

Office for Judicial Complaints



2010-2011 Business Plan

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The Role of the Office for Judicial Complaints

The OJC is an associated office of the Ministry of Justice (MoJ). Its status, governance and operational objectives are set out in a Memorandum of Understanding between the OJC, the MoJ and the Directorate of the Judicial Offices of England and Wales and OJC reports jointly to the Lord Chancellor and Lord Chief Justice. The OJC deals with complaints about the personal conduct or behaviour of a judicial office-holder, in accordance with the Judicial Discipline (Prescribed Procedures) Regulations (as amended) 2006, referred to as "the Regulations".

The work of the Office for Judicial Complaints (OJC) enhances public confidence in our system of justice by providing a way for members of the public to have their concerns about the personal conduct of members of the judiciary investigated and if appropriate addressed by remedial action or disciplinary sanction. The Office for Judicial Complaint's role is to provide a professional and independent service to support the Lord Chancellor and Lord Chief Justice and our aim is to ensure that any judicial discipline matters are handled impartially, consistently and promptly.

This is the fifth business plan since the OJC was established in 2006. Most complaints are received directly from members of the public who have come into contact with our justice system. Service improvements resulting from last year's business plan include our new ability to receive complaints forms completed on-line through our website at www.judicialcomplaints.gov.uk, together with a better ability to understand who is using our service through diversity monitoring forms.

We have analysed responses from a survey of complainants in order to focus our business plan on the needs of those who use OJC. Litigants in person are sometimes confused by the court processes encountered and may not have understood the legal process. Their complaint may relate to a different part of the justice system. In these cases OJC will explain or redirect the complainant to the relevant organisation. Many complainants are seeking to overturn a judicial decision that did not go in their favour. OJC deals with judicial conduct not judicial decisions or case management by the judiciary and in these cases will inform the complainant that appeal is the only remedy.

Where a disciplinary sanction is appropriate this may range from formal advice from the Lord Chief Justice about appropriate judicial behaviour, often combined with re training, to removal from office by the Lord Chancellor.

We are proud to be part of a judicial system which is recognised world wide for its integrity and on request we exchange information about our judicial complaints handling procedures with countries across the world.

The focus of this business plan is to improve the timeliness of our complaints handling procedures; to improve court user (particularly litigants in person) and judicial office holder knowledge about the role of OJC; to be better at helping complainants who have difficulty expressing their complaint in writing; together with Judicial Office to consider the information available to magistrates' Advisory Committees, Bench Chairmen and Tribunals about complaints handling, and to provide guidance to improve quality and consistency of complaints handling.

OJC's contribution to the Ministry of Justice's Objectives

The Office for Judicial Complaint's role, reporting jointly to the Lord Chief Justice, as Head of the judiciary, and the Lord Chancellor, who is Secretary of State for Justice, provides aggrieved members of the public with a route through which they can challenge any judicial misconduct and therefore be more confident in the accountability of our judicial systems. This directly contributes to the Ministry Of Justice's overriding aim:

Creating a safe, just, and democratic society.

In order to achieve the independence necessary to investigate judicial complaints, OJC is an Associated Office of the MOJ currently sponsored by the "Access to Justice Group".

The Ministry of Justice has 4 Departmental Strategic Objectives (DSO) designed to take forward the overriding aim and OJC's role contributes to 3 of these namely:

DSO 1: "*Strengthening democracy, rights and responsibilities*" – The independent judiciary is a key part of our democracy concerned with fair and impartial dispute resolution for the public. The regulations which govern the investigative processes of the OJC provide the public with the means to hold the independent judiciary to account for their conduct. The judicial office holder is protected from false allegations, as the process includes a hearing by a Review Body if the findings following investigation are disputed.

DSO 2: "*Delivering fair and simple routes to civil and family justice*" – Court processes and case management in civil and family courts are conducted by the judge and must be seen to be fair and non-discriminatory. If a party before the court can show that the judge has been biased, discriminatory or has been rude, this behaviour can be challenged and investigated by OJC with disciplinary recommendations made jointly to the Lord Chief Justice and Lord Chancellor if misconduct is upheld.

And DSO 4 "*A more effective, transparent and responsive criminal justice system for victims and the public.*" – Similarly not only parties are provided with a remedy for judicial misconduct. Anyone can make a complaint about a judicial office-holder including victims or even an interested observer. Misconduct can include behaviour likely to bring the judiciary into disrepute whether inside or outside the courtroom.

The OJC also contributes to the MoJ's Performance, Efficiency and Transforming Justice Programmes.



OJC's Memorandum of Understanding

As an associated office of the MoJ, the OJC has a Memorandum of Understanding (MoU) outlining its relationship with the MoJ and the Directorate of Judicial Offices for England and Wales (DJO), the roles and responsibilities of each, as well as the OJC's operational objectives.

The MoU is reviewed every 3 years. The next review is due to take place during 2010 and any changes may require amendment to our Business Plan, for example as indicated under item 10 below.

Operational objectives of the OJC as currently set out in Annex A of the current Memorandum of Understanding - subject to review in 2010 (cross-referenced with the corresponding Business Objectives)

1. To handle complaints about the conduct of judicial office holders and other discipline issues,
 - a. in accordance with the procedures prescribed under Regulations,
 - b. with recognition and respect for the principles of judicial independence,
 - c. to the satisfaction of the Lord Chancellor and the Lord Chief Justice, and
 - d. in such a way as addresses the diverse needs of all its customers.

(Business Objectives 1 & 4)
2. To provide an open, transparent and accessible service to those who wish to make a complaint about the personal conduct of judicial office holders. Where the OJC itself is unable, under the Regulations, to deal with a complaint, it will seek to direct the complainant to an organisation which can help them.

(Business Objectives 1, 3, 4 & 5)
3. To provide an expeditious service to judicial office holders who are the subject of a complaint or disciplinary procedures.

(Business Objective 1)
4. To provide professional support to Nominated Judges, Investigating Judges and review bodies and advice and support to Tribunal Presidents and Advisory Committees, and to co-operate constructively with the Judicial Appointments and Conduct Ombudsman.

(Business Objectives 1 & 3)
5. To maintain effective business relationships with other stakeholders including the wider judiciary, professional legal bodies, and the general public.

(Business Objectives 3 & 5)
6. To seek continually to improve the efficiency of processes for dealing with complaints, and to advise the Lord Chancellor and the Lord Chief Justice on responses to reports from the Judicial Appointments and Conduct Ombudsman or where a revision of the Regulations or Rules is proposed.

(Business Objectives 1, 2, 3, 4 & 5)
7. To enhance consistency in handling, nationally and locally, of complaints and conduct and disciplinary matters.

(Business Objectives 3, 4 & 5)
8. To work with other offices which handle complaints about aspects of the justice system to streamline its service to the customer.

(Business Objectives 3 & 5)
9. To promote better understanding of the remit of the OJC among court and tribunal users and the wider public.

(Business Objective 3)
10. To attain recognition from consumer representative bodies of the standard of service it provides to the customer, and to achieve Charter Mark status. (*Charter Mark has now been replaced by Customer Service Excellence Standard. Whilst OJC takes note of and works towards these standards it is not at present intending to apply for accreditation*)

(Business Objectives 3 & 4)



Our Values

We aim to provide a professional and independent service that is able to support the Lord Chancellor and Lord Chief Justice in the effective and fair handling of complaints against judicial office holders by well motivated and skilled staff.

To achieve our aim we will:

- Provide a timely, consistent, transparent and informative service to all of our users.
- Continually improve our service by ensuring all our staff have the required knowledge and skills to perform their jobs effectively.
- Ensure that all complaints and conduct matters are dealt with in accordance with the timescales and procedures laid down in the regulations.
- Provide an excellent support service to investigating Judges involved in the consideration of complaints and conduct matters.
- Facilitate the functions of the Review Bodies, providing support to all Review Body members and the people that they are dealing with.
- Seek feedback from our users at appropriate times in order to develop and improve our service.
- Ensure that all information held either on paper or electronically is kept safe and secure in compliance with MoJ information assurance policy.

Key People we interact with

Whilst we interact with a diverse range of organisations and people the following are particularly important;

Members of the public who use our service

Judicial Office Holders

The Lord Chancellor

The Lord Chief Justice

Members of staff working in Courts and Tribunals

The Judicial Appointments and Conduct Ombudsman (JACO)

OJC's Group of Critical Friends who advise us on changes

Nominated Judges and Investigating Judges

Independent Review Body members

Access to Justice Sponsorship Group

In addition we have established contacts with similar organisations in a number of other countries, with a view to sharing knowledge and experiences.



Budget & Staff Resources

In order for OJC to take forward the planned business objectives for 2010-11, MOJ has provisionally indicated that this associated office will receive a budget of £980,000.

The majority of this expenditure is for staff resources. In addition to the Head of OJC, there are 17 staff consisting of 12 caseworkers and senior caseworkers, a business team of 3 who also support Review Body hearings and liaise with the Judicial Appointments and Complaints Ombudsman and 2 administrative support officers.

As an indicator of workload, during the financial year 2008-9, OJC received 1,339 complaints about judicial office holders and Review Bodies were convened in 16 cases.

Risk Management

The effective identification and management of risk is an important aspect of OJC's business. The OJC's risk log was comprehensively reassessed and revised in 2009. OJC's risks are monitored and remedial plans and action put in place and adjusted as required by the Senior Management Team on a monthly basis.

We use our risk recording and management system to inform our business decisions and support better decision-making through a good understanding of the risks that confront the OJC and their likely impact.

Office for Judicial Complaints Business Objectives 2010-11

Business Objective 1: To meet KPI's demonstrating a timely, consistent, transparent and informative service for all users.

	Objective	Delivery / Milestone	Resources
BO 1 & KPI 1.1	<p>Key Performance Indicators - meet or exceed the targets agreed.</p> <p>Monitored through internal quarterly reports prepared by OJC and published externally in OJC's Annual Report with appropriate information reported on OJC's website.</p>	<ul style="list-style-type: none"> The following <i>targets</i> are to be met for dealing with complaints (stages of complaint as set in the Regulations): 95% of complaints acknowledged within 2 working days of receipt 85% of initial responses provided to complainants within 15 working days of receipt 85% of complainants are provided with a monthly update on the progress of their complaint Case papers to be provided to the Judicial Appointments and Conduct Ombudsman within 5 working days of a request being received Review Body papers to be prepared and securely despatched to panel members a minimum of 5 working days before the date of the first meeting. 	18 OJC staff
1.2	Internal Benchmarks & Targets	<p><i>Internal MOJ MC target</i> from Nov 09:</p> <ul style="list-style-type: none"> Ministerial correspondence to be prepared within 10 working days of receipt by the OJC (reported internally in quarterly reports only) <p><i>Aspirational Benchmark - To monitor the percentage of cases completed in 90 days aiming to complete as many as possible within this timeframe.</i></p> <ul style="list-style-type: none"> The OJC aims to deal with all complaints within 3 months (90 working days). It is important to note however that circumstances outside the control of OJC make the 90 day target impossible to achieve in a variable percentage of serious cases; for example where a judicial investigation is required; where there are linked criminal or professional body hearings; or where a Review Panel is requested by the complainant, LC or LCJ. 	18 OJC staff
1.3	Identify process pressure points, taking remedial action where possible which avoid unnecessary delay.	<ul style="list-style-type: none"> Prepare new process maps using LEAN to identify efficient ways of working (by June 2010) Evaluate the results and recommend improvements (by July 2010) Prepare an implementation plan to introduce changes. (by August 2010) Improve processes in response to any adverse findings from the Judicial Appointments and Conduct Ombudsman (ongoing) 	1.3

Business Objective 2: To conduct our business with propriety in accordance with MOJ's policies, in particular to ensure appropriate information assurance and use of public money.

	Objective	Delivery / Milestone	Resources
BO2 2.1	<p>To ensure that all personal information received by or under our control is kept in a secure and safe environment and disposed of safely in accordance with retention policies.</p> <p>Monitor through quarterly reports on Information Assurance</p>	<ul style="list-style-type: none"> Producing information asset registers that identify all information assets and assign an appropriate information asset owner for each; Assessing risks to the availability, integrity and confidentiality of information assets at least quarterly; Reducing information risks to an acceptable level and reporting the status of protective controls and residual risks to information; Ensuring protective controls conform to the standards and codes of practice embodied in the BS ISO/IEC 27000 series, which provides an internationally recognised code of practice for information security management, and the Manual of Protective Security. Provide all members of staff with the awareness they need to discharge their IA responsibilities effectively 	
2.2	<p>To demonstrate value for money in OJC's use of public money.</p> <p>Monitor through monthly budget returns</p>	<ul style="list-style-type: none"> To meet MOJ's performance efficiency programme by absorbing inflation and incremental salary increases within agreed budget. Develop the existing unit costs tool to assist in improving vfm decision making. 	Overall budget £980,000
2.3	Staff sick absence not to exceed the MoJ target	<ul style="list-style-type: none"> To achieve a target of no more than 7.5 days sick absence per annum per member of staff. 	

Business Objective 3: To further promote awareness and understanding of the role and responsibilities of the OJC.

	Objective	Delivery / Milestone	Resources
BO3 3.1	To devise and implement a publicity campaign to improve court user (particularly litigants in person) and judicial office holder knowledge about the role of OJC. Monitor achievement against outreach plan milestones	<ul style="list-style-type: none"> To draft an outreach plan with milestones (by end May 2010). <p>(This will include consideration of website and leaflet content, particularly focussing on the needs of litigants in person, and liaison with HMCS and the Tribunals Service about how information about OJC can be made available at courts and hearing centres)</p> <ul style="list-style-type: none"> To implement the outreach plan in accordance with milestones (by March 2011). 	Critical friends group and OJC business team. £4,000 for publicity materials. 20 days of staff time
3.2	To consider the training and information available to magistrates' Advisory Committees, Bench Chairmen and Tribunals about complaints handling, and review the interface with OJC's processes, and to provide guidance to improve quality and consistency of complaints handling.	<ul style="list-style-type: none"> To consider the available information and review the interface with OJC processes (by July 2010.) To provide telephone advice to Advisory Committees and Tribunals. To identify any training gaps and to participate in Bench Chair or other training if requested to do so. To ensure website is clear, with flowcharts about relevant procedures and issue guidance about the correct version of regulations and rules applicable. (by December 2010). 	Head of OJC and SMT time. 30 days
3.3	Improve understanding of the profile of complainants	<ul style="list-style-type: none"> Monitor public use of the OJC website and new on-line complaints capability and implement any actions required to improve accessibility. Analyse diversity information received from our on-line monitoring form (quarterly monitoring) and introduce similar monitoring ethnicity information for written complainants (by October 2010). 	6 days of staff time.
3.4	The existing MOU is dated April 2007. A revised MOU to be prepared by A2J in 2010	<ul style="list-style-type: none"> Engage with sponsorship unit in their review and 3 yearly redraft of the Memorandum of Understanding. 	6 days Head of OJC and SMT time
3.5	Review the effectiveness of the regulations (last revised 2008) and make any proposals for change to LC and LCJ.	<ul style="list-style-type: none"> Review the effectiveness of the Review Body process including the new procedure for Nominated Judge (NJ) review prior to a Review Panel, and disclosure of NJ reports. 	6 days Head of OJC and SMT time

Business Objective 4: Ensure staff are adequately trained to deal appropriately with complainants.

	Objective	Delivery / Milestone	Resources
BO4 4.1	Train staff and implement processes to help complainants who are unable to use written procedures.	<ul style="list-style-type: none"> • Risk assessment of process for face to face complaint handling at 102 Petty France. • Train staff in use of Minicom and in face to face or telephone assistance for complainants unable to use written procedures unaided. 	3 days of official's time. £2,500 from training budget
4.2	Improve staff handling of aggressive complainants	<ul style="list-style-type: none"> • Introduce a process for recording some complaints for training purposes. • Monitor instances of abusive calls. • Provide staff training on appropriate ways to deal with aggressive complainants. 	Overall 1 day training each for 18 staff. £2,500 from training budget
4.3	Improve the clarity of written communication from OJC	<ul style="list-style-type: none"> • Review all standard letter response paragraphs for clarity. • Train staff in clear written communication and identifying complaint points. • Seek views from the Lord Chief Justice, Lord Chancellor and JACO about preferred style for letter drafting. • Monitor corrections made to submitted drafts by LC and LCJ. 	SMT resource 10 days. £2,500 from training budget
4.4	Further training of OJC caseworkers to handle a wider range of complaint types thereby increasing flexibility and efficiency.	<ul style="list-style-type: none"> • Specific training sessions and individual mentoring arrangements agreed by end April 2010. • Further training as required during year. 	SMT and Senior Caseworker resource 40 days

Business Objective 5: Analyse complaints in order to identify any training needs or procedural gaps capable of resolution by MoJ or Judicial Office.

	Objective	Delivery / Milestone	Resources
5.1	To clarify when a pastoral rather than complaints handling process is required and review processes for removal of a judicial office holder for incapacity	<ul style="list-style-type: none"> Discussions with judicial office in order to reach a joint understanding of relative roles and identify whether there is a need for any rule or regulatory changes. (By October 2010) 	15 days of official's time.
5.2	To explore opportunities for cross Access to Justice Group and Judicial Office working	<ul style="list-style-type: none"> Analysis of categories of complaint to identify themes capable of remedial actions. Cross cutting discussions with Judicial Office and MoJ to ensure resources are used to best effect and gaps remedied. 	