

How to complain about
the handling of complaints
concerning the personal
conduct of the judiciary



Welcome

I am the Judicial Appointments and Conduct Ombudsman. It is my job to investigate the *handling* of complaints concerning the judicial appointments process and matters involving judicial discipline or conduct.

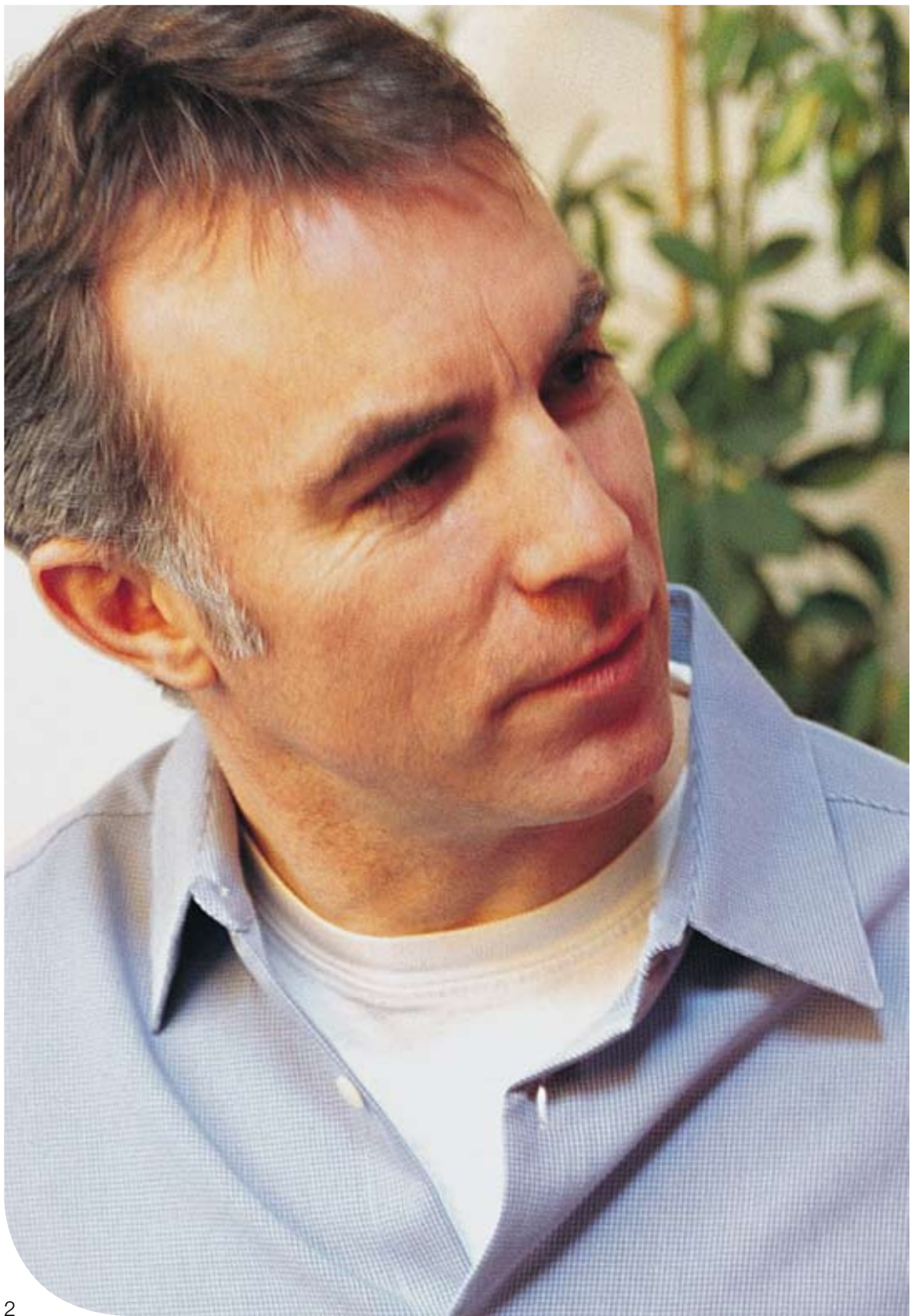
This leaflet focuses on my responsibilities relating to the handling of complaints about *judicial conduct or disciplinary issues*. I have published a separate leaflet, which explains my responsibilities in relation to the judicial appointment process.

I took up my responsibilities on 3 April 2006 as required by the Constitutional Reform Act 2005. I am completely independent of Government and the Judiciary. I look into complaints in a fair and transparent way dealing with all those involved in the complaint process politely, promptly and in the strictest confidence.

This leaflet tells you what I can and can't do and gives you a step by step guide to help you through our complaint process. I recommend that you read it carefully to help you decide if I am the correct person to deal with your complaint. My staff are, of course, available to help at any time.

A handwritten signature in black ink, which appears to read "John Brigstocke". The signature is written in a cursive style and is positioned above a thin horizontal line that extends to the right.

Sir John Brigstocke KCB
Ombudsman



1. How we work

If you feel that the Office for Judicial Complaints, a Tribunal President¹ or a Magistrates' Advisory Committee has failed to handle your complaint to them properly or fairly, the Ombudsman may be able to help you.

Before making a formal complaint to the Ombudsman you should read this leaflet carefully. If you are not sure what we do, or if you need special assistance, please speak to us on the telephone or contact us by e-mail to confirm that we are the correct organisation to deal with your complaint.

Our principles:

- Our service is free of charge.
- We are independent of the Government and the Judiciary.
- We strive to investigate complaints to the highest standard, dealing with them promptly, fairly and in accordance with our published procedures.
- We have an equal duty of care to the complainant and the person or organisation complained about.

In addition:

- We value people and their diversity.
- We listen to people to understand their needs and tailor our service accordingly.
- We promote equal access to our service for all members of the community.

¹ Or a judicial office holder designated by the President under rule 4(1) of 'The Judicial Complaints (Tribunals) (No.2) Rules 2008'.

2. Who can the Ombudsman investigate?

The Judicial Appointments & Conduct Ombudsman can investigate complaints from members of the public or from judges, about how their complaint *was handled* by the organisations listed below.

- The Office for Judicial Complaints (OJC)
- A Tribunal President
- A Magistrates' Advisory Committee

If you have not made a complaint to one of these bodies, then you are not yet in a position to complain to the Ombudsman². The Ombudsman's remit is to investigate the way in which one of these bodies handled your original complaint to them. The Ombudsman cannot look into complaints where your complaint is still ongoing with one of the above bodies.

If you are not sure whether or not you are in a position to complain to the Ombudsman, please see section 3 on page 6.

² The only exception to this is if you wish to complain that one of the bodies listed above is taking too long in handling your complaint.



3. Can the Ombudsman consider your complaint?

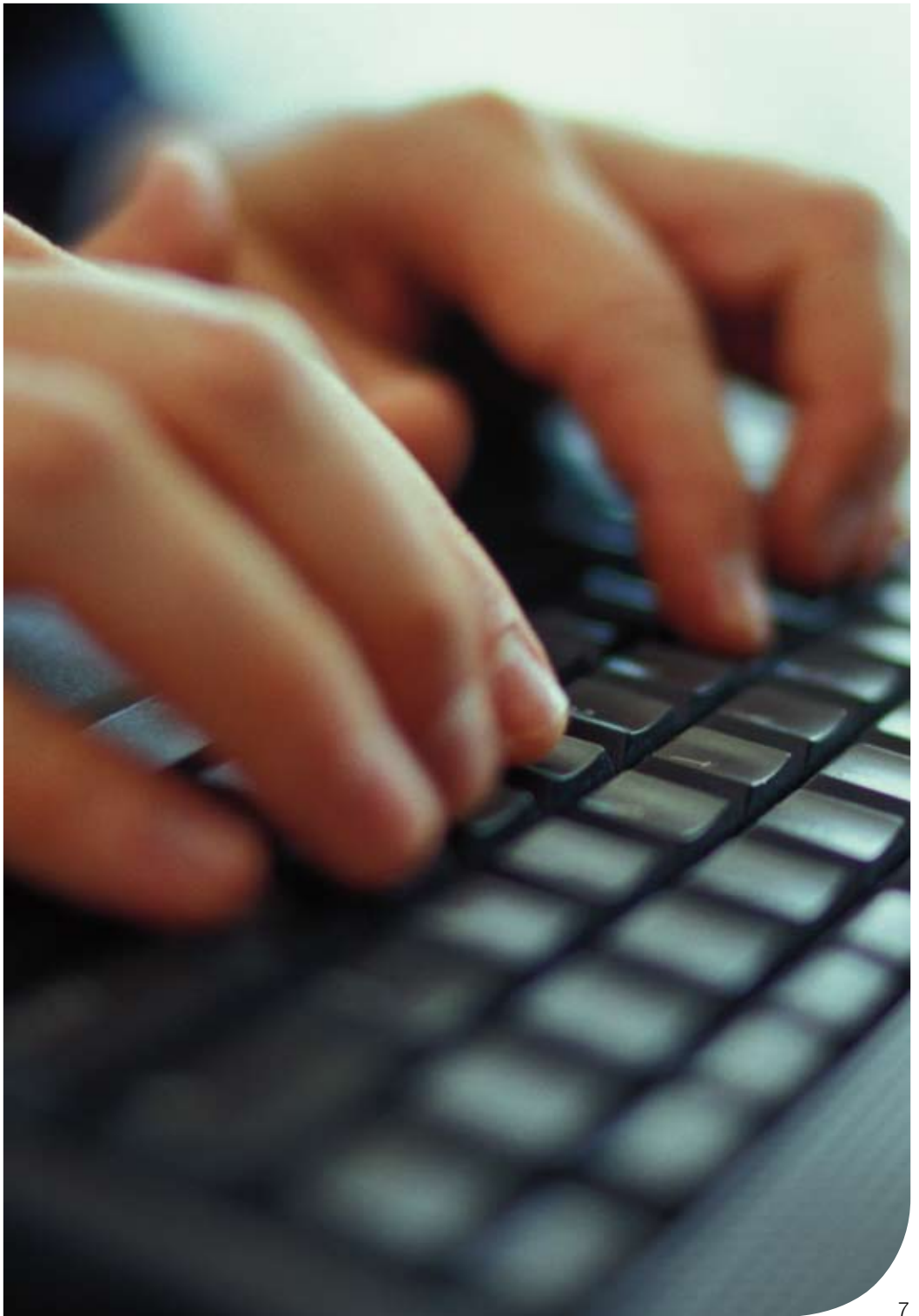
The Ombudsman can consider your complaint if:

- you have already made a complaint to the OJC, a Tribunal President or a Magistrates' Advisory Committee about the conduct of a judicial office holder;
- you are not happy with the process that the OJC, a Tribunal President or a Magistrates' Advisory Committee followed when handling your complaint; and
- you make your complaint within 28 days of the final letter that you received from the OJC, a Tribunal President or a Magistrates' Advisory Committee.

If your complaint meets all the above criteria, please continue reading this booklet.

The Ombudsman cannot consider your complaint if:

- it is about a judge's conduct. Complaints about a judicial office holder's conduct should be made to the OJC, a Tribunal President or a Magistrates' Advisory Committee;
- your complaint is about a judicial decision. You could consider seeking legal advice about whether you can appeal to a higher court. If you cannot afford a solicitor you could contact the Citizen's Advice Bureau or your local law centre; or if
- your complaint is about a decision made by the OJC, a Tribunal President or a Magistrates' Advisory Committee. The Ombudsman can only consider the processes that these bodies have followed.



4. How will the Ombudsman's office deal with your complaint?

Key steps:

- After the Ombudsman receives your complaint form, he will decide whether he is able to consider your complaint.
- If the Ombudsman cannot help you, he will write to you to explain why.
- If the Ombudsman is able to consider your complaint, your file will be requested from the Office for Judicial Complaints, Tribunal President or Advisory Committee.

NB: Please note that you are asked to provide permission to disclose your complaint in the complaint form. Without this permission we cannot proceed with your complaint.

- An Investigating Officer will then conduct a thorough investigation of your complaint and will keep you updated throughout. The investigation may take several months, depending on its complexity.
- The Officer will then report to the Ombudsman, who will decide the outcome of your complaint. The Ombudsman will set out his decision in a report which he must, by law³, send in draft to the Lord Chancellor and Lord Chief Justice for their comments.
- When the Lord Chancellor and the Lord Chief Justice's response is received, the Ombudsman will finalise his report and send you a copy. The report will also be sent to the Lord Chancellor and the Lord Chief Justice.

³ The Constitutional Reform Act 2005 requires the Ombudsman to provide a draft of his report to the Lord Chancellor and the Lord Chief Justice.

5. What action can the Ombudsman take if he finds that something has gone wrong with the handling of your original complaint?

The Ombudsman can:

- set aside a decision made by the Office for Judicial Complaints, Tribunal President or Magistrates' Advisory Committee and direct that they look at a complaint again;
- recommend that an investigation or determination should be reviewed by a Review Body;
- ask the Office for Judicial Complaints, Tribunal President or Magistrates' Advisory Committee to write to you and apologise for what went wrong;
- recommend that changes are made in the way the Office for Judicial Complaints, Tribunal Presidents or Magistrates' Advisory Committees work in future to prevent the same thing happening again; and/or
- suggest payment of compensation for a loss which appears to the Ombudsman to have been suffered as a direct result of the mishandling of your complaint.

The Ombudsman cannot:

- reprimand a judicial office holder;
- re-open a case;
- remove a judicial office holder from office; or
- enforce payment of compensation.

6. Questions and answers

Before completing your complaint form you should be aware that there are some things that the Ombudsman cannot investigate because he does not have the legal power to do so.

Q What sort of complaints can the Ombudsman look at?

A The Ombudsman can look at whether the Office for Judicial Complaints, Tribunal President or Magistrates' Advisory Committee has failed to handle your complaint to them properly. The Ombudsman will need you to give a clear explanation of what the body you are complaining about did wrong.

Q The Office for Judicial Complaints, Tribunal President, or Magistrates' Advisory Committee took too long to investigate my complaint. Is this something the Ombudsman can look at?

A Yes. The Ombudsman can look at complaints about delay by the Office for Judicial Complaints, Tribunal President, or Magistrates' Advisory Committee.

Q The Office for Judicial Complaints, Tribunal President or Magistrates' Advisory Committee dismissed my complaint because they said it related to judicial decision-making. Can the Ombudsman look at this?

A Yes. The Ombudsman can look at whether the Office for Judicial Complaints, Tribunal President or Magistrates' Advisory Committee followed the correct *procedures* in reaching their decision to dismiss your complaint. However, he cannot comment on whether their decision was correct or not.

Q Can the Ombudsman re-investigate my complaint about a judge's behaviour?

A No. The Ombudsman has no legal power to investigate complaints about the personal conduct of judges. This is the role of the Office for Judicial Complaints, Tribunal President or Magistrates' Advisory Committee. He can only consider whether the Office for Judicial Complaints, Tribunal President or Magistrates' Advisory Committee handled your complaint to them correctly.

Q Can the Ombudsman review the decision that the judge made in my court case?

A No. The Ombudsman has no legal power to review a judge's decision.

Q I have not yet received a decision from the Office for Judicial Complaints, Tribunal President or Magistrates' Advisory Committee. Can I still complain to the Ombudsman?

A No. The complaint you raised with the Office for Judicial Complaints, Tribunal President or Magistrates' Advisory Committee must have been finalised before you complain to the Ombudsman. The only exception to this is if you wish to complain to the Ombudsman that your original complaint is taking too long to resolve.

Q I received a final letter from the Office for Judicial Complaints, Tribunal President or Magistrates' Advisory Committee two weeks ago. How long do I have before I must put my complaint to the Ombudsman?

A The Ombudsman will not normally investigate a complaint made more than 28 days after the date you have been notified that the body you wish to complain about has *finished* dealing with your complaint. Exceptionally, he may investigate a complaint made outside this time if he considers it appropriate to do so. This is entirely at his discretion and you will need to give reasons why you believe this is the case.

Q Are there other matters that the Ombudsman cannot look at?

A Yes. The Ombudsman has no legal power to look at complaints about:

- court staff (see www.hmcourts-service.gov.uk for court information and addresses);
- a barrister (please contact www.barcouncil.org.uk);
- a solicitor (please contact www.lawsociety.org.uk);
- the police (please contact www.ipcc.gov.uk);
- any alleged criminal activity including corruption, for example, taking bribes (please visit your local police station).



7. Contacting us

- Once you have read this booklet if you have any questions about what the Ombudsman is able to do, please contact us (see the back cover of this leaflet for details).
- To submit your complaint to the Ombudsman you must complete the Ombudsman's complaint form attached to the back of this booklet.
- Please summarise your complaint on the complaint form. You may provide us with supporting documents if the space provided is not enough.
- If you have access to the internet you can visit our website and complete the complaint form online. More information about our services can also be found on our website:
www.judicialombudsman.gov.uk
- If you have a disability, if English is not your first language, or if you need advice on how to complete the complaint form, please contact us to find out how we can help you.

8. Useful information

If you wish to complain about the personal conduct of a judge, you can write to the **Office for Judicial Complaints** which handles complaints about the personal conduct of the court judiciary.

If you wish to complain about the personal conduct of a tribunal member, you can write to the **President of the relevant Tribunal**. Tribunal Presidents handle complaints about members of their Tribunal. Please contact the Tribunal where your case was held for details.

If you wish to complain about the personal conduct of a magistrate, you can write to the **Magistrates' Advisory Committee** for the area in which the magistrate sits. Please contact the magistrates court where your case was held for details.

9. Final Checklist

Please make sure you have read *all* the information in this booklet before deciding whether to complete the complaint form.

- 1 Have you complained to the Office for Judicial Complaints, a Tribunal President or a Magistrates' Advisory Committee?
Yes No (See pages 4 and 6)
- 2 Is your complaint with one of the above finished?
Yes No (See page 4)
- 3 Are you unhappy with how your complaint to one of the above bodies was handled?
Yes No (See page 6)
- 4 Are you happy to give the Ombudsman consent for disclosure of your complaint?
Yes No (See page 8)

(Only if you have answered 'Yes' to all these questions are you ready to complete the Ombudsman's complaint form attached to this booklet).



For further information, please contact us at:


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f 020 3334 2913

e headoffice@jaco.gsi.gov.uk

www.judicialombudsman.gov.uk

A close-up, right-side profile of a woman with blonde hair. She is wearing a dark top and a black earring with a red bead and a rose-shaped pendant. The background is a soft, out-of-focus light blue and white.