



OJC
Office for
Judicial
Complaints

Office for Judicial Complaints Annual Report 2009-10

Office for Judicial Complaints

Annual Report 2009-10

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OVERVIEW FROM SHERIDAN GREENLAND



I AM PLEASED TO PRESENT MY FIRST ANNUAL REPORT AS HEAD OF THE OFFICE FOR JUDICIAL COMPLAINTS (OJC).

During 2009/2010, the OJC received a total of 1,571 complaints, an increase of 18% on the 1,339 received during 2008/2009 and the highest number since OJC was established on 1st April 2006. Despite this increase, and with no additional resources, performance including timeliness has improved. Our Risk Register and mitigating strategies have been completely revised. We have closed more cases than were received reducing the time taken to complete investigations and resolving some of the longest running cases. Since the beginning of 2010, the backlog of unallocated cases no longer exists and we have exceeded all our key performance indicators, which means complaints are resolved much faster. All this was achieved despite the absence of a Head of organisation for a number of months, disruption of an office move to a new building, subsequent IT difficulties and two staff on long term sick absence. My thanks go to all staff who worked hard to overcome these difficulties and focus on improving service. Pennie Turrell, who led the senior caseworker team, took early retirement at the end of March 2010 after a career spanning 32 years in the civil service. Her successor is Sarah Hughes.

A key tool used to make these improvements is continuously evaluating everything we do using "LEAN*" principles. All staff are encouraged to look at what they do and think about whether it still needs to be done, whether it duplicates other actions, and, if it is required, how it could be performed more efficiently. This has proved to be very empowering and motivating and led to changes that have improved efficiency. One example is recording cases straight onto our case management system at the time post is opened, rather than putting information into manual logs. Cases are therefore allocated more quickly and complainants know the name of the caseworker within 2 days of receipt of the complaint. We have introduced an on line complaints form, which can be accessed through our website. For those who cannot use this fast way to contact us, we can also receive complaints by email, post, or fax to our new location in the 10th Floor Tower of 102 Petty France.

There are 3,600 members of the full and part time judiciary, approximately 29,000 Magistrates and 7,000 Tribunal members. The 87 occasions during the year, where misconduct required a disciplinary sanction of any kind, are in proportion very low. 28 judicial office holders were removed from office, 25 of these were magistrates.

Many complainants contacted OJC because they disagreed with a judge's decision or they thought the judge had made a legal error. OJC could not help them as these are not examples of judicial misconduct. Judicial decisions can only be overturned through an appeal, not a misconduct complaint. OJC has been proactive in trying to improve judicial understanding of the role of OJC and presentations have been made to the Bench Chairman Forum and the Conduct and Discipline Standing Sub Committee of the Judges' Council about the work of OJC.

Complainants are now receiving much faster responses to their complaints. In 77% of cases complainants were informed of the outcome of their complaint within 90 working days of the complaint being received. 96% of all complaints and correspondence were acknowledged within 2 working days of receipt. One of the most challenging targets was that requiring OJC to update complainants and judicial office holder at 28 day intervals. At the beginning of the year this was met in only 76% of cases. By February 2010 performance had improved to 87%, exceeding the 85% target. This is due to proactive case management, which leads to complaints being resolved more quickly, creating a virtual circle whereby less updates are required and managers and caseworkers are focussed on ensuring timely information is sent.

When I took up my appointment at the end of August 2009, it was apparent that the information I was receiving from judicial office holders about delayed outcomes to investigations, did not match the information I was receiving from the caseworker teams. A review was therefore conducted of all cases shown as outstanding on the case management system against the files being worked on by staff. This fundamental review identified a number of instances where cases had not been proactively investigated by caseworkers and instances where complaints had not been properly recorded on the case management system. All cases are now properly recorded on the case management system. This enables managers to use the management information it can produce to oversee the timeliness of caseworker actions. Remedial action has been taken to move cases forward where they had been ineffectually case managed. As many of these cases related to Tribunals, reports on these cases have been given to the Senior Tribunals President.

During the review, all recommendations made by the Judicial Appointments and Conduct Ombudsman were revisited to ensure that remedial action taken in response to any adverse findings had been effective. At the end of the reporting year 302 complaint cases were under investigation by OJC caseworkers. Performance statistics can be found at **ANNEX A**.

Looking to the future, OJC has published its Business Plan for 2010-11, which is available to view or download from our website www.judicialcomplaints.gov.uk. We are focussing on achieving greater efficiency and speed by continuing to review processes using “LEAN” techniques, including:

- greater use of electronic files;
- reviewing the clarity of language and content of our responses to complainants and in our press notices; and
- ensuring that our website and leaflets clearly explain our role and that we engage other organisations, where relevant, to improve the justice system.

* A book was written in 1990s (Lean Thinking by James Womack and Daniel Jones) describing the practice and management of Toyota, a car manufacturer of superior performance.

These practices were categorised as ‘Lean’ and the term has subsequently been used to describe the methods and practices they applied to their organisation.

Lean seeks to embed a change in thinking that creates a culture where staff question how well things are working and whether they could do anything to improve ways of working. It is focussed on what customer’s value and introduces a culture of continuous improvement that has the potential to bring lasting and effective change.

OUR STATUTORY ROLE

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.

The OJC aims to provide a professional and independent service that is able to support the Lord Chancellor and Lord Chief Justice in their joint responsibility to maintain public confidence in the judiciary and ensuring that any judicial discipline matters are handled impartially, consistently and promptly.

Following the implementation of the Constitutional Reform Act 2005, the OJC became the sole regulatory body responsible for the investigation of matters of personal conduct and behaviour relating to judicial office holders. Prior to the OJC, members of the public would write to the Lord Chancellor or to the Judicial Correspondence Unit but there was no established process for dealing with misconduct complaints.

The OJC deals with complaints about the personal conduct or behaviour of judicial office holders, in accordance with the Judicial Discipline (Prescribed Procedures) Regulations 2006 (as amended), referred to as “the Regulations” for the remainder of this report. During 2008, amendments were made to the Regulations and a consolidated version can now be viewed on our website.

Examples of possible personal misconduct might be the use of insulting, racist or sexist language in court, or inappropriate behaviour outside the court such as a judge using their judicial title for personal advantage or preferential treatment.

The OJC still receives a large number of complaints which are not about misconduct but relate to the judicial decisions or judicial case management functions of judicial office holders. These are matters that can only be overturned by way of an appeal. The OJC tries to inform complainants, at the earliest possible opportunity, that these matters cannot be investigated because the Regulations stipulate that OJC must dismiss complaints which relate to judicial decisions. The investigation and dismissal of complaints under these categories is normally completed within 15 days. OJC is trying to improve the public’s understanding of our role in conduct investigation, to avoid the frustration of complaint dismissal in these circumstances. 630 cases (42%) were dismissed in this category in 2009-10.

Financial information about OJC and our organisational chart can be found at **ANNEX B**.

ENQUIRIES DIRECTED TO THE OJC

Apart from judicial complaints, OJC receives a number of enquiries from the public, often precipitated by press reports of judicial decisions or actions. An enquiry is defined as any written request for information or referral made to the office which does not constitute a complaint, but requires a written response from the OJC.

During 2009/2010, the OJC received 813 enquires, which represents a 13% increase on the 720 enquiries received during 2008/2009. High profile cases in the national press will often lead to a flurry of enquiries which affect figures from year to year.

In addition to recorded enquiries we also respond to a significant number of requests for information from the Judicial Appointments Commission and the Directorate of Judicial Offices for England and Wales. These requests are normally for confirmation of information given to them by potential or existing judicial office holders in circumstances relating to pending appointments.

THE JUDICIAL COMPLAINTS PROCESS

In January 2010, OJC introduced an online complaints form as part of service improvements for complainants. The form is accessed through our website. At present an average of 25 complainants a month are using this method to reach us, and they are voluntarily completing diversity information forms online, which is giving the OJC additional information to inform service improvement. Complainants, who submit the online form, receive an immediate acknowledgement of receipt of their application. It is envisaged that the number of complaints submitted this way will grow during 2010-11 and the diversity information will help us to further improve our services.

One advantage to the online form is that it features “drop down” electronic boxes which help the complainant to give OJC all the information we need to investigate the complaint. This method is cheaper and faster for both the complainant and the public purse.

Complaints can also be made by email, post or fax. A printable version of the OJC’s complaint form can be downloaded from the OJC web site: www.judicialcomplaints.gov.uk. Our Regulations do not require any particular format, so long as the key information is included.

The key information needed to investigate a complaint is:

- The complainant’s name, address, and telephone number;
- The name of the Judicial Office Holder, court, case number and date of the hearing;
- Specific details about what judicial misconduct is said to have occurred and wherever possible, specific instances or evidence to support the complaint.

If, due to incapacity, the complainant is unable to send in a written complaint, the OJC will try to assist by recording and transcribing the complaint.

Complainants are requested to make any complaint as soon as possible after the alleged incident. This makes it easier for the complainant, judge, or any third parties, to remember what happened. The time limit for submitting a complaint is 12 months after the conclusion of the proceedings in which the issue arose. As some cases go on for several years this may mean that a complaint is made a considerable time after the actual event. There is, however, discretion for OJC to investigate complaints made outside of one year. Where this will involve asking a judicial office holder or third parties to recall events after a long period of time, it is normal to obtain the views of the Lord Chancellor or the Lord Chief Justice on whether the time limit should be extended.

In the past consideration of complaints, where proceedings are still ongoing, until all hearings in the case had concluded. This was to avoid any possibility of interference with court proceedings. Experience has shown that investigating promptly does not usually endanger judicial process and people are more able to recall events which are fresh in their mind. During this year there has been a change in policy, and complaints will normally be investigated even if the case is ongoing.

WHAT HAPPENS WHEN OJC RECEIVES A COMPLAINT ABOUT A JUDGE’S PERSONAL CONDUCT?

The complaint should be acknowledged within two working days. Online applications receive an almost instant acknowledgement. A named caseworker is allocated to the case, who writes to the complainant within 15 working days.

If the complaint is not about judicial decisions and case management, but for some other reason has to be dismissed, for example if the complaint is about a solicitor not the judge, the letter will explain why OJC cannot help. Where appropriate, the letter will also provide information about other organisations that might be able to help.

If the complaint refers to potential judicial misconduct, we write to the complainant summarising what we think the issues are, and how we intend to take the complaint further. Sometimes we will ask for further details to help us decide whether we can investigate. OJC caseworkers cannot investigate criminal offences. If the complainant alleges that a criminal offence has been committed by a judge, the OJC advise the complainant to inform the police as only they can decide whether to investigate. A criminal conviction, following a police or other prosecuting body’s investigation, would then be a matter of personal misconduct. At this stage the OJC would be able to refer to the Lord Chief Justice and Lord Chancellor for a decision about whether a disciplinary sanction is required.

If the complaint requires further investigation, or appears to be a matter requiring a disciplinary sanction, we will send the judge a copy of the complaint and ask for his or her comments. We may ask the complainant, or others who may have witnessed the incident, for further evidence. We may also listen to any audio recording of the hearing.

In some cases it may be necessary to ask a senior judge to carry out an investigation into what has happened (appointment of an Investigating Judge) or to consult a senior judge for their view about whether the behaviour complained of is appropriate (referral to a Nominated Judge). Investigating Judges and Nominated Judges are appointed by the Lord Chief Justice with the agreement of the Lord Chancellor. They carry out this role in addition to their day to day judicial role. If they find the complaint is justified, a report will be sent jointly to the Lord Chief Justice and Lord Chancellor.

The caseworker should send written updates about the progress of a complaint every four weeks to all relevant parties. OJC aims to complete investigations within 90 days. However, it can sometimes take longer if a complex judicial investigation or Review Body is required.

If the Lord Chancellor and the Lord Chief Justice uphold a complaint, they will consider what disciplinary action, if any, is appropriate. The Lord Chancellor and the Lord Chief Justice have the power to advise, warn, reprimand or remove a judge for misconduct. In some cases the Lord Chief Justice may decide that a formal disciplinary sanction is not required, and issue informal advice or require further training to be undertaken.

The Lord Chancellor and Lord Chief Justice will not normally pay compensation for losses arising from actions by judges. There is no statutory right to compensation for loss caused by judicial actions. They may consider making an ex-gratia payment, but only in the most exceptional cases.

Where the Lord Chancellor and the Lord Chief Justice decide to take formal disciplinary action, the judicial office holder has a right to request that his or her case be referred to a 'Review Body'. Each Review Body consists of four members, two judicial office holders and two non-judicial members (lay people) chosen from a panel appointed for this purpose. The Lord Chancellor and the Lord Chief Justice must accept any findings of fact made by the Review Body. They cannot impose a disciplinary sanction on a judicial office holder that is more severe than that recommended by the Review Body.

PRESS STATEMENTS

Any press release relating to a complaint handled by OJC can be found on our website. These broadly fall into two categories – a brief outline of the circumstances where judicial office holders have been removed from office, or a media statement authorised by the Lord Chancellor and Lord Chief Justice on a high profile case. Section 139 of the Constitutional Reform Act outlines the confidentiality provisions that apply to judicial disciplinary proceedings. Whilst appreciating that these cases involve personal data, the Lord Chief Justice and Lord Chancellor wish to be as open as possible about the disciplinary process, as this contributes to confidence in the way the judiciary operates. This annual report is part of the policy of openness.

LESSONS LEARNED AND INFORMATION SHARING

In order to learn from complaints made, and try to avoid misconduct or other causes for complaint from occurring in future, OJC staff attempt to identify themes and issues, where a different approach or remedial action might avoid future complaints. If a training issue arises, for example, this would be referred to the Judicial Studies Board (JSB), to enable them to consider whether it should be addressed within judicial training events or materials. Our leaflets are being revised to provide a better explanation of the types of misconduct we can deal with. Early analysis of a complaint may indicate an ill health or incapacity issue rather than misconduct and a medical referral may be taken forward by the Judicial Office. The Head of OJC contributes to discussion within Judicial Office's HR Forum, not to discuss individual cases, but to make system wide proposals for change where this may lead to improvement. She has also attended a number of judicial representative associations to discuss the disciplinary complaints process and ideas for improvement, particularly how to avoid delays.

Policy changes have resulted from OJC attendance at such meetings, for example, the change in our deferral policy. Discussions have been held with:

- the JSB about potential training topics;
- with HMCS Court Improvement Directorate about confidential ways to verify the name of judicial office holders in individual complaint cases;
- the Judicial Appointments Commission, Judicial Office, Bar Standards Board and Conduct Committee, Solicitors Complaints Organisation and other regulatory authorities to agree the appropriate exchange of information in order to maintain confidence in the integrity of the judiciary.

PROFILE OF COMPLAINTS

The OJC deals with complaints about the personal conduct of judges and other types of judicial office holder. Examples of possible personal misconduct might be use of insulting, racist or sexist language in court, or inappropriate behaviour outside the court such as a judge using their judicial title for personal advantage or to obtain preferential treatment. As can be seen below 27% of complaints relate to allegations of inappropriate behaviour or comments and 5% allege discrimination.

OJC cannot help if the complaint is made because the complainant disagrees with a judge's decision or case management directions, or if the complainant thinks a judge has made a legal error. 924 complaints (59%) received were about judicial decisions made by a judicial office holder. Unless there are elements of misconduct included in the complaint, these issues can only be challenged through an appeal process. 42% were dismissed for this reason. We continue to try to increase public awareness of our role, by providing comprehensive information on our web site and in our leaflets. Although we have sought to clearly set out that OJC can only investigate complaints about personal conduct, there will always be people who are so upset by the decision made in their case that they will raise their concerns with us to try and overturn a judicial decision.

Occasionally a judicial office holder will appear before the courts, either criminal or civil, or before a professional disciplinary body. Unless the issue is very minor, (for example a minor road traffic violation where total points on the license remain under six) the judicial office holder is expected to report the issue to OJC. A decision will then be taken by the Lord Chancellor and Lord Chief Justice as to whether the allegations or findings affect public confidence in the individual as a judicial office holder.

The category of "not fulfilling judicial duty", normally relates to magistrates, who are not paid members of the judiciary, who may find themselves unable to undertake the required training or meet court sitting commitments.

Nature of Complaint	Number of Complaints	Action						Total
		Guidance Issued	Formal Advice/ Warning	Reprimand	Removed from Office	Resignation	Suspension	
Inappropriate Behaviour or Comments	422	9	6	4	6	4	0	29
Discrimination	83	0	0	0	0	0	0	0
Miscellaneous	33	0	0	0	0	0	0	0
Not Fulfilling Judicial Duty	27	2	5	1	12	3	0	23
Conflict of Interest	19	0	0	0	1	0	0	1
Not Specified	19	0	0	0	0	0	0	0
Criminal or Other Court Proceedings / Convictions	14	1	0	1	5	6	1	14
Professional Conduct	10	0	0	1	3	1	0	5
Motoring Offences	9	6	0	1	1	2	0	10
Misuse of Judicial Status	9	0	0	3	0	2	0	5
Not related to Judicial Office Holder	2	0	0	0	0	0	0	0
Total	647	18	11	11	28	18	1	87

JUDICIAL OFFICE HOLDER COMPLAINTS STATISTICS

The tables below shows the distribution of complaints in relation to different judicial office holders.

Complaints received about unnamed or unknown judicial office holders

A significant number of people who contact the OJC do not know the identity of the judicial office holder who is the subject of the complaint. In **2009-2010**, 391 complaints were made which did not identify the judicial office holder. If a complaint against an unnamed judicial office holder does not raise issues that fall within the remit of the OJC, the complaint is dismissed without any further enquiry. Should such a complaint raise issues which do fall within the scope of our remit, all possible efforts are made to identify the judicial office holder concerned.

Judicial Office Held	Number of Complaints
None Defined	391

Magistrates and Tribunal Office Holders

The OJC cannot investigate complaints against magistrates and tribunal members. A complaint against a tribunal office holder or magistrate; is dealt with locally in the first instance, by the Tribunal President or relevant Local Advisory Committee. If disciplinary action is recommended, the case is sent via OJC to the Lord Chancellor and the Lord Chief Justice for a decision. OJC caseworkers check that relevant procedures appear to have been followed and advise on these decisions to ensure consistency.

Judicial Office Held	Number of Complaints
Magistrate	70
Tribunals	7

Coroners

Whilst Coroners are appointed by the Lord Chancellor and are included in these complaints procedures, Deputy and Assistant Coroners are not included as they are appointed locally and are not for these purposes included in the definition of judicial office holders.

Judicial Office Held	Number of Complaints
Coroner	36

Mainstream Judiciary

The vast majority of complainants are litigants in person. Elements of their complaint may arise due to a lack of understanding of the court's processes. As can be seen complaints against the District Bench are high reflecting the number of cases being dealt with at this level, many involving litigants in person. The OJC will engage with HMCS to see if better information can be provided for litigants in person, to help them understand what may happen in court.

Judicial Office Held	Number of Complaints
Court of Protection	5
District Bench	620
Circuit Bench	334
High Court	84
Court of Appeal	24

Further statistical information comparing data across the years that OJC has existed, 2006-10 can be found at **ANNEX C**.

CASE STUDIES

Case Study A

A judicial office holder was advised by a senior colleague to self refer, to the OJC, his failure to notify his accumulation of nine penalty points on his driving license. The most recent six points were imposed following a contested hearing for driving without due care and attention. The judicial office holder's contrition for the error in notification and the explanation given for contesting the case were taken into account. The Nominated Judge's advice was obtained and the Lord Chief Justice and Lord Chancellor formally warned the judicial office holder for not notifying them of both the court proceedings and the subsequent endorsement.

Road traffic offences have led to formal guidance being issued in six cases, one reprimand, one removal from office, and two resignations during 2009-10.

Case Study B

A reference given by a judicial office holder for the purpose of a civil court hearing, inadvertently referred to the referee's judicial status within an attached document. It was accepted that the disclosure was inadvertent and not intended to influence the outcome of the civil case. No disciplinary sanction was imposed, but guidance was given by the Lord Chief Justice about future conduct.

Misuse of judicial status has resulted in three reprimands and two resignations during the year 2009-10.

Case Study C

A reprimand and requirement to undertake training before resuming sitting, was imposed where a magistrate did not return to court to adjudicate, following a disagreement with bench colleagues in the retiring room.

Case Study D

A reprimand, requirement to undertake further training, and removal from a mentoring list were imposed, where a judicial office holder had used words in open court with regard to a non-British defendant, that could have been construed as displaying prejudice against them for not being British, including saying, "We take exception to people coming to our shores and abusing our hospitality". Removal was considered in this case as the words used fell short of the qualities of social awareness and sound judgement expected of the judiciary, however, long service as a judicial office holder without previous complaint, and his apology and contrition, were taken into account in the final decision.

Whilst not meant to be an exhaustive list, inappropriate behaviour or comments include rudeness, aggressive behaviour and the use of insulting, profane, racist or sexist language. The individual circumstances vary widely and where they have led to removal, details are set out on our website. During this year inappropriate behaviour and comments led to nine occasions where informal guidance was given by the Lord Chief Justice, six occasions where formal advice was given, four reprimands, four resignations, and five removals.

The Lord Chief Justice has agreed a schedule of delegations to senior judiciary in relation to the exercise of some disciplinary functions relating to tribunals office holders and magistrates.

**DISCIPLINARY
ACTION TAKEN
AGAINST JUDICIAL
OFFICE HOLDERS**

The table below shows the total number of cases where the Lord Chancellor and Lord Chief Justice have taken disciplinary and other action in the year from 1 April 2009. Press releases issued in cases where removal took place, and other press releases issued, can be found on the OJC's [website \(www.judicialcomplaints.gov.uk\)](http://www.judicialcomplaints.gov.uk). Removal from office occurred on 28 occasions. 12 of these were where for not fulfilling judicial duty and 5 as a result of civil proceedings, criminal or road traffic convictions, 6 as a result of inappropriate behaviour or comments, 3 for professional misconduct and 1 each for motoring offences and conflict of interest. If a judicial office holder resigns during a complaint investigation this is recorded, but the investigation ceases. There were 18 resignations during conduct investigations. Unusually, suspension was a final outcome in 1 case (as distinguished from suspension during an investigation) during a period of financial difficulty for a judicial office holder. A full breakdown showing the types of complaint leading to particular disciplinary sanctions, on an annual basis since 2006 appears at **ANNEX C**.

Action was taken in a total of 87 cases, which is 5% of the total complaints made. The vast majority of complaints about judicial misconduct are ill founded. This is often ascertained by the OJC caseworker listening to the recording of the hearing, or sometimes by obtaining statements from people who were in court. If a complaint is dismissed, the caseworker explains in the letter why the complaint has not been substantiated.

	Mainstream	Coroners	Tribunals	Magistrates	Total
Removed From Office	2	0	1	25	28
Guidance Issued	10	2	5	1	18
Resignation	3	0	2	13	18
Formal Advice/ Warning	2	1	1	7	11
Reprimand	0	0	0	11	11
Suspension	0	0	0	1	1
Total	17	3	9	58	87

REVIEW BODIES

Review Bodies were established under the regulations to provide judicial office holders with a form of appeal, against the chosen course of action recommended by the Lord Chancellor and the Lord Chief Justice. The Review Body is an impartial group of people who have had no input in the previous findings in the disciplinary investigation process.

A Review Body consists of;

- A judicial office holder of a higher judicial position than the subject of the disciplinary proceedings;
- A judicial office holder of the same judicial rank as the subject of the disciplinary proceeding; and
- Two lay members, neither of whom has been a judicial office holder or a practising lawyer.

Judicial members are appointed by the Lord Chief Justice and Lord Chancellor for individual Review Bodies. Members are chosen according to availability and with a view to avoiding anyone who knows the judge subject to the complaint. All lay members are recruited by way of a fair and open competition. There are 21 members on the current lay member panel.

Review Body cases may be heard over a number of weeks, especially where a number of interviews are required. Video links are sometimes used to receive evidence. Review Bodies have freedom to look into any aspect of the complaint and the disciplinary action proposed, therefore, it is not unusual for them to make recommendations that deal with other aspects of a complaint such as procedures and processes, or identify training needs. Review Bodies may include further recommendations in a supplementary report, or include them in the main report. They will usually copy relevant parts of their report which concern other people, to the individuals concerned for comment before finalising the report for the Lord Chancellor and Lord Chief Justice. Protocols with HMCS have now established that OJC will refer potential HMCS staff disciplinary issues to HMCS.

Any request from the judicial office holder for the Lord Chief Justice and Lord Chancellor to convene a Review Body is considered by the Nominated Judge against a test as to whether it is “totally without merit” and a recommendation made. The Lord Chief Justice or Lord Chancellor can themselves, convene a Review Body if they feel that there are shortcomings in the initial investigation and the Judicial Appointments and Conduct Ombudsman (JACO) can refer the findings of a judicial investigation to a Review Body.

From April 2009 to April 2010, 10 new Review Body cases commenced, involving 18 of the 19 lay review body members and 20 adjudicating members of the judiciary. Four cases have concluded and seven are continuing. As a result of the four that have concluded:

- one magistrate received a reprimand;
- two magistrates received formal advice; and
- one magistrate was asked to undertake training, but not as a disciplinary sanction.

Of the cases that concluded, the Review Body upheld:

- the original recommendation in none of the cases;
- recommended a lesser sanction in all four cases.

The Lord Chancellor and Lord Chief Justice agreed with the Review Body’s recommendation in all of the cases during this period. In accordance with Regulation 26(2) of the Regulations, the Lord Chancellor and the Lord Chief Justice cannot impose a sanction more severe than that recommended by the Review Body. They are also bound by any findings of fact made by the Review Body.

THE JUDICIAL APPOINTMENTS & CONDUCT OMBUDSMAN

When OJC writes to the complainant with the outcome of the complaint, the letter advises that he or she can ask the Judicial Appointments and Conduct Ombudsman (JACO), Sir John Brigstocke KCB, to investigate and report on any maladministration at any stage of complaints investigation, including actions taken by Advisory Committees, Tribunal Chambers Presidents or Presidents, or OJC caseworkers.

During 2009-10, 209 complaints about OJC investigations were made to the Ombudsman. His staff initially consider whether the complainant has raised an issue that requires investigation. The majority of complaints about the OJC were dismissed without further investigation by the Ombudsman. These independent investigations help public confidence in OJC's complaint handling and provide an opportunity for review of our processes, allowing improvements to be made where necessary.

The Ombudsman completed 30 investigations involving the OJC during the reporting period, of which 18 (60%) were not upheld, 9 (30%) were partially upheld and 3 (10%) were upheld in their entirety. In addition the OJC's role is occasionally commented upon in reports relating to Local Advisory Committees. Some of the investigations preceded the annual reporting year, but the Ombudsman's recommendations were made during this year. The Senior Management team reviews the reports and recommendations and takes appropriate remedial action in all cases where any adverse comment is made, whether or not maladministration was found. For example, in one case we re-opened an investigation to listen to the recording of a hearing and attempt to take statements from additional witnesses.

In some cases the maladministration concerned related to the length of time taken to investigate a complaint. In response to this we have focussed on improving performance management and we are now meeting key timeliness performance indicators (see **ANNEX A**). Some other examples of issues identified by the Ombudsman are:

- where a complaint involved several judicial office holders, the caseworker concerned failed to identify them all;
- the summary of information in a submission was deficient;
- case progress updates were not always sent at 28 day intervals;
- records of telephone conversations and notes taken when listening to tape recordings were inadequate or illegible;
- final letters to complainants did not give clear or full information on how to complain to the Ombudsman;
- OJC's processes needed to be set out more clearly in our literature (in letters and our website); and
- Some investigations had been incorrectly continued when the judicial officer holder concerned had retired;

To address these areas, managers are more closely checking and supervising caseworkers. The key performance indicator for sending 28 day updates to complainants became a priority for improvement and by February 2010 this was being met. Improvements have been made to the recording of telephone conversations and noting relevant sections heard on hearing tapes, with templates now introduced to help caseworkers to record relevant details. All final letters now give full details about how to complain to the Ombudsman and our processes have been set out more clearly in our website as a result of a JACO recommendation.

The Regulations state that a complaint must be dismissed if the judicial office holder retires, as disciplinary sanctions are no longer appropriate. In order to prevent a complaint being investigated when the judicial officer holder has retired, we have improved liaison with Judicial Office to ensure that we are aware if the subject of the complaint is no longer holding office.

Critical comment has also been made about delays in finding an alternative Advisory Committee to take forward a conduct investigation where the original committee feels unable to preside, perhaps because a witness is a Committee member. In these cases OJC has to exercise powers of persuasion as it cannot insist that a neighbouring committee take the case.

The Ombudsman produces his own annual report containing further information which is available from their website or by writing to the below address:

Judicial Appointments and Conduct Ombudsman
9th Floor
The Tower
102 Petty France
London
SW1H 9AJ

www.judicialombudsman.gov.uk

IMPROVING THE SERVICES WE PROVIDE

In September, OJC moved offices to 102 Petty France. We are now located in a self contained part of the building which provides good levels of security for our case files and appropriate facilities for Review Body hearings, including the ability to hear evidence using video links. In one lengthy and complex Review Body hearing, specialist real time recording and transcribing equipment was hired facilitating analysis of the complex evidence presented. All review hearings are digitally recorded.

OJC COMPLAINANT SERVICE QUESTIONNAIRE EVALUATION 2009

A sample of 400 OJC users were asked to provide some feedback on the service we provided. The 88 responses were compared to those received in response to a similar survey in 2007, the year after we were established.

Many complainants are frustrated because it is not within our remit to give them the outcome they want, which is to overturn an individual decision. However, we were able to obtain valuable information from complainants, regarding the speed, quality and efficiency of our complaints handling and to compare those views with a similar survey conducted two years ago. The full questions and responses and comparison with responses in 2007 can be found at **ANNEX D**.

Responses indicated:

- 61% felt that our staff are very or extremely polite.
- 57% said our initial written responses were “quick” or “very quick”.
- 58% found our letters easy or very easy to understand.
- 64% believed that the phone had been answered within six rings
- 74% of respondents were positive about the presentation of our letters.
- Since 2007, there has been a large improvement in the way staff are identifying the concerns of complainants.
- 7% increase in the percentage of people finding out about the OJC via the internet
- 61% were assisted by our website.

The key recommendations and proposed actions arising from the analysis of the responses are:

Recommendations

- Improve the service offered to clients on the phone, by better more focussed training. (specialist telephone training has been undertaken by all staff)
- Improve clarity and content of our letters. (this will be addressed through a working group as part of OJC’s business plan 2010-11)
- Improve our acknowledgement times. (target increased to 95% in two days for 2010-11)
- Review and rewrite our website. (some immediate amendments made, full review is in business plan 2010-11)
- Improve knowledge available about what the OJC does and ensure OJC services are available to all communities (outreach plan included in business plan 2010-11)

OJC’s business plan for 2010-11 addresses the outstanding recommendations resulting from this survey.

“LEAN”

As part of ongoing review and improvement, a team within OJC reviewed our key processes together with two “LEAN” trained facilitators from HMCS, to identify where our processes were over complex and could be simplified or otherwise improved. Many improvements were implemented immediately, such as recording postal complaints straight onto our case management system at the time post is opened. A new system for administrative officers to respond by day 15, where the complaint relates to judicial decisions rather than misconduct, and therefore must be dismissed, has been introduced using proforma letters. This has reduced pressure on the numbers of files held by caseworkers and allowed immediate allocation of files on the day of receipt. Casework teams now have brief daily meetings to review progress and reallocate work to avoid pressure points and following the introduction of these changes, all key performance targets are now being met. LEAN review is an ongoing process of continuous improvement. Longer term projects involving improved interaction with other parts of the system such as HMCS and Tribunals Service and a pilot of electronic files for simple cases is at the project initiation phase.

Website

Press releases now appear on our website where a judicial office holder is removed or the case is of public interest. A consolidated version of the Discipline Regulations has been prepared to assist complainants and the judiciary and this document and other relevant complaints legislation can be found on the website. Complaints can now be submitted using an interactive form on our website. This helps complainants to provide the key information required in order for caseworkers to take forward complaint investigation and avoids the delay of unnecessary correspondence seeking missing information.

Diversity

When submitting complaints on line, complainants are also invited to complete a form containing diversity information. Many are voluntarily doing so and once sufficient data has been collated, more information should be available for analysis about the diversity of complainants which will supplement that already available from our customer survey. The written customer service survey and analysis conducted in 2009 provided information about the profile of complainants (**ANNEX D**). Whilst numbers are limited, there is no indication at present, that particular groups do not have access to information about our services principally from advice from court staff, leaflets and our website. We are developing an appropriate outreach plan to improve knowledge about our complaints investigation service and particularly to improve judicial knowledge about the process used to handle judicial complaints.

The Equality Duty requires public bodies to think about how they can eliminate discrimination, advance equality of opportunity and foster good relations for all, irrespective of race, gender, age, sexual orientation, religious beliefs or lack of, and for disabled people and transgender people. The OJC already offers mini com to help those with hearing difficulties to contact us and we will transcribe tape recordings of complaints if a complainant is unable to use one of the other communication routes. In investigating complaints, caseworkers specifically investigate allegations of discrimination or abusive behaviour and disciplinary sanctions have followed where misconduct has been proved.

Information Assurance

We ensure that the information in our care is kept in a safe environment. Any documentation that is moved from the office is transported in sealed cases or by secure delivery systems. Our IT system is also accredited and secure.

Exchanging information with other countries

OJC regularly receives delegations, both judicial and non judicial from other countries, who wish to share information about performing a similar function to ourselves, or wish to introduce judicial complaints handling systems themselves and learn from our experiences. During this year visitors have been received from Australia and Turkey.



A delegation of visitors from the Zambian Law Society.

ANNEX A

Corporate and Business Plan 2009-10

Our 2008-2009 Corporate Plan identified a number of key aims for the OJC.

OJC AIMS

- To provide a timely, consistent, transparent service and correct information to all complainants;
- To continually improve our service by ensuring all of our staff have the required knowledge and skills;
- To ensure that all complaints and conduct matters are dealt with in accordance with the timescales and procedures laid down in the regulations;
- To provide a quality support service to all Judges involved in the consideration of complaints and conduct;
- To facilitate Review Bodies, providing support to all Review Body members and the people that they are dealing with;
- To review our internal processes and resources, to ensure the most efficient and effective service delivery; and
- To seek feedback from our complainants at appropriate times in order to develop and improve our service.

With these aims in mind we drafted the Business Plan for 2009-10 including Key Performance Indicators (KPIs) and Priority Targets (PTs) agreed with our MOJ sponsors, to measure our performance throughout the year. The following pages detail how we have performed against these indicators over the course of the financial year 2009-10.

Key performance Indicators

KPI 1 - To provide timely, consistent, transparent and informative service to all users.

	Objective	Delivery / milestone	Progress
1.1	Provide a prompt service to users	<p>The following targets are met for dealing with complaints as set in the Regulations:</p> <ul style="list-style-type: none"> • 90% of Complaints Acknowledged within 2 working days of receipt. • 85% of initial response provided to complainants within 15 working days of receipt. • 85% of Complainants are provided with a monthly update on the progress of their complaint • All parties are informed of the outcome of a complaint within 90 working days of a complaint being received (subject to external factors beyond the control of the OJC). • Ministerial correspondence responded to within 15 working days of receipt by the OJC. • Case papers provided to the Judicial Appointments and Conduct Ombudsman within 5 working days of a request being received 	<ul style="list-style-type: none"> • 96% of all items of correspondence received by the OJC were acknowledged within 2 working days of receipt. • 90% of complainants received an initial response to their correspondence within 15 working days. • The OJC met this target in 82% of cases during the reporting period. This represents a significant improvement on performance in the previous year although it remains below target. • This target was met in 85% of cases. • The OJC responded to 89% of ministerial correspondence within 15 working days of receipt. It should be noted that this target was revised downwards to 10 working days during the reporting period and from this time performance is measured against the new target. • Case papers were provided to the Ombudsman within the target period on 96% of occasions.
1.2	Provide a professional service	Ensure that staff have the skills needed to deal with complaints effectively.	Training needs relating to handling difficult phone calls identified and specialist training has taken place.
1.3	Analyse our customer service survey which took place in March 2009 with particular emphasis on satisfaction levels in comparison to previous years.	November 2009	Completed. Recommendations to be taken forward as part of Business Objectives for 2010-11.

KPI 2 - To measure our performance in the way that we handle Review Body cases.

	Objective	Delivery / milestone	Progress
2.1	To provide Review Body members with all relevant case papers in sufficient time to allow adequate time for consideration prior to hearings.	Provide papers at least 5 working days in advance of the first meeting. To review and implement feedback from Review Body members questionnaire	Completed
2.2	Improve communication with Review Body members by way of regular newsletters and the creation of a discussion forum on our website.	Produce a bi-yearly newsletter for Lay members and Judicial panel members.	Achieved
2.3	Provide regular updates to interested parties on the progress of the Review Body.	Provide monthly updates.	Target met. 100% of staff have completed the Justice Academy training.
2.4	To ensure that all information is handled under the Information Assurance guidelines	June 2009.	Target met. 18 of the 19 lay members sat during 10 Review Bodies.
2.5	Renew Lay Member Appointments (due April 2009). Review whether need another recruitment campaign.	April 2009.	Target met.
2.6	Circulate the Lay members newsletter to relevant judicial office holders.	June 2009.	Achieved.
2.7	Hold a lay members annual meeting/ training day.	December 2009.	Due to financial constraints and the availability of other, more cost effective ways of distributing information, a meeting was not held.

Priority Targets

PT 1 - To further promote awareness and understanding of the role and responsibilities of the OJC by 31st March 2010.

	Objective	Delivery / milestone	Progress
1.1	To review all of our leaflets to ensure that they are user friendly.	To conduct a review of our leaflets, incorporating input from our 'critical friends' group.	A revised leaflet has been drafted for consultation.
1.2	To undertake a programme of visits to establish links and exchange ideas with organisations involved in the judicial discipline process.	To complete 5 visits within the financial year.	Due to financial constraints international external visits did not take place but OJC received visits from senior members of the Australian Judiciary to assist them as consideration is being given to developing a judicial complaints organisation. OJC established and participated in a programme of meetings for a delegation of visitors from Turkey.
1.3	To expand on awareness of the OJC through visits to Advisory committees, Courts, Coroners, Tribunals and HMCS regions.	March 2010.	One visit took place during May, to Liverpool Coroner's court. Fulham Coroner's Court and an Employment Tribunal were visited by members of staff at OJC. Head of the OJC attends London Advisory Committee meetings. The Head of OJC attended meetings of the standing sub committee for Judicial Welfare and the magistrates' Bench Chairman Forum.
1.4	To review advice given out on our website- (judicial decision and case management).	September 2009.	Some amendments made as part of the introduction of on-line complaint forms and following JACO investigative comment.

PT 2 - Ensuring that all complaints and conduct matters are dealt with in accordance with the timescales and procedures laid down in the regulations.

	Objective	Delivery / milestone	Progress
2.1	Consider the findings of the JACO audit, once received, responding to any recommendations.	Consider the findings of the JACO audit, once received, responding to any recommendations.	Completed.

PT 3 - To continue to improve our processes, building on lessons learned over the past year.

	Objective	Delivery / milestone	Progress
3.1	To introduce new process for obtaining court tapes in the early stages of the complaint, to shorten the life of a complaint.	June 2009.	Completed.

3.2	Introduce a protocol for dealing with complaints about HMCS staff, Advisory Committee staff and Barristers	December 2009.	Head of OJC in discussion with HMCS. Amendments being made to reflect recent changes within HMCS.
3.3	Introduce a comprehensive procedure for dealing with requests for compensation.	January 2010.	Cross departmental discussions continuing.
3.4	Review new processes, looking for ways to further improve efficiency and customer service.	July 2009.	A LEAN review week took place in March 2010 resulting in some immediate changes and medium and long term plans for further action and improvement projects.

PT 4 - To obtain more information concerning the diversity of our clients and use that information to improve the service that we provide.

	Objective	Delivery / milestone	Progress
4.1	To analyse and make use of the information received through use of our online diversity questionnaire.	March 2010.	The online monitoring forms went live in January.
4.2	To make further contacts with organisations representing the interests of people suffering with mental health issues to seek advice into how we might improve the service we provide to our customers.	March 2010.	The Head of OJC has attended 2 conferences relating to mental health and personality disorder in the courts for background information. The Samaritans have led a specialist training event for all staff in dealing
4.3	Use overseas contacts to share knowledge between similar organisations, improve customer service and develop best practice.	March 2010.	OJC agreed with Foreign and Commonwealth Office (FCO) to facilitate a group of Turkish judges to attend OJC in October 2009. OJC hosted a meeting with the Australian Lord Chief Justice and other senior judiciary.

PT 5 - To measure the cost effectiveness of our performance.

	Objective	Delivery / milestone	Progress
5.1	Analyse the use of the OJC's Unit Cost system, developing reporting procedures to measure efficiency and customer service.	December 2009	The LEAN review of our processes has linked unit costs with speedier processes and individual performance. The system is being used in daily staff meetings to monitor performance.
5.2	To train a member of staff in the use of 'LEAN' methodology and practice and to prepare a project plan to implement changes to our current processes where identified.	February 2010	HMCS facilitated a LEAN review week that took place in March. The OJC Lean team is spreading continuous lean review to all staff and looking at all aspects of our work over time.

ANNEX B

Financial Information

Expenditure Statement

As an associated office of the MoJ, the OJC is not required to produce its own accounts; however, our expenditure is an integral part of the MoJ's Resource Accounts, which are subject to audit.

We are committed to managing our resources efficiently and have in place sound financial governance systems.

An analysis of our budget for the year ending 31 March 2009 is set out below. **87%** of expenditure relates to front line staff resources. Other running costs mainly comprise the fees and associated costs in supporting Review Bodies which take place within OJC's offices.

	Amount
Paybill	£790,670
Other Running Costs	£113,382
Total	£904,052

Human Resources information

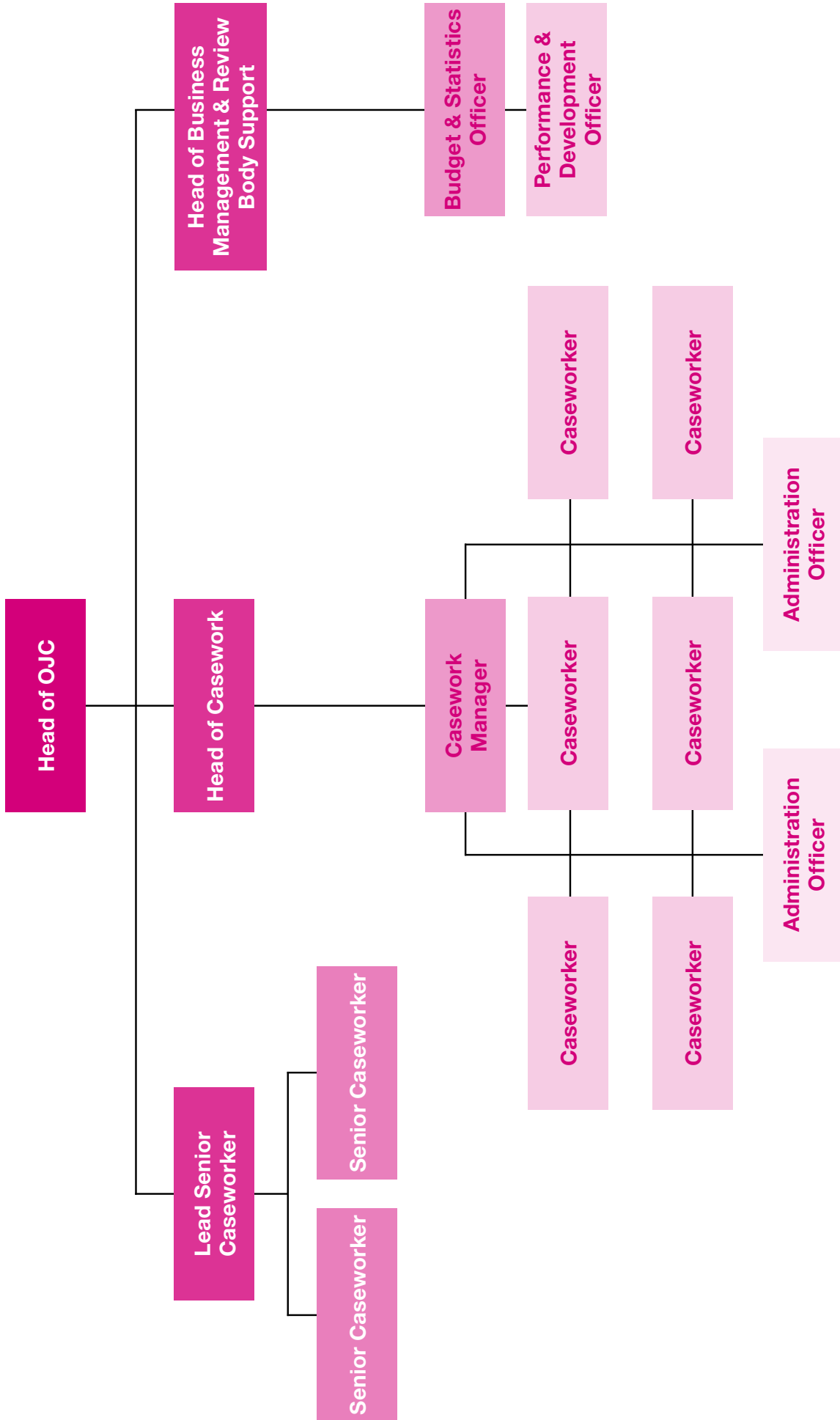
Sick Absence

The Cabinet Office monitors the civil service against a 7.5 day per person sickness benchmark. The OJC's average is 12.25 days per person per year, however this performance has been affected by two member of staff being on long term sick leave. Our performance without long term sick leave is 5.03 days per person per year. One individual has since left OJC and the other has returned to full time work.

Staff training and Development

All staff have received specialist training in effective telephone complaints handling, particularly focussed on complainants who may be distressed or angry. All have completed Information Assurance training and relevant staff has undertaken Health and Safety and First Aid training.

Organisational Structure



ANNEX C

Comparative Statistics 2006-10

Type of Judicial Office Holder Complained About

Judicial Office Held	Number of Complaints			
	2006/2007	2007/2008	2008/2009	2009/2010
Mainstream Judiciary	948	878	890	1,067
District Bench			(539)	(620)
Circuit Bench			(244)	(334)
High Court			(81)	(84)
Court of Appeal			(23)	(24)
Court of Protection			(3)	(5)
Magistrate	263	121	72	70
Coroner	38	39	20	36
Tribunals	87	48	15	7
None Defined	338	351	342	391
Total	1,674	1,437	1,339	1,571

- There has been a recent increase in complaints relating to 'mainstream' judicial office holders of which has risen from 57% of total complaints in 06/07 to 68% in 09/10.
- There has been a drop in the number of complaints against magistrates and tribunal members since 07/08. In 2008 the rules for both tribunal and magistrates complaints were amended emphasising that issues should be addressed locally by Tribunal Presidents and Local Advisory Committees in the first instance and only referred to OJC if a disciplinary sanction is recommended.

Nature of Complaints Received

Type of Complaint	Number of Complaints			
	2006/2007*	2007/2008	2008/2009	2009/2010
Conflict of Interest	25	116**	18	19
Criminal or Other Court Proceedings / Convictions	23	14	6	14
Discrimination	41	23	36	83
Inappropriate Behaviour or Comments	281	178	328	422
Judicial Decision or Case Management	868	875	799	924
Miscellaneous	90	23	84	33
Misuse of Judicial Status	38	11	8	9
Motoring Offences	49	19	7	9
Not Fulfilling Judicial Duty	22	29	28	27
Not Related to Judicial Office Holder	0	5	0	2
Not Specified	37	127	0	19
Professional Conduct	51	17	25	10
(Enquiries)	(149)	***	***	***
Total	1,674	1,437	1,339	1,571

* Figures for 06/07 have been revised to bring the categorisations into line with those used currently as enquiries and complaints were not recorded separately at this time.

** This figure is particularly inflated due to a large number of complaints received about one particular case which received widespread media attention.

*** Number of enquiries reported separately in relevant annual report.

Drivers that Led to Disciplinary Action

	2006/2007			2007/2008			2008/2009					2009/2010				
	AWG	Rep	Rem	AWG	Rep	Rem	AWG	Rep	Rem	Sus	Res	AWG	Rep	Rem	Sus	Res
Criminal or Other Court Proceedings / Convictions	0	0	2	0	0	3	1	0	1	0	7	1	1	5	1	6
Not Fulfilling Judicial Duty	1	0	2	3	3	15	0	1	10	0	5	7	1	12	0	3
Failure to Report Potential Disciplinary Matter	0	2	3	0	0	0	0	0	0	0	0	0	0	0	0	0
Inappropriate Behaviour or Comments	2	6	6	4	7	1	15	13	8	0	6	15	4	6	0	4
Misuse of Judicial Status	0	1	1	1	1	1	0	1	2	0	0	0	3	0	0	2
Motoring Offences	0	4	1	1	5	1	1	6	2	1	0	6	1	1	0	2
Professional Conduct	0	0	1				1	1	1	0	1	0	1	3	0	1
Discrimination	0	0	0	0	3	0	0	0	0	0	0	0	0	0	0	0
Conflict of Interest	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0
Total	3	13	16	9	19	21	18	22	24	1	19	29	11	28	1	18

AWG – Formal Advice/Warning/Guidance, Rep – Reprimand, Rem – Removal, Sus – Suspension, Res – Resignation

ANNEX D

OJC Complainant Service Questionnaire Evaluation 2009

Introduction

This is the second complainant survey completed by the OJC. The survey was sent to 400 OJC users chosen at random. 88 responses were received. A comparison is made with the responses from the survey conducted in 2007.

Question 1: How did you learn about the OJC? (Q1 2007 survey with “Internet” replacing “website” and additional option “personal recommendation”) ***71 people responded to this question in 2009.**

	Number 2007	Percentage 2007	Number 2009	Percentage 2009
Leaflets	18	16%	12	17%
Advice from the court staff	26	23%	17	24%
Advice from a professional Solicitor/ Barrister	14	12%	5	7%
Internet	23	21%	20	28%
Personal recommendation	n/a 2007	n/a 2007	2	3%
Other	32	28%	15	21%

Comment:

It is of note that there has been an increase of 7% in the percentage of people finding out about the OJC via the internet, all other ways have remained relatively stable. Court staff also play a significant role in informing people about the OJC. The OJC will therefore, focus on improving its website and improving the availability of information at court as part of its communication strategy for 2010/2011.

Question 2: How clearly was the remit of the OJC explained to you, once you had learnt about our office? (Not asked in 2007) ***74 people responded to this question in 2009.**

	Number 2009	Percentage 2009
Very clear	10	14%
Quite clear	29	39%
Neither clear nor unclear	15	20%
Quite unclear	12	16%
Very unclear	8	11%

Comment:

53% of complainants felt that they had a very or quite clear understanding of the remit of the OJC from whatever way they had learnt about the OJC, although 27% were quite or very unclear about what we can and cannot do. The website and leaflet review will focus on clarifying our role.

Question 3: How clearly do you think the leaflet explained what the OJC does? (In 2006 this was question 2 and was phrased – “How clearly do you think the leaflet explained what the OJC can and cannot do?”) ***35 people responded to this question in 2009, it should be noted that only 12 answered that they heard about the OJC through the leaflet.**

	Number 2007	Percentage 2007	Number 2009	Percentage 2009
Very clear	13	24%	4	11%
Quite clear	12	21%	15	43%
Neither clear nor unclear	13	23%	9	26%
Quite unclear	9	16%	4	11%
Very unclear	9	16%	3	9%

Comment:

Whilst 54% of respondents found the information in our leaflets quite or very clear there is still a sizeable percentage of 20% that found them unclear. At present the Tribunal Service does not display the bespoke Tribunal leaflet. The OJC will engage with Her Majesty’s Court Service (HMCS) and the Tribunal Service to improve leaflet availability and will improve the visual impact and clarity of language in our leaflets over the period to March 2011.

Question 4: Have you contacted the OJC by telephone during the last six months? *73 people responded to this question in 2009.

	Number 2007	Percentage 2007	Number 2009	Percentage 2009
Yes	52	44%	27	37%
No	66	56%	46	63%

Comment:

The percentage of people who contacted the office by telephone has gone down by 7% since the last survey. It may be that this is a reflection of the increased use of the internet.

Question 5: How long do you think it took for your call to be answered? (This was Q4 in 2007 and the answers were recorded in order as “Quickly, Quite quickly, A long time, Did not answer”) ***25 people responded to this question, it should be noted that 27 people said that they had phoned the office within the previous 6 months.**

	Number 2007	Percentage 2007	Number 2009	Percentage 2009
1-3 rings	19*	33%*	5	20%
4-6 rings	26*	45%*	11	44%
7-9 rings	13*	22%*	4	16%
10-13 rings	1*	0%*	5	20%

Comment:

Whilst there are only small numbers of people involved, 64% believed that the phone had been answered within 6 rings.

Question 6: To what extent did the person you spoke to provide you with the information that you needed? (This was Q5 in 2007) ***27 people responded to this question in 2009.**

	Number 2007	Percentage 2007	Number 2009	Percentage 2009
They provided me with all of the information I needed.	13	23%	6	22%
They provided me with most of the information I needed.	10	18%	4	15%
They provided me with some of the information I needed.	11	20%	3	11%
They provided me with little of the information I needed.	14	25%	5	19%
They provided me with none of the information I needed	8	14%	9	33%

Comment:

The percentage of people who felt that they were provided with little or none of the information they needed has risen from 39% on the last questionnaire to 52% this time. Whilst the numbers are small there is still a worrying trend that we are not explaining ourselves simply and clearly. The OJC intends to run a bespoke telephone complaint handling course for all caseworkers in the next 12 months.

Question 7: Even if the OJC could/could not meet your desired assistance, how would you describe the manner of the person you spoke to? (This was Q6 in the 2007 survey “How would you describe the manner of the person you spoke to?” the 5 categories then were described as “Very polite, Quite polite, Neither polite nor impolite, Quite impolite and Very impolite) ***28 people responded to this question in 2009, although 27 people said that they had called the office in the last 6 months.**

	Number 2007	Percentage 2007	Number 2009	Percentage 2009
Extremely polite	n/a 2007	n/a 2007	10	36%
Very polite	25	43	7	25%
Quite polite	13	22	n/a	n/a
Neither polite nor impolite	12	20	5	18%
Quite impolite	6	10	1	4%
Very impolite	3	5	1	4%
Extremely impolite (rude)	n/a 2007	n/a 2007	4	14%

Comment:

Most people, some 61% felt that our staff were very or extremely polite. However, 6 people (22%) were not satisfied. Whilst it is inevitable that some people will not be happy, as we may not be able to give them an outcome they desire, we need to revise our staff training to assist OJC staff in trying to understand the people we deal with, avoiding the escalation of dissatisfaction and respond face to face or by phone in a better way.

Question 8: The OJC make a conscious effort to meet all customer needs, especially if you are physically unable to register your complaint in writing. If you have been assisted with a recording and transcript facility from a member of our staff, how did you find the quality of the service? (There was no comparable question in the 2007 survey) ***16 people responded to this question.**

	Number 2009	Percentage 2009
Excellent	3	19%
Good	0	0%
Neither good nor bad	7	44%
Bad	5	31%
Very bad	1	6%

Comment:

It is unlikely that the majority of people who responded to this question had a complaint recorded and transcribed for them, as this was only required in extremely few cases during the year.

Question 9: When you wrote to the OJC how promptly was your letter acknowledged? (Q8 in 2007) ***70 people responded to this question.**

	Number 2007	Percentage 2007	Number 2009	Percentage 2009
Very Quickly	18	17%	7	10%
Quickly	26	24.5%	33	47%
Neither quickly nor slowly	26	24.5%	7	10%
Not very quickly	20	19%	14	20%
Very slowly	16	15%	9	13%

Comment:

Two OJC key performance targets are relevant here – acknowledgement within 2 days, which was met in 89% of cases in 2008/2009 and 96% in 2009/2010 and the 15 day target for first response, met in 86% of cases during the financial period of 2008/2009 and 90% in 2009/2010. The on-line complaints form introduced in December 2009, will enable an almost immediate response to be sent in acknowledgement of applications submitted electronically. The survey confirms this, as 57% said our responses were quick or very quick.

Question 10: When you received a full response how easy was the letter to understand? (Q9 in 2007) ***69 people responded to this question.**

	Number 2007	Percentage 2007	Number 2009	Percentage 2009
Very easy	25	24%	11	16%
Easy	28	26%	29	42%
Neither easy nor difficult	25	24%	14	20%
Quite difficult	13	12%	7	10%
Very difficult	15	14%	8	12%

Comment:

It is quite pleasing that although we are trying to explain complex matters, most people (58%) found our letters easy or very easy to understand.

Question 11: If you ticked “neither easy nor difficult, quite difficult or very difficult” on question 10, please can you explain what you did not understand?

Comment:

Over the next 18 months we will reconsider the clarity of our responses, to see if a less legalistic approach would be easier to understand.

Question 12: How well presented were the letters that you received? (Q10 in 2007) *71 people responded to this question.

	Number 2007	Percentage 2007	Number 2009	Percentage 2009
The responses were very well presented	32	29%	26	37%
The responses were reasonably well presented	36	33%	26	36%
The responses were poorly presented	41	38%	19	27%

Comment:

It is again pleasing that 74% of respondents were positive about the presentation of our letters.

Question 13: If you answered question 12 and ticked “the responses were reasonably well presented or the responses were poorly presented, please can you explain what it was that you found poorly presented in the letter you received?”

See comment under Question 11

Question 14: Did you feel all the points you raised in your correspondence to the OJC, was broadly or completely covered, bearing in mind the OJC’s narrow remit? (In 2007 the comparable question was phrased as Q11: How comprehensive was the response in dealing with all aspects of your correspondence?) *68 people responded to this question.

	Number 2007	Percentage 2007	Number 2009	Percentage 2009
The response covered ('dealt with' in 2007) all of the points I raised	17	16%	14	21%
The response covered most of the points I raised	8	7%	14	20%
The response covered some of the points I raised	16	15%	6	9%
The response covered few of the points I raised	26	24%	10	15%
The response covered none of the points I raised	42	38%	24	35%

Comment:

Since 2007, there has been a large improvement in the way staff are identifying the concerns of complainants. It is a matter of concern, however, that 50% of respondents consider that the letters we have sent do not deal with the points that they have raised. Whilst this is an improvement on the 62% who felt this way in the last survey we clearly need to improve further.

Question 15: 15: If the OJC were unable to deal with the issues you raised, for instance if they concerned a judicial decision that had been made, to what extent were you advised of other steps you could take? (In 2007 the comparable Q 12 stated: If the OJC were unable to deal with the issues you raised to what extent were you advised of other steps you could take? The first response was “I was provided with comprehensive advice”) ***62 people responded to this question.**

	Number 2007	Percentage 2007	Number 2009	Percentage 2009
I was provided with thorough advice (comprehensive advice in 2007)	11	11%	3	5%
I was given a lot of advice	3	3%	2	3%
I was given some advice	23	22%	20	32%
I was given little advice	30	29%	10	16%
I was not given any advice	36	35%	27	44%

Comment:

Only 8% of respondents indicated that they received “thorough” or “a lot of” advice; whilst 40% accept some advice was given. In the majority of cases, respondents would like the judicial decision overturned and the OJC and cannot do this nor give legal advice.

Question 16: Did you visit the OJC website? *75 people responded to this question.

	Number 2009	Percentage 2009
Yes	29	39%
No	46	61%

Question 17: How useful was the OJC website? Did the website provide you with enough information to explain to you what exactly the OJC can and cannot do? *27 people responded to this question.

	Number 2009	Percentage 2009
Very useful and informative	2	7%
Useful and informative	16	59%
Neither useful or informative	4	15%
Not useful and not informative	2	8%
Very useless	3	11%

Comment:

Responses to this question indicate a high proportion of complainants (61%) being assisted by our website. Only 19% found our website unhelpful, The OJC will be further revising the content of our website over the next 18 months.

In 2007, this question was phrased differently (How did you find the OJC website?) *78 people responded to this question.

	Number	Percentage
Very easy to use	6	8%
Easy to use	16	21%
Neither easy or difficult	13	17%
Difficult to use	5	6%
Very difficult to use	1	1%
Not seen the website	37	47%

Question 18: Are you happy for the OJC to contact you about your questionnaire if required? *75 people responded to this question.

	Number	Percentage
Yes	61	81%
No	14	19%

PROFILE OF COMPLAINANTS EVALUATION

Question 1: Are you? (this question was asked to identify whether the complainant had been a litigant in person or legally represented) 61 people responded to this question.

	Number	Percentage
Someone without legal professional assistance	50	82%
Someone who instructed a legal professional to assist	8	13%
A solicitor	2	3%
A barrister	1	2%
A legal executive	0	0%

Comment:

The vast majority of complainants are litigants in person. Elements of their complaint may arise due to a lack of understanding of the court's processes. The OJC will engage with HMCS to see if better information can be provided for litigants in person, to help them understand what may happen in court.

Question 2: How old were you on your last birthday? 72 people responded to this question.

	Number	Percentage
18-30	3	4%
31-40	15	21%
41-50	19	26%
51-60	23	32%
Over 60	12	17%

Comment:

75% of complainants are over 41.

Question 3: Which of these best describes your ethnic group? 73 people responded to this question.

	Number	Percentage
White	61	84%
Mixed	1	1%
Asian or Asian British	7	10%
Black or Black British	3	4%
Chinese or other ethnic group	1	1%

Comment:

Numbers are small, but provisionally indicate that information about OJC is available across all communities. Our on-line complaints process will enable us to monitor this aspect over longer periods of time and to collect a more statistically valid sample.

Question 4: Do you have any long standing-illness, disability or infirmity? 64 people responded to this question.

	Number	Percentage
Yes	41	64%
No	23	36%

Comment:

64% of respondents have an illness or disability so our processes need to be flexible enough to assist those with disabilities. The OJC's services will be reviewed to ensure as comprehensive a service as possible, is offered.

Question 5: Gender. 77 people responded to this question.

	Number	Percentage
Male	26	34%
Female	51	66%

Comment:

The large majority of people who responded to this questionnaire are white, over 40, are litigants in person and suffering from some form of disability.

RECOMMENDATIONS

(actions taken by OJC or to be undertaken during the next business plan 2010-11 are indicated in brackets)

- Improve the service offered to clients on the phone, by better more focussed training. (specialist telephone training has been undertaken by all staff)
- Improve clarity and content of our letters. (this will be addressed through a working group as part of OJC's business plan 2010-11)
- Improve our acknowledgement times.(target increased to 95% in 2 days for 2010-11)
- Review and rewrite our website. (some immediate amendments and full review in business plan 2010-11)
- Improve knowledge available about what the OJC does and ensure it is available to all communities – (outreach plan included in business plan 2010-11)

OJC's business plan for 2010-11 addresses the outstanding recommendations resulting from this survey.

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