



Police Service
of Northern Ireland



**Public
Prosecution
Service**

**Revised Arrangements
in Cases Where a No Prosecution
Recommendation is Made
by Police – PSNI ‘No File Decision’
Pilot**

Joint Evaluation Framework

Introduction

No File Decision - Pilot Arrangements

Under the current operating model, police in Northern Ireland must submit all files to the PPS where an offence is suspected to have taken place, where there is an identifiable suspect and where there is any evidence, however weak, to link the suspect to the crime.¹ This includes files where there is a police recommendation for ‘no prosecution’; i.e. those cases where, in the view of the investigating officer, the evidential test cannot be met.²

This operating model has changed so that police will no longer be required to submit all files where a no prosecution recommendation is made for each of the suspects in the case. Police are now authorised to take a ‘**No File Decision**’ (NFD) in cases involving certain offences, and where appropriate to take no further action. The offences covered by the change are those generally directed upon by a Public Prosecutor in the PPS, spanning ‘case weight’ (CW) categories 5-8. These range from assault (AOABH and below) to minor motoring offences. A number of exclusionary criteria will be applied as an additional safeguard, for example where the suspect is a PSNI officer or the investigation involves an offence which has resulted in the death of an individual.

The PPS will continue to take decisions in the more serious files where police have recommended no prosecution. These are cases within the higher CW categories (1-4), generally directed upon by Senior Public Prosecutors. They include offences such as murder, manslaughter, possessing firearms or explosives with intent, rape, sexual assault, grievous bodily harm and non-fatal strangulation. For any case with an identifiable suspect and at least one offence falling within CW 1-4, the requirement for police to submit a file to the PPS will remain in place, *regardless of the police recommendation*.

¹ With the exception of cases where police discretion currently applies, for example in issuing a Community Resolution Notice (CRN) or Penalty Notice for Disorder (PND).

² For further information, please refer to the [PPS Code for Prosecutors](#). The Evidential Test is set out in full at pages 15 – 18.

The revised model will operate across Northern Ireland (i.e. for all police cases) on the basis of an 18 month pilot, which commenced on Wednesday 29 November 2023. The arrangements for police NFD decision-making apply in respect of all reported offences from this date onwards.

The Evaluation Framework

Evaluation is a crucial aspect of the pilot and formal review points have been established at the 8-9 month (interim evaluation) and 16-17 month (full evaluation) stages. The operation of the pilot will also be monitored on an ongoing basis by the PSNI's Criminal Justice Branch and the PPS's Policy and Information Unit so that any corrective action (additional / refresher training, ICT changes etc.) can be taken forward or matters escalated as required.

The purpose of this document is to provide a summary of the information to be considered for the purposes of the evaluation. The key areas of focus include:

- Monitoring of caseloads, file submissions and PPS decisions (page 4);
- Victims' Right to Review - VRR (page 7);
- The findings of joint quality assurance (page 9);
- Assessment of the effectiveness of police processes / levels of compliance (page 11);
- Timeliness - PSNI (page 12);
- Timeliness – PPS (page 13)
- Victim / stakeholder feedback (page 15);
- Views from PSNI management – assessment of benefits (page 16);
- Views from PPS management – assessment of benefits (page 17).

As indicated above, key stakeholders (including TUS and Police Staff Associations) will be consulted as part of the interim and final evaluations and these views will be reflected in the agreed evaluation reports.

Governance Arrangements

Oversight for the pilot will be provided by the joint PSNI / PPS Working Together Programme Board. Regular updates will be provided to the Board on the performance of the pilot and any matters arising.

Criminal Justice Branch, PSNI
Policy and Information Unit, PPS

NFD EVALUATION FRAMEWORK

Indicator	Definition	Baseline / Estimated Values	Target	Data Source	Frequency	Responsibility	Reporting
Monitoring of Caseloads, File Submissions and Decisions							
1. PSNI NFD investigations	<p>Number of files in case weight categories 5-8 for which the No File Decision process was initiated</p> <p><i>Data to include analysis of:</i></p> <ul style="list-style-type: none"> • <i>Offence type</i> • <i>The PSNI District / Dept</i> • <i>No. of victims (Including where domestic abuse / hate motivated)</i> • <i>No. where children involved</i> 	<p>Initial estimates in the region of 400-500 files per month</p>	<p>N/A</p>	<p>From Niche / PSNI systems</p>	<p>Quarterly</p>	<p>PSNI Criminal Justice Branch</p>	<p>Quarterly report to Head of PSNI Criminal Justice Branch / PPS Head of Policy and Information and updates to the Working Together Programme Board (WTPB)</p>

NFD EVALUATION FRAMEWORK

<p>2. PSNI NFDs approved</p>	<p>Number of files and suspects in case weight categories 5-8 for whom a No File Decision was approved</p> <p><i>Data to include analysis of:</i></p> <ul style="list-style-type: none"> • <i>Offence type</i> • <i>The PSNI District / Dept</i> • <i>No. of victims (Including where domestic abuse / hate motivated)</i> • <i>No. where children involved</i> 	<p>Initial estimates in the region of 96% of NFD files initiated during the life of the pilot</p>	<p>N/A</p>	<p>From Niche / PSNI systems</p>	<p>Quarterly</p>	<p>PSNI Criminal Justice Branch</p>	<p>Quarterly report to Head of PSNI CJ Branch / PPS Head of Policy and Information and updates to the WTPB</p>
<p>3. CW 5-8 Files submitted where the exclusionary criteria are applied</p>	<p>Number of files and suspects submitted to the PPS in case weight categories 5-8 where there was a PSNI no prosecution recommendation³</p>	<p>Initial estimates in the region of 10-15 files per week</p>	<p>N/A</p>	<p>From PPS Case Management System (CMS)</p>	<p>Quarterly</p>	<p>PPS Statistics and Research Team (Policy and Information Unit)</p>	<p>Quarterly report to Head of PSNI CJ Branch / PPS Head of Policy and Information and updates to the WTPB</p>

³ Based on files where the date the offence(s) reported was from 29 November 2023 onwards.

NFD EVALUATION FRAMEWORK

Indicator	Definition	Baseline / Estimated Values	Target	Data Source	Frequency	Responsibility	Reporting
4. PPS no prosecution decisions	Number of suspects in case weight categories 5-8 for whom there was a PSNI recommendation for prosecution or diversion resulting in a no prosecution decision by the PPS	3,589 suspects (2022/23)	N/A	From PPS CMS	Quarterly	PPS Statistics and Research Team (Policy and Information Unit)	Quarterly report to Head of PSNI CJ Branch / PPS Head of Policy and Information and updates to the WTPB

NFD EVALUATION FRAMEWORK

Indicator	Definition	Baseline / Estimated Values	Target	Data Source	Frequency	Responsibility	Reporting
Victims' Right to Review (VRR)							
5. VRR requests	<p>Number of VRR requests received</p> <p><i>Data to include analysis of:</i></p> <ul style="list-style-type: none"> • <i>Offence type (including domestic abuse / hate motivated)</i> • <i>The PSNI District / Department</i> • <i>No. where children involved</i> 	97 ⁴	Maintain / improve on previous levels	From PSNI systems	Quarterly	PSNI Criminal Justice Branch	Quarterly report to Head of PSNI CJ Branch / PPS Head of Policy and Information and updates to the WTPB.

⁴ In 2022/23, PPS recorded a total of 267 requests for review, 97 of which were in files where the primary offence was CW 5-8 and the police recommendation was for no prosecution.

<p>6. VRRs resulting in a change of decision</p>	<p>Number / percentage of VRR requests where there was a change of decision, resulting in the submission of a file to the PPS</p> <p><i>Data to include analysis of:</i></p> <ul style="list-style-type: none"> • <i>Offence type (including domestic abuse / hate motivated)</i> • <i>The PSNI District / Department</i> • <i>No. where children involved</i> 	<p>4%⁵</p>	<p>Maintain / improve on previous levels</p>	<p>From PSNI systems</p>	<p>Quarterly</p>	<p>PSNI Criminal Justice Branch</p>	<p>Quarterly report to Head of PSNI CJ Branch / PPS Head of Policy and Information and updates to the WTPB.</p>
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⁵ Of the 97 case weight 5-8 review requests recorded in 2022/23 with a no prosecution recommendation, 4 resulted in the original decision being changed (4%).

NFD EVALUATION FRAMEWORK

Indicator	Definition	Baseline / Estimated Values	Target	Data Source	Frequency	Responsibility	Reporting
Joint Quality Assurance							
7. QA dip sampling of NFDs⁶	Number / percentage of NFDs reviewed where investigative concerns have been identified - (a) domestic abuse cases (b) other case types	N/A	<10%	Joint QA Team records (Excel)	Monthly	PSNI Criminal Justice Branch / PPS Policy and Information Unit	Quarterly report to Head of PSNI CJ Branch / PPS Head of Policy and Information and updates to the WTPB
8. QA Team Agreement with NFD decision	Number / percentage of NFDs where the QA Team agreed with the NFD decision - (a) domestic abuse cases (b) other case types	N/A	>90%	Joint QA Team records (Excel)	Monthly	PSNI Criminal Justice Branch / PPS Policy and Information Unit	Quarterly report to Head of PSNI CJ Branch / PPS Head of Policy and Information and updates to the WTPB

⁶ To be based on a minimum of 15 approved NFDs per month, including at least 5 domestic abuse cases.

NFD EVALUATION FRAMEWORK

Indicator	Definition	Baseline / Estimated Values	Target	Data Source	Frequency	Responsibility	Reporting
9. Compliance with agreed case weight criteria	Number / percentage of files dip sampled where the NFD was issued outside of the permitted case weight categories - (a) domestic abuse cases (b) other case types	N/A	<10%	Joint QA Team records (Excel)	Monthly	PSNI Criminal Justice Branch / PPS Policy and Information Unit	Quarterly report to Head of PSNI CJ Branch / PPS Head of Policy and Information and quarterly updates to the WTPB
10. Compliance with NFD authorisation levels	Number / percentage of files dip sampled where the NFD was not authorised in line with agreed PSNI procedures	N/A	<10%	Joint QA Team records (Excel)	Monthly	PSNI Criminal Justice Branch / PPS Policy and Information Unit	Quarterly report to Head of PSNI CJ Branch / PPS Head of Policy and Information and updates to the WTPB

NFD EVALUATION FRAMEWORK

Indicator	Definition	Baseline / Estimated Values	Target	Data Source	Frequency	Responsibility	Reporting
Effectiveness of Police Processes / Levels of Compliance							
11. PSNI victim notification letter	Number / percentage of NFDs approved where the victim letter was issued within agreed timescales	N/A	>95%	From PSNI records	Quarterly	PSNI Criminal Justice Branch	Quarterly report to Head of PSNI CJ Branch / PPS Head of Policy and Information and updates to the WTPB
12. PSNI suspect notification letter	Number / percentage of NFDs where the suspect letter was issued within agreed timescales	N/A	>95%	From PSNI records	Quarterly	PSNI Criminal Justice Branch	Quarterly report to Head of PSNI CJ Branch / PPS Head of Policy and Information and updates to the WTPB

NFD EVALUATION FRAMEWORK

Indicator	Definition	Baseline / Estimated Values	Target	Data Source	Frequency	Responsibility	Reporting
Timeliness - PSNI							
13. File submission	Organisational file timeliness	>75%	80%	Pulse	Quarterly	PSNI Criminal Justice Branch	Quarterly report to Head of PSNI CJ Branch / PPS Head of Policy and Information and updates to the WTPB
14. Case management processing	OCMT processing timeliness	7 days	5 days	OCMT	Quarterly	PSNI Criminal Justice Branch	Quarterly report to Head of PSNI CJ Branch / PPS Head of Policy and Information and updates to the WTB

NFD EVALUATION FRAMEWORK

Indicator	Definition	Baseline / Estimated Values	Target	Data Source	Frequency	Responsibility	Reporting
Timeliness - PPS							
15. Issue of summary prosecution decisions	Time taken (days) for issue of 50% of summary decisions in cases within case weight categories 5-8 (median days)	6 days (2022/23)	Improvement on 2022/23	From PPS CMS	Quarterly	PPS Statistics and Research Team	Quarterly report to Head of PSNI CJ Branch / PPS Head of Policy and Information and updates to the WTPB
	Time taken (days) for issue of 80% of summary decisions in cases within case weight categories 5-8	34 days (2022/23)					

NFD EVALUATION FRAMEWORK

Indicator	Definition	Baseline / Estimated Values	Target	Data Source	Frequency	Responsibility	Reporting
16. Issue of no prosecution decisions (summary / hybrid cases)	Time taken (days) for issue of 50% of no prosecution decisions in cases within case weight categories 5-8 (median days)	21 days (2022/23)	Improvement on 2022/23	From PPS CMS	Quarterly	PPS Statistics and Research Team	Quarterly report to Head of PSNI CJ Branch / PPS Head of Policy and Information and updates to the WTPB
	Time taken (days) for issue of 80% of no prosecution decisions in cases within case weight categories 5-8	72 days (2022/23)					

NFD EVALUATION FRAMEWORK

Indicator	Definition	Baseline / Estimated Values	Target	Data Source	Frequency	Responsibility	Reporting
Victim / Stakeholder Feedback							
17. Stakeholder feedback⁷	Analysis of stakeholder feedback / discussion groups	N/A	N/A	Group discussion / interviews / Surveys	To be agreed	PSNI Criminal Justice Branch / PPS Policy and Information Unit	Interim and full evaluation

⁷ To include views of TUS / Police Staff Associations.

Indicator	Definition	Baseline / Estimated Values	Target	Data Source	Frequency	Responsibility	Reporting
PSNI Management – Assessment of Benefits							
18. Senior Management Team	Analysis of feedback in the areas of: (a) Compliance (b) Organisational performance / resources (c) Benefits (d) Disbenefits (e) Victim impact (f) Future planning	N/A	N/A	Group discussion / interviews	To be agreed	PSNI Criminal Justice Branch	Interim and full evaluation
19. PSNI Decision Makers	Analysis of feedback in the areas of: (a) Compliance (b) Regional performance / resources (c) Benefits (d) Disbenefits (e) Victim impact (f) Future planning	N/A	N/A	Group discussion / interviews	To be agreed	PSNI Criminal Justice Branch	Interim and full evaluation

NFD EVALUATION FRAMEWORK

Indicator	Definition	Baseline / Estimated Values	Target	Data Source	Frequency	Responsibility	Reporting
PPS Management – Assessment of Benefits							
20. Senior Management Team	Analysis of feedback in the areas of: (a) Compliance (b) Organisational performance / resources (c) Benefits (d) Disbenefits (e) Victim impact (f) Future planning	N/A	N/A	Group discussion / interviews	To be agreed	PPS Policy and Information Unit	Interim and full evaluation
21. Regional Assistant Directors / Business Managers	Analysis of feedback in the areas of: (a) Compliance (b) Regional performance / resources (c) Benefits (d) Disbenefits (e) Victim impact (f) Future planning	N/A	N/A	Group discussion / interviews	To be agreed	PPS Policy and Information Unit	Interim and full evaluation