

FOI 2002/21-22

6 April 2022

I refer to your email dated 15 March 2022 in which you asked for information about PPS processes and procedures in respect of people with a mental health disorder. Your request has been dealt with under the terms of the Freedom of Information Act 2000.

Freedom of Information Act 2000

The Freedom of Information Act creates rights of access for any person making a request for information to a public authority. The rights of access are twofold. First, to be informed by the public authority if it holds information of the description specified in the request, and if that is the case, secondly, to be provided with that information. These rights are subject to important limitations, which are designed to achieve a proper balance between the right to know and considerations of law and policy in the broader public interest.

You had asked the following:

“Under the Freedom of Information Act, can I please request the processes or procedures you currently have for dealing with people suffering from mental health disorders as they pass through Northern Ireland courts?”

In response, please be advised that the issue of mental health is covered in a number of policy statements and guidance documents published by the PPS. These focus on procedures in respect of both suspects / accused persons and victims / witnesses.

In terms of suspects, the [PPS Code for Prosecutors \(ppsni.gov.uk\)](https://ppsni.gov.uk) specifically addresses issues and considerations regarding fitness to plead and mental capacity – see paragraphs 4.56 and 4.57. At pages 17 to 19, the Code also refers to the

relevant considerations (including mental capacity) when taking into account the public interest factors for / against prosecution.

Concerns regarding mental ill health may also be a potentially mitigating factor to divert away from prosecution and this is covered at paragraph 2.2.2. of the PPS [Guidelines for the Use of Diversionary Disposals 0.pdf \(ppsni.gov.uk\)](#).

In addition, there is bespoke guidance at Chapter 6 of the PPS [Guidelines for the Prosecution of Young People \(December 2021\) 0.pdf \(ppsni.gov.uk\)](#) and the special considerations needed in cases involving a young person with mental health issues.

In relation to victims and witnesses with mental health issues, PPS are guided by the NI Victim Charter. These commitments are reflected in the [PPS Victim and Witness Policy \(ppsni.gov.uk\)](#) which specifically provides for consideration of vulnerabilities when preparing for court. Further information in this regard is also available on the PPS website at:

[Victim and Witness Information | Public Prosecution Service Northern Ireland \(ppsni.gov.uk\)](#)

This includes details of the Special Measures and other assistance available for vulnerable witnesses.

If you are dissatisfied in any way with the handling of your request, you have the right to request a review in accordance with our review procedure. You should do this as soon as possible or in any case within two months of the date of this response and you can do so by writing to the Head of Policy and Information, Public Prosecution Service, Belfast Chambers, 93 Chichester Street, BELFAST, BT1 3JR or alternatively by sending an e-mail to info@ppsni.gov.uk. You should state clearly the grounds on which you are requesting the review.

Alternatively, you may wish to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Yours sincerely,

PPS Information Management Team

Independent, fair and effective