for the whole organisation. For example, PPS is committed to progressing data analysis within its knowledge management system for complaints, which exchanges intelligence through peer to peer reporting and which also identifies patterns and trends over a five year period.

This use of data allows for comparative analysis across business areas, complaint themes and the potential for case studies to be shared which can increase consistency of practice and inform individual approaches. These patterns within the data can be studied, measured, and understood by leadership to enable specific interventions which is designed to reduce or eliminate them.

It may be difficult or impossible to eradicate service complaints, but it is the treatment of complaints which is the critical factor for the confident organisation which is courageous enough to always be open to learning and to treat that learning as a call to action and as a lever for making change.

This culture and practice produces a range of broader benefits such as establishing trust, giving citizens confidence and raising the morale of staff who are not being called to account for mistakes individually but who are being empowered to be collective change makers.

# Annexes

# **Annex 1:**

## **Assessment Checklist on PPS Complaint Handling 2023/24 - Six Themes of Good Practice**

### **Six Themes of Good Practice**

The six themes are:

1. Organisational Culture.
2. Process and Procedure.
3. Accessibility.
4. Quality.
5. Learning from Complaints.
6. Complaints Handling Performance.

#### **1. Organisational Culture**

Crucial to good complaints handling is an underpinning culture that truly values complaints. Creating and embedding that culture needs strong leadership.

This calls for senior management to visibly support good complaints handling and so develop a culture within their organisation that values complaints. A 'valuing complaints' culture means that all staff who come into contact with service users genuinely value those users' views. It also means that service users feel comfortable about expressing their views without fear of this affecting the treatment they receive or their relationship with the service provider.

Where complaints have been identified as relatively straightforward and where a response can be provided quickly, frontline staff should be empowered to deal with the issues raised. Investigative staff should have a clear remit to access any information necessary to effectively investigate more complex issues and reach a robust decision on them. This requires clear direction from senior management on the extent and limits of discretion and responsibilities in resolving complaints, including the ability to identify failings, take effective remedial action and apologise.

Senior management also have a responsibility to ensure that complaints are central to the overall governance of the organisation, and that staff are supported both in handling complaints and where they may be involved in the investigation of a complaint.

## 2. Process and Procedure

A model of best practice specifies the process and procedure to be followed in handling and responding to complaints.

Complaints should be dealt with under a quick, simple and streamlined process with a strong focus on local, early resolution by empowered and well trained staff.

The model should set out the requirements for, among other things, recordkeeping; monitoring and reporting of performance; and the senior management review of complaints handling to identify any required remedial actions and opportunities for improvement.

## 3. Accessibility

Clearly, it is important that the complaints procedure can be easily accessed by all service users. Information about complaints should be available at all times, not just when a service user wishes to complain.

Organisations should consider the most effective ways to ensure maximum accessibility, such as placing posters and complaints leaflets in public offices, communal areas and waiting areas. Some service users may not use the term 'complaint'.

All staff should be aware of this and should ensure that any expressions of dissatisfaction fitting the agreed definition of a complaint are handled via the complaints procedure (and not, for example, as comments, concerns or feedback).

Organisations should take into account needs of customers, making reasonable adjustments as required. They should provide a range of methods for complaining by whatever means is easiest for the complainant to ensure that, as far as possible, individuals are able to make and pursue complaints regardless of accessibility issues.

Where complaints information is published it must be easily accessible to members of the public and available in alternative formats as requested.

## 4. Quality

An effective complaints handling procedure should provide quality outcomes through robust but proportionate investigation and the use of clear quality standards.

The outcomes of complaints should be analysed to identify and implement service quality improvements. It is vital that the evidence obtained in response to complaints

is of a suitable quality and accuracy to enable a full and informed response to be issued.

The decision letter must include a full response to each issue complained of, be open and not defensive, demonstrate where appropriate the changes made as a result, apologising where appropriate.

## 5. Learning from Complaints

The emphasis of effective complaints handling is on early and local resolution of complaints and ensuring that learning is shared and improvements acted upon as soon as possible after the issue that gave rise to the complaint.

Senior management should take an active interest in complaints and review the information gathered on a regular basis. A key role in managing complaints is to ensure that organisational learning from complaints is captured and reported.

Complaints data and learning from complaints should be considered routinely as part of the management information used to monitor performance. Analysis of complaints outcomes will provide a detailed record of services that are not being provided to the service users' satisfaction.

Reviewing this information provides opportunities to improve service delivery, whether in response to highlighted faults or as a proactive measure to increase efficiency and consequently service user satisfaction. Line managers should ensure that the learning gained from complaints outcomes is communicated to all relevant staff.

It is also important to communicate learning externally. The organisation should communicate what it has done in response to complaints, for example, through newsletters, annual reports and on its website.

## 6. Complaints handling performance

As well as focus on the learning from the outcomes of complaints, it is important that the organisation has a clear focus on its performance in managing and responding to complaints and on how to improve this. Complaints data and information should be used to inform other corporate governance processes, such as risk, audit, quality assurance and legal. Effectively managing performance includes the requirement to check quality standards and timescales are being met, and the requirement for senior management to intervene when management exception reports indicate that remedial action is required

## PPS Complaint Audit Scoring:

**Yes: 1 point**

**Sometimes: 0.5 points**

**No: 0 points**

### Organisational Culture: Score 95%

1. The organisation can demonstrate evidence of a strong focus on welcoming and responding positively to complaints. **YES**
2. The organisation ensures that all staff are aware of the Complaint Policy and have been trained to handle complaints as appropriate to their role in the organisation. **YES**
3. Leadership actively demonstrates that complaints are valued and staff in senior positions demonstrate a positive complaints culture. **YES**
4. Leaders meet with complainants, during and/or after the complaints process, where appropriate. **YES**
5. Staff at the frontline have (and feel that they have) the knowledge, training and skills to respond effectively to complaints. **YES**
6. Staff are empowered to make decisions, and to apologise as appropriate, where complaints are relatively straightforward and service failures are identified. **YES**
7. The organisation supports its staff in fulfilling their complaints handling requirements. **YES**
8. The organisation provides training and/or awareness sessions on complaints handling on at least a three year cycle. **YES**
9. Strategic/operational plans, vision and or mission statements demonstrate that the organisation values complaints. **YES**
10. Complaints feature as a documented agenda item in team, management and senior management team meetings. **YES**
11. The organisation can show evidence of a strong focus on welcoming and responding positively to complaints. **YES**
12. Senior managers have a clearly defined role in relation to signing off individual complaints and in ensuring service failures are remedied and improvements implemented as a result of complaints received. **YES**
13. The organisation ensures that all staff have knowledge of the complaints process, are trained and empowered to deal with complaints and difficult customers and their training needs are reviewed on a regular basis. **YES**
14. Each member of staff dealing with the public has in place a job description/performance agreement/key work objectives or similar document that covers their role/responsibility in handling/managing complaints. **YES**
15. Complainants are thanked for bringing the complaint to the organisation. **YES**
16. Where a problem has occurred, the organisation says sorry. **YES**

17. Where a problem has occurred, quick and effective action is taken to remedy and where appropriate improve services. **Sometimes**
18. The organisation always looks to solve the core issue which led to the complaint and learn from the outcome of complaints so as to reduce the potential for more/similar complaints. **YES**
19. The organisation always feeds back to the complainant to confirm that action has been taken and how services have improved. **SOMETIMES**
20. The organisation has a continuous improvement culture and checks customer satisfaction with complaint outcomes and with service delivery. **YES**
21. All staff attend either a complaints awareness session, or receive specific complaints handling training within a 3 year cycle. **YES**

#### **Process and Procedure: Score 73%**

1. The organisation has developed and implemented a Complaints Handling Procedure which reflects the requirements of the model Complaints Handling Procedure for the sector. **YES**
2. The organisation's Complaint Policy is publicised/communicated to all staff. The Policy is readily available to all staff and they know where to access it if asked. **YES**
3. Staff at all levels are clear on their roles and responsibilities in complaints handling. **YES**
4. The organisation fully complies with the requirements of the Complaint Policy. **YES**
5. All complaints and outcomes are recorded in line with the requirements of the model Complaints Handling Procedure. **YES**
6. Complaints are never referred to as unimportant. **YES**
7. Complaints at the investigation stage are acknowledged within five working days of receipt. **YES**
8. Complaints where possible are handled at the frontline / early resolution stage. **SOMETIMES**
9. The organisation communicates with the complainant when it appears that a response will not be provided within the stated time frame. **YES**
10. Complaints investigations are completed with a response being provided within 30 working days wherever possible. **SOMETIMES**
11. The organisation communicates with the complainant when it appears that a response will not be provided within 20 working days. **SOMETIMES**
12. The rate of premature complaints about the organisation to IAC is low. **YES**
13. Standardised templates are used to acknowledge complaints, to request further information and to communicate the organisation's final response to complaints. **YES**
14. The organisation records the outcome of every complaint it receives in line with the minimum requirements of the Complaint Policy. **YES**

15. The average time in working days to respond to complaints at stage one is on target. **NO**
16. The average time in working days to respond to complaints at stage two (investigation) is on target. **NO**
17. The organisation has in place additional management targets for managing complaints, for example in relation to gathering evidence, or requiring responses to enquiries. **NO**
18. The organisation operates a system of exception reports on complaints not meeting the standard 5 or 20 working day timescales. **NO**
19. The organisation always signposts customers to the IAC, no matter the outcome, at the conclusion of the CHP. **YES**
20. The organisation has in place a policy in respect of customers who demonstrate unacceptable behaviour and a procedure explaining how it will apply the requirements of its unacceptable actions policy. **YES**

#### **Accessibility: Score 82%**

1. The complaints procedure publicised and made available to customers and members of the public. **YES**
2. The organisation has developed information leaflets or publicity for customers with regards to the complaints procedure and these are in line with the requirements of the Complaint Policy. **YES**
3. Complaints can be made to any member of staff. Customers are not redirected or told to contact someone else. **YES**
4. The organisation actively works with advocacy agencies to promote access to the complaints procedure, and support for customers where there is a need. **YES**
5. Customers are informed of relevant support services available to them in making their complaint. **SOMETIMES**
6. Complaints guidance is user-friendly, captures specifically the complaint(s) being made and the outcomes expected. **YES**
7. Complaints forms, leaflets, posters etc are always readily available at all public premises. **SOMETIMES**
8. All complaints are handled in private and staff who have no business need to access customers' complaint information are prevented from doing so. **YES**
9. The organisation has assessed the standards of its complaints handling service against the requirements of the relevant disability and equality legislation. **YES**
10. The organisation advertises access to the complaints procedure in general correspondence (for example newsletters, communications with victims groups and stakeholders). **SOMETIMES**
11. The organisation works to raise awareness of the Complaint Process. **SOMETIMES**

### Quality: Score 88%

1. The organisation quality assures complaints responses and ensures that complaints handling meets the standards of service expected by the organisation. **YES**
2. The organisation has a process that provides assurance that the quality of decision making is based wholly on the evidence available. **YES**
3. There is a process in place to ensure that the organisation's response to a complaint addresses all points of the complainant's dissatisfaction. **YES**
4. The organisation can clearly demonstrate it has taken action to understand, from the customer's perspective, the issue(s) complained of and what the complainant would like as an outcome from the complaint; and that its response to the complaint addresses all points of the complainant's dissatisfaction. **YES**
5. The organisation's response to complaints is not defensive: rather it demonstrates that it welcomes complaints and understands the complainant's position. **SOMETIMES**
6. Personal contact is made with the complainant, where appropriate, either through a phone call or meeting. **SOMETIMES**
7. The organisation can demonstrate that it has attempted to resolve the complaint to the complainant's satisfaction where this is possible and appropriate. **YES**
8. The organisation ensures an effective approach to complaints file management. **YES**

### Learning from Complaints: 97%

1. The organisation learns from the complaints it handles. **Yes**
2. Systems are in place to record, analyse and report on complaints outcomes, trends and actions taken. **Yes**
3. The organisation responds to key themes from complaints as identified through its analysis of complaints outcomes. **Yes**
4. Where appropriate, remedial action is taken to ensure no reoccurrence of matters leading to a complaint, or to improve service delivery. **Yes**
5. Senior managers ensure improvements required as a result of complaints are implemented within the required timescale. **Yes**
6. In addition to communicating the decision on the complaint to the customer, the outcome(s) are also fed back to relevant staff. **Yes**
7. Learning from complaints outcomes are shared across the organisation **Yes**
8. The organisation looks for opportunities to learn from complaints outcomes identified in other organisations and sectors, and shares learning across different service areas. **Yes**
9. The organisation analyses complaints information to identify outcomes, trends, themes and patterns and uses this information to inform changes in working practices and service provision and the training provision for staff. **Yes**
10. Complaints are discussed at team meetings. **Yes**

11. Complaints are discussed at management team meetings. **Yes**
12. Customers are advised when service improvements are made as a result of a complaint made by them. **Sometimes**
13. The organisation shares complaints outcomes, trends and actions taken. This should be on at least a quarterly basis. **Yes**
14. Senior management review the information gathered from complaints and consider whether services could be improved or internal policies and procedures updated. **Yes**
15. The organisation can demonstrate that improvements are made to how complaints are handled on the back of monitoring performance. **Yes**
16. The organisation has a process to advise senior managers when improvements actions have been implemented or become overdue. **Yes**

### **Complaints handling performance – Score 90%**

1. Senior management seeks and is provided with assurance of the complaints handling performance of the organisation. **Yes**
2. Performance in handling complaints within the required timescales is actively managed. **Yes**
3. The organisation seeks and obtains feedback of customer satisfaction levels on how complaints have been handled. **Sometimes**
4. Staff are aware of how the organisation performs in handling complaints and how they can improve. **Yes**
5. Customers are aware of how the organisation performs in handling Complaints e.g. publication of Complaints Audits. **Yes**
6. There are checks on open and closed complaints files to gain assurance of compliance with the Complaint Policy, to ensure a clear audit trail of how the complaint has been investigated, to evaluate the quality of assessments and to ensure a consistent approach is taken. **Yes**
7. The organisation reports complaints handling performance to its Board/Oversight Authority **Yes**
8. The organisation produces evaluation reports detailing performance against performance indicators in for the complaint scheme. **Yes**
9. The organisation learns from complaints processes, structures and working practices operated in other organisations and sectors. **Sometimes**
10. Complaints data and information is used at board level to inform other corporate governance processes, such as risk, audit, quality assurance and legal **Yes**

### **Overall PPS Score: 87%**

## Annex 2: Complaint Handling in the PPS 2023/24

**Table 1: Numbers of Complaints / Requests for Review**

Year	Complaints Logged	Requests for Review
2019/20	53	195
2020/21	43	194
2021/22	49	197
2022/23	58	267
2023/24	56	250

**Table 2: Outcome of Complaints**

Year	Upheld	Partially Upheld	Not Upheld	Resolved Informally	No Further Action Required	Outstanding	Total
2019/20	7	14	29	3	0	0	53
2020/21	5	12	24	2	0	0	43
2021/22	7	6	32	4	0	0	49
2022/23	7	14	32	5	0	0	58
2023/24	6	9	36	5	0	0	56

**Table 3: Complaints Substantiated (Partially or Wholly Upheld)**

Year	Number of Complaints	% Substantiated
2019/20	53	40
2020/21	43	40
2021/22	49	27
2022/23	58	36
2023/24	56	27

**Table 4: Reasons for Complaint**

Reason	2022/23	2023/24
Case Handling / Delay	24	28
Primarily Prosecutorial	1	1
Communication / Information	37	33
Conduct of Staff / Counsel	7	3
Court Performance	2	5
Other	1	1
<b>Total</b>	<b>72</b>	<b>71</b>

**Note:** Several reasons may be recorded for an individual complaint.

## ***Complaints by Region / Section***

**Table 5: Complaints Received**

Year	Belfast & Eastern	Western	Southern	Serious Crime Unit	High Court & Int'l	Fraud & Dept	Corporate Services	Total
2023/4	22/56 (39%)	11/56 (20%)	2/56 (4%)	3/56 (5%)	2/56 (4%)	1/56 (2%)	15/56 (26%)	56/56

**Table 6: Complaints Substantiated (Partially or Wholly Upheld)**

Year	Belfast & Eastern	Western	Southern	Serious Crime Unit	High Court & Int'l	Fraud & Dept	Corporate Services	Total
2023/4	6/22 (27%)	4/11 (36%)	1/2 (50%)	3/3 (100%)	0/2 (0%)	0/1 (0%)	1/15 (6%)	56/56 (25%)

**Table 7: Complaints Acknowledged within 5 days**

Year	Belfast & Eastern	Western	Southern	Serious Crime Unit	High Court & Int'l	Fraud & Dept	Corporate Services	Total
2023/4	22/22 (100%)	11/11 (100%)	2/2 (100%)	3/3 (100%)	1/2 (50%)	1/1 (100%)	15/15 (100%)	55/56 (98%)

**Table 8: Numbers of Complaints Dealt With Within 30 days**

Year	Belfast & Eastern	Western	Southern	Serious Crime Unit	High Court & Int'l	Fraud & Dept	Corporate Services	Total
2023/4	20/22 (91%)	9/11 (82%)	2/2 (100%)	2/3 (66%)	1/2 (50%)	1/1 (100%)	11/15 (73%)	46/56 (82%)

**Table 9: Complainant Type**

<b>Complainant Type</b>	<b>Number</b>
<b>Victim</b>	32
<b>Victim's Relative</b>	4
<b>Victim's Representative</b>	6
<b>Defendant</b>	8
<b>Defendant's Legal Representative</b>	1
<b>Witness</b>	3
<b>Other</b>	2

**Table 10: Complainant Type by Region / Section**

<b>Complainant Type</b>	<b>Belfast &amp; Eastern</b>	<b>Western</b>	<b>Southern</b>	<b>Serious Crime Unit</b>	<b>High Court &amp; Int'l</b>	<b>Fraud &amp; Departmental</b>	<b>Corporate Services</b>	<b>Total</b>
<b>Victim</b>	12	8	2	2	0	0	8	32
<b>Victim's Relative</b>	1	1	0	0	1	1	0	4
<b>Victim's Representative</b>	0	1	0	0	0	0	0	6
<b>Defendant</b>	1	1	1	1	0	0	0	8
<b>Defendant's Representative</b>	1	0	0	0	0	0	0	1
<b>Witness</b>	1	0	0	0	1	0	1	3
<b>Other</b>	1	0	0	1	0	0	1	2

**Table 11: Reasons for Complaint by Region / Section**

Reason	Belfast & Eastern	Western	Southern	Serious Crime Unit	High Court & Int'l	Fraud & Departmental	Corporate Services	Total
Communication / Information	10	5	2	2	0	0	14	33
Staff / Counsel	1	0	0	1	0	0	1	3
Court Performance	3	1	0	1	0	0	0	5
Delay / Handling	14	6	0	2	2	1	3	28
Prosecutorial	1	0	0	0	0	0	0	1
Other	0	0	0	0	0	0	1	1

**Table 12: Reasons for Complaint by Complainant Type**

Reasons	Victims	Victim's Relatives / Representatives	Witnesses	Defendants	Defendant's Relatives / Representatives	Other	Total
Communication / Information	20	5	3	4	0	1	33
Staff / Counsel	2	0	0	0	0	1	3
Court Performance	2	1	1	0	1	0	5
Delay / Handling	14	7	1	5	0	1	28
Prosecutorial	1	0	0	0	0	0	1
Other	0	0	1	0	0	0	1

**Table 13: Outcomes by Complainant Type**

<b>Outcome</b>	<b>Victims</b>	<b>Victim's Relatives / Representatives</b>	<b>Witnesses</b>	<b>Defendants</b>	<b>Defendant's Relatives / Representatives</b>	<b>Other</b>	<b>Total</b>
<b>Upheld</b>	6	0	0	0	0	0	6
<b>Partially Upheld</b>	7	0	1	0	1	0	9
<b>Not Upheld</b>	15	10	2	8	0	1	36
<b>Resolved Informally</b>	4	0	0	0	0	1	5
<b>No Further Action</b>	0	0	0	0	0	0	0
<b>Outstanding</b>	0	0	0	0	0	0	0

**Table 14: Method of Complaint**

<b>Means</b>	<b>Belfast</b>	<b>Western</b>	<b>Southern</b>	<b>Serious Crime Unit</b>	<b>High Court &amp; Int'l</b>	<b>Fraud &amp; Departmental</b>	<b>Corporate Services</b>	<b>Total</b>
<b>Email</b>	15	10	1	3	2	1	10	42
<b>PPS Web Portal</b>	2	1	1	0	0	0	3	7
<b>Letter</b>	1	0	0	0	0	0	1	2
<b>Phone</b>	4	0	0	0	0	0	1	5

## Second Tier Complaints

There were **6** files escalated to the second tier. All of the findings at the second tier concurred with the findings of the initial complaint.

Four of these were from victims, one from a witness and one from another source.

The complaints were from the following areas:

- **Belfast & Eastern - 3**
- **Western - 1**
- **Corporate Services - 1**
- **Fraud & Departmental - 1**

## **Annex 3: Useful Links**

### **PPS guidance**

- [Guidance on the PPS Complaint Policy](#)
- [The Role and Remit of the Independent Assessor](#)
- [PPS Code for Prosecutors](#)
- [PPS Prosecution Quality Standards](#)
- [PPS Victim and Witness Policy](#)

### **Complaints about other organisations**

- [Complaints about the Police Service of Northern Ireland](#)
- [Complaints about the professional conduct of barristers](#)
- [Complaints about the conduct of a solicitor](#)
- [Complaints about the Northern Ireland Courts and Tribunals Service](#)
- [Complaints about the conduct of Judicial Office Holders](#)
- [Complaints about the Northern Ireland Prison Service](#)
- [Complaints about the Probation Service of Northern Ireland](#)

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